

ORDINANCE NO. 2019-17

AN ORDINANCE AMENDING TITLE 12: "SUBDIVISION REGULATIONS" TO CREATE A MINOR SUBDIVISION APPROVAL PROCESS, DESIGNATE RESPECTIVE PROCESSES AND LAND USE AUTHORITIES, ENSURE COMPLIANCE WITH UPDATED STATUTE AND RELATED ADMINISTRATIVE UPDATES.

WHEREAS the City of Bluffdale has made an effort to update its subdivision and land use ordinances to ensure compliance with State Statute and current practices;

WHEREAS The City of Bluffdale has proposed changes to Title 12: "Subdivision Regulations" to ensure existing practices are accurately represented in the ordinances and to ensure compliance with updates to State Statute regarding land uses and subdivision processes;

WHEREAS the City of Bluffdale has found a need to establish a process for minor subdivision approval and condominium plat approval and proposed a process outline and approval body for these applications;

WHEREAS the Planning Commission has reviewed the proposed changes and made a recommendation to the City Council pursuant to the Bluffdale City Land Use Ordinances and the Utah State Code, and the City Council has found the proposed amendments to be warranted;

WHEREAS the proposed amendments to Title 12: "Subdivision Regulations" and other related administrative updates set forth herein has been reviewed by the Planning Commission and City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH:

Section 1. Title 12: "Subdivision Regulations" Amendments. Title 12: "Subdivision Regulations" of the Bluffdale City Ordinances is hereby amended as described in the ordinance language attached as 'Exhibit A'.

See 'Exhibit A'

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

APPROVED, ADOPTED AND PASSED and ordered published by the Bluffdale City Council, this 25th Day of September, 2019.


CITY OF BLUFFDALE





Mayor

ATTEST:



Wendy Deppe

Bluffdale City Recorder

Council members	Voting:	
	AYE	NAY
Wendy Aston	<u> X </u>	_____
Travis Higby	<u> X </u>	_____
Dave Kallas	<u>Absent</u>	_____
Ty Nielsen	<u> X </u>	_____
Boyd Preece	<u> X </u>	_____

EXHIBIT A

Chapter 1

GENERAL PROVISIONS

~~12-1-1: TITLE:~~

~~12-1-2: INTRODUCTION:~~

~~12-1-3: PURPOSE FOR STANDARDS AND REGULATIONS:~~

~~12-1-4: AUTHORITY:~~

~~12-1-5: JURISDICTION:~~

~~12-1-6: INTERPRETATION, CONFLICT AND SEVERABILITY:~~

~~12-1-7: SAVING PROVISION, RELATIONSHIP TO PREVIOUS ORDINANCE:~~

~~12-1-1: TITLE:~~

~~These standards and regulations may be known, cited and referred to as the *DEVELOPMENT STANDARDS AND SUBDIVISION REGULATIONS* or the *SUBDIVISION ORDINANCE OF THE CITY OF BLUFFDALE, UTAH*. (Ord. 2001-05, 4-24-2001)~~

~~12-1-2: INTRODUCTION:~~

~~A. Scope Of Subdivisions, Generally: Subdivisions in the City shall be designed for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace. Land should not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage and capital improvements, such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or cannot be provided for, the subdivision will not be allowed. (Ord. 2001-05, 4-24-2001)~~

~~B. Conformance To Adopted Standards: Proposed public improvements shall conform to adopted City standards, specifications, and ordinances. (Ord. 2017-06, 2-22-2017)~~

~~C. Burden Of Proof: For all proceedings in regard to development approval under this title or amendments to this title, the burden of proof showing satisfaction of all requirements shall rest with the applicant or authorized agent of the proposed development or amendment. The requirements and standards set forth herein are the minimum acceptable standards for land use applications within the City. (Ord. 2001-05, 4-24-2001)~~

~~D. Assumption Of Validity: The City will assume that all information provided is accurate and valid. If any information provided to the City is found to be outdated, false or in any way misleading, the application for development approval may be denied or revoked by the City Council regardless of previous approvals. If it can be shown that the applicant or authorized agent knowingly submitted false or misleading information during the approval process, the City Council may charge the applicant~~

or authorized agent with a Class C misdemeanor offense and, upon conviction, subject to penalty as provided in section 1-4-1 of this Code. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)

12-1-3: PURPOSE FOR STANDARDS AND REGULATIONS:

The development standards and subdivision regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety and general welfare.
- B. To guide future growth and development in the City in accordance with the General Plan.
- C. To provide for adequate light, solar access, open space, air and privacy, to secure safety from fire, flood, landslides and other geologic and natural hazards and other dangers, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect and conserve the value of land throughout the municipality, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of the land and buildings.
- E. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets and any other public facilities.
- F. To provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and the pedestrian facilities, and to provide for the proper location and width of streets and building setbacks.
- G. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, to ensure proper legal descriptions and monumentation of subdivided land and facilitate the transfer of ownership.
- H. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed development.
- I. To prevent pollution or degradation of air, streams and ponds, assure the adequacy of drainage facilities, protect subsurface water, minimize site disturbance and the removal of native vegetation and soil erosion, encourage the wise use and management of natural resources throughout the municipality, and preserve the integrity, stability and beauty of the community and value of the land.

J. To provide open spaces through efficient design and layout of the land using appropriate development layout and flexible width and area of lots, while preserving the overall density of land as established in the land use ordinance. (Ord. 2001-05, 4-24-2001)

12-1-4: AUTHORITY:

A. Applicable Laws: By authority of ordinance and in accordance with Utah Code Annotated section 10-9a-601 et seq., as amended, and any other applicable federal, state, county or municipal laws, statutes, ordinances and regulations of the state, the city council hereby exercises the power and authority to review, approve and disapprove plats for the subdivision of land within the corporate limits of the city. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)

B. Recording Without Approval; Disapproval Of Development: By the same authority, the city council does also hereby exercise the power and authority to disapprove development on any land in the city if the plat has been recorded in the office of the county recorder without prior approval by the city council. (Ord. 2001-05, 4-24-2001)

12-1-5: JURISDICTION:

A. Subdivision Defined: These development standards and subdivision regulations shall apply to all subdivisions of land in accordance with Utah Code Annotated section 10-9a-103(52), as amended from time to time. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)

B. Plan And Plat Approval Required: No land shall be subdivided within the city until the applicant or agent submits a concept plat of the project to staff, obtains written approval of the preliminary plat by the city council, following a recommendation of the planning commission, approval of the final plat by the city council, and the approved plat is filed and recorded in the office of county recorder.

C. Permit And Certificate Issuance: No building permit or certificate of occupancy will be issued for any parcel or plat of land which was created by subdivision after the effective date hereof, and not in conformity with the provisions of these subdivision regulations or approved under prior subdivision ordinances. After the effective date hereof, all applications for subdivision approval, or other approval required by this title, shall be considered and approved or denied as provided herein. All applications for subdivision approval, or other approval required by this title and in process prior to the effective date hereof, shall be considered and approved or denied under the ordinances of the city then in effect. No excavation of land or construction of any public or private improvements shall occur except in conformity with the applicable city regulations.

D. Transfer Or Selling Plats; Approval Required: No owner or agent of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a final plat has been approved by the city council in accordance with the provisions of these regulations, and filed in the office of the county recorder. The subdivision of any lot or parcel of land, by the use of metes and bounds description for the purpose of sale, transfer or lease with the intent of evading these regulations, shall not be permitted. (Ord. 2001-05, 4-24-2001)

E. Penalty: Any person, firm or corporation who fails to comply with or violates any of these provisions shall be guilty of a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Appropriate actions and proceedings may be taken in law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)

12-1-6: INTERPRETATION, CONFLICT AND SEVERABILITY:

A. Interpretation: These regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. The burden of proof shall, in all proceedings pursuant to this title, rest with the proponent of an application for development approval. Any dispute arising from the administration of this title shall be forwarded to the city council for resolution. (Ord. 2001-05, 4-24-2001)

B. Conflict With Other Provisions:

1. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule, regulation, statute or provision of law. Where any provision of these regulations imposes a restriction different from those imposed by other provision, ordinance, rule, regulation or law, whichever provision is more restrictive or imposes higher standards shall control.
2. Further, these regulations are not intended to abrogate any easement, covenant, private agreement or restriction, including, but not limited to, restrictive covenants and declarations of covenants, conditions and restrictions; provided, however, that the city is under no obligation to enforce private covenants or agreements. (Ord. 2010-17, 11-9-2010)

C. Severability: If any part or provision of these regulations or application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. (Ord. 2001-05, 4-24-2001)

12-1-7: SAVING PROVISION, RELATIONSHIP TO PREVIOUS ORDINANCE:

A. These regulations shall not be construed as abating any action under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action for the municipality, except as shall be expressly provided for in these regulations.

B. The procedures set forth in this title are intended to supersede any inconsistent procedural provisions in the previous development ordinances. The substantive requirements of the application form and the review process shall remain unchanged, but all final actions under that ordinance are subject to the appeal processes set forth herein. All applications for subdivision approval are subject to termination as set forth herein. (Ord. 2001-05, 4-24-2001)

~~Chapter 2~~

~~ADMINISTRATION AND ENFORCEMENT~~

~~12-2-1: ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY:~~

~~12-2-2: CONSUMER PROTECTION LEGISLATION AND CONFLICTS OF INTEREST STATUTES:~~

~~12-2-3: AMENDMENTS TO TITLE:~~

~~12-2-4: VACATION, ALTERATION OR AMENDMENT OF SUBDIVISION PLATS; LOT LINE ADJUSTMENTS:~~

~~12-2-5: PENALTY:~~

~~12-2-1: ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY:~~

A. No building permits may be issued for lots in a subdivision until all public improvements and amenities required by the city council for the plat have been fully completed, dedicated to, and accepted by the city or other required entity.

B. Notwithstanding the foregoing, the city's development review committee (DRC) may allow building permits to be issued for model homes for up to five percent (5%) of the buildings in an individual plat or up to five percent (5%) of the buildings in a neighborhood of a mixed use project in a mixed use zoning district. Model homes shall be located as shown on a model home location plan and all necessary improvements, as determined by the DRC in accordance with adopted city standards, including off street parking of two (2) stalls per model home, must be completed within the model home area before the model home building permits may be issued. The DRC shall provide a written approval of a model home location plan to the applicant, including all applicable conditions of approval.

C. Where a performance guarantee has been required for a subdivision, no certificate of occupancy, temporary or final, for any building in the subdivision may be issued prior to the completion of the improvements and amenities and dedication to the city, as required in the city council final approval of the subdivision plat, or any applicable requirements of a model home location plan, except that a temporary certificate of occupancy may be issued for model home purposes only when all required improvements within a subdivision have not yet been completed and they have been guaranteed pursuant to city ordinances.

D. Streets shall be completely finished prior to the issuance of any building permit. (Ord. 2017-06, 2-22-2017)

~~12-2-2: CONSUMER PROTECTION LEGISLATION AND CONFLICTS OF INTEREST STATUTES:~~

- A. ~~No Permit Or Certificate Issued; Violations: No building permit or certificate of occupancy shall be granted or issued if an applicant or authorized agent has violated any federal, state or local law pertaining to consumer protection of real estate land sales, promotion or practices, or any applicable conflicts of interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.~~

- B. ~~Revocation Of Permit Or Certificate: With respect to a lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the city until so ordered otherwise by a court of competent jurisdiction; provided, that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.~~

- C. ~~Violations: Any violation of a federal, state or local consumer protection law, including, but not limited to: postal reorganization act of 1970; the federal trade commission act of 1970; interstate land sales full disclosure act; the truth in lending act; the uniform commercial credit code; state "blue sky" laws; state subdivision disclosure acts or conflicts of interest statute, law or ordinance, shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this title. (Ord. 2001-05, 4-24-2001)~~

~~12-2-3: AMENDMENTS TO TITLE:~~

- A. ~~Authority: For the purpose of protecting the public health, safety and general welfare, the city council may from time to time amend this subdivision ordinance. Public hearings on proposed subdivision code amendments shall be held by the planning commission and city council in accordance with Utah Code Annotated section 10-9a-205.~~

- B. ~~Initiation; Petition: Amendments to the provisions of this title may be initiated by the planning commission, city council, applicant for development approval, member of the general public or city staff. Applicants, other than the city, shall file an amendment application in the form and fee established by the city.~~

- C. ~~Hearing And Action By Planning Commission: Following the public hearing, the planning commission shall prepare a formal recommendation to be presented to the city council regarding the petition.~~

- D. ~~Hearing Before City Council: The city council shall hold a public hearing, pursuant to Utah state code, on the recommendation of the planning commission for all subdivision ordinance amendment petitions.~~

- E. ~~Notice Requirements: Notice of hearings before the planning commission and city council concerning amendments to this title shall follow Utah state law requirements for land use ordinance amendments. (Ord. 2017-06, 2-22-2017)~~

~~12-2-4: VACATION, ALTERATION OR AMENDMENT OF SUBDIVISION PLATS; LOT LINE ADJUSTMENTS:~~

~~A. Any proposed street vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, shall be in accordance with state law. (Ord. 2007-23, 8-28-2007)~~

~~B. Any proposed lot line adjustment or exchange of title between any lot within a subdivision or other parcel shall be in accordance with state law. The zoning administrator is the land use authority in approving lot line adjustments and exchanges of title. (Ord. 2017-06, 2-22-2017)~~

~~12-2-5: PENALTY:~~

~~In accordance with Utah Code Annotated sections 10-9a-802 and 10-9a-803, any applicant which violates this title may be subject to enforcement action and charged with a class C misdemeanor and subject to penalty as provided in section 1-4-1 of this code. (Ord. 2017-06, 2-22-2017)~~

~~ARTICLE A. PMD PLANNED MULTI-FAMILY DEVELOPMENT~~

~~12-3A-1: SCOPE, INTENT AND CONFLICTS:~~

~~12-3A-2: DEVELOPMENT DESCRIPTION:~~

~~12-3A-3: APPROVAL PROCESS:~~

~~12-3A-4: BASE DENSITY:~~

~~12-3A-5: OPEN SPACE:~~

~~12-3A-6: DENSITY BONUS:~~

~~12-3A-7: DENSITY BONUS AMENITIES:~~

~~12-3A-8: TOTAL PROJECT DENSITY:~~

~~12-3A-9: RELATIONSHIP OF PMD TO THIS TITLE AND OTHER DEVELOPMENT ORDINANCES:~~

~~12-3A-10: COORDINATION OF PMD APPLICATION WITH DEVELOPMENT APPROVAL:~~

~~12-3A-11: PHASING PLAN:~~

~~12-3A-1: SCOPE, INTENT AND CONFLICTS:~~

~~A. Scope:~~

- ~~1. In an effort to promote the highest quality multi-family developments as possible, the city council has enacted a process known as the planned multi-family development (PMD) process as set forth in this article. When approval of a planned multi-family development (PMD) is proposed and prior to any contract being made for the sale of any part thereof, and before any permit for the erection of a structure in a proposed planned multi-family development shall be granted, the owner or authorized agent shall apply for and secure approval of the proposed planned multi-family development in accordance with this article. The PMD article is intended to be in addition to the requirements of this title, not to take the place of these regulations.~~

2. A planned multi-family development may be allowed at the discretion of the city council following a recommendation of the planning commission only in the R-MF multi-family residential zone. An application for approval of a PMD shall be considered a rezone application by the city and is a request by the applicant for additional density and flexibility than that allowed by right in the R-MF multi-family residential zone. An applicant will not be denied the right to develop property in the traditional manner by satisfying all of the requirements of title 11 of this code, land use ordinance, and all other sections of this title. It is the sole responsibility and burden of the applicant to convince the planning commission and city council that the proposed alternative development layout is preferable to a multi-family development approved in accordance with title 11 of this code, land use ordinance, and all other requirements of this title. Denial of a PMD shall not result in a takings claim against the city because no applicant shall be denied the right to develop property by satisfying all of the requirements of title 11 of this code and all other sections of this title. The city council need not provide detailed findings or reasons for denial of a PMD in light of their decision being clearly legislative and an assumption that denial of a PMD is in the best interest of the citizens of the city as a whole.

B. Intent: The intention of this article is to allow and encourage a flexible, efficient and imaginative development pattern. Planned multi-family developments can:

1. Provide flexible development options where a standard development layout is not practical or desirable due to physical constraints.
2. Promote attractive architectural design, provide open spaces and ensure efficient delivery of services.
3. Promote usable public and private recreation areas, parks, trails and open space with assurance of maintenance.
4. Reduce development costs and ongoing maintenance costs.
5. Provide low and moderate income housing in a pleasing and compatible manner.

C. Conflicts: Any development which satisfies the requirements of this article may be considered for approval regardless of whether the requirements of title 11 of this code, land use ordinance, are satisfied. In the case of conflicting requirements of this article and title 11 of this code, land use ordinance, for matters of density, this article shall dictate. (Ord. 2001-05, 4-24-2001)

12-3A-2: DEVELOPMENT DESCRIPTION:

A planned multi-family development (PMD) is a multi-family housing development that has incorporated additional amenities which are desirable to the city in exchange for increased density. Projects are planned to achieve a coordinated, functional and unified development pattern. A PMD allows greater flexibility in project layout while assuring that the character of the underlying district is maintained and the requirements of the design guidelines and standard specifications are satisfied. Applicants are eligible for a density bonus based on provision of additional amenities in the development. Planned multi-family developments are allowed only in the R-MF multi-family residential zone of the city. (Ord. 2001-05, 4-24-2001)

~~12-3A-3: APPROVAL PROCESS:~~

The requirements of this article are supplementary to the other requirements of this title. Therefore, an application for a planned multi-family development will be reviewed and approved or denied in accordance with section 12-4-1 of this title, and other relevant sections herein. (Ord. 2001-05, 4-24-2001)

~~12-3A-4: BASE DENSITY:~~

A. Specified: The base density for each planned multi-family development is equal to ten (10) units per acre.

B. Flexibility: An applicant may present a flexible project layout for consideration by the city based on the base density described above. However, applicants may be eligible for a density bonus as described in section 12-3A-6 of this article. (Ord. 2001-05, 4-24-2001)

~~12-3A-5: OPEN SPACE:~~

Each planned multi-family development is required to contain at least ten percent (10%) open space, which may contain recreation activity areas, picnic pavilions, gazebos, water features, playgrounds, left in native vegetation or landscaped areas. The open space may be held in common, administered by a homeowners' association, dedicated to the city upon acceptance by the city council, or used to provide amenities in the development. The ten percent (10%) open space requirement may be used as part of the requirement to obtain a density bonus for open space under the provisions of section 12-3A-7 of this article. Maintenance of open space is the responsibility of the owner of the development, if held in single ownership, or a homeowners' association, if the dwelling units are sold separately, unless dedicated to the city and accepted by the city council. (Ord. 2001-05, 4-24-2001)

~~12-3A-6: DENSITY BONUS:~~

An applicant for a planned multi-family development is eligible for a density bonus based on additional amenities provided in the project approval. Density in excess of the base density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below. Each amenity is assigned a potential density bonus figured as a percentage increase in dwelling units. A density bonus shall not exceed twenty five percent (25%) above the base density. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)

~~12-3A-7: DENSITY BONUS AMENITIES:~~

A. Scope:

1. An applicant for a planned multi-family development may include one or more of the following amenities in the design of the development and be considered for a density bonus in accordance with this section. Each amenity is followed by a percentage increase in total project density for providing the amenity. The maximum density bonus allowed is equal to a twenty five percent (25%) increase in dwelling units above the base density. If an applicant were to provide all of the density bonus amenities in a single project, the total would exceed a twenty five percent (25%) increase in dwelling units. Regardless, the maximum

density bonus allowed is equal to a twenty five percent (25%) increase in dwelling units above the base density. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)

2. The density increases listed represent the maximum allowed, and the city council is entitled to approve less than the maximum amount listed.

B. Active Recreation: Active recreational facilities which are provided for residents of the planned multi-family development or the citizens of the city are entitled to a density bonus. Active recreation areas may include swimming pools, sports courts, spas and other similar areas. Developments that provide active recreation areas are eligible for up to a ten percent (10%) density increase.

C. Attached Garage: Developments which contain an attached, enclosed garage for each dwelling unit in the project which satisfies the off street parking requirements of this title and title 11 of this code, land use ordinance, are eligible for up to a five percent (5%) density increase.

D. Design Theme: Developments which incorporate design elements into the project consistent with an architectural style or motif, together with acceptable materials encouraged by the planning commission or city council in a manner compatible with surrounding or planned development, are eligible for up to a five percent (5%) density increase.

E. Environmental Preservation: Developments that are designed to preserve or protect sensitive environmental areas, such as existing trees, floodplains, steep slopes, wetlands or high groundwater table areas are eligible for up to a ten percent (10%) density increase.

F. Park Dedication: Dedication to and acceptance by the city of land proposed for use as a public park, trail or other recreational use which is equal to or greater than ten percent (10%) of the area of the development is eligible for up to a ten percent (10%) density increase. The land used for park dedication is in addition to the ten percent (10%) minimum open space requirement. The city will not accept dedication of a park less than one-half ($\frac{1}{2}$) acre in size.

G. Roof Materials: Developments which incorporate wood shake, tile or slate shingle roofs into the construction of all dwellings are eligible for up to a two percent (2%) density increase.

H. Special Features: Developments which provide special features, such as fountains, streams, architectural features, design themes or other features that are used commonly and are highly visible in the project are eligible for up to a five percent (5%) density increase.

I. Theme Lighting: Developments which incorporate a lighting theme into the project such as lampposts, lighting along walkways, entranceway lighting and exterior building lighting, in addition to the normal street lighting requirements of this title are eligible for up to a two percent (2%) density increase.

J. Enclosed Storage Areas: Developments that incorporate common enclosed storage areas for recreational vehicles, or inside storage for landscape maintenance equipment, bicycles, toys or other personal goods are eligible for up to a two percent (2%) density increase. (Ord. 2001-05, 4-24-2001)

K. Low And Moderate Income Housing:

1. Developments that provide low or moderate income housing as defined in Utah Code Annotated section 10-9a-103, as amended, are eligible for a density bonus. Projects providing such housing can receive up to a twenty five percent (25%) density bonus for that portion of the project that provides low and moderate income housing. In no case shall the total density bonus exceed a total of twenty five percent (25%) in any project. The city council may limit the number of low and moderate income housing units in any project. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)
2. In order to approve any density bonus for low and moderate income housing in accordance with this subsection, the applicant must be able to provide assurance acceptable to the city that the low and moderate income housing will be provided in perpetuity. (Ord. 2001-05, 4-24-2001)

~~12-3A-8: TOTAL PROJECT DENSITY:~~

Total project density is determined by multiplying the base density and the total percent of density increase earned. In no case will the total density exceed twenty five percent (25%) above the base density. For example, if an applicant had a base density of one hundred (100) units and earned a fifteen percent (15%) density increase, the applicant might be eligible for one hundred fifteen (115) dwelling units. However, in no case would the applicant be eligible for more than a twenty five percent (25%) density increase or one hundred twenty five (125) dwelling units. (Ord. 2001-05, 4-24-2001)

~~12-3A-9: RELATIONSHIP OF PMD TO THIS TITLE AND OTHER DEVELOPMENT ORDINANCES:~~

This article is intended to be supplementary to the other provisions of this title. Unless specifically indicated in this article, all requirements of this title and all other development ordinances of the city must be satisfied with the following exceptions:

A. The setback requirements are waived for all structures within the planned multi-family development, except those that border the development.

B. The density of the development shall be equal to the total project density in accordance with section 12-3A-8 of this article, whether consistent with title 11 of this code, land use ordinance, or not. (Ord. 2001-05, 4-24-2001)

~~12-3A-10: COORDINATION OF PMD APPLICATION WITH DEVELOPMENT APPROVAL:~~

A. Intent: It is the intent of these regulations that project review be carried out simultaneously with the review of planned multi-family developments. The city council may require that all projects on contiguously owned larger than ten (10) acres or more than one hundred (100) residential units be

processed as a planned multi-family development. If approved by the city, a planned residential development with mixed uses will not be considered a spot zoning.

B. Submission And Approval Requirements: An application shall be submitted to the city for any planned multi-family development forms available from the city. Additionally, all planned multi-family development projects will be required to submit applications and provide all information required by the concept plat, preliminary plat and final plat as set forth herein. After a meeting with the staff or, if deemed appropriate, by the planning commission, the applicant may prepare and submit an application for preliminary plat approval. (Ord. 2001-05, 4-24-2001)

~~12-3A-11: PHASING PLAN:~~

A. Plan Required: All projects with more than four (4) separate structures shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must be submitted to the planning commission at or before the submission of the preliminary plat.

B. Content Of Plan: The phasing plan shall include the number of uses to be developed in each phase, the approximate timing of each phase, the timing on construction of public improvements and amenities to serve each phase whether on or off site. A developer may request a revision of the phasing plan which may be necessary due to conditions such as changing market conditions, inclement weather or other factors. (Ord. 2001-05, 4-24-2001)

Chapter 4 PLATS AND PLANS; APPROVAL PROCESS

~~12-4-1: APPROVAL AND APPEALS PROCESSES:~~

~~12-4-2: APPEARANCES BEFORE BOARDS, COMMISSIONS AND COUNCILS; PUBLIC NOTICE:~~

~~12-4-3: VESTING OF ZONING RIGHTS:~~

~~12-4-4: PLAT APPROVAL:~~

~~12-4-5: REVIEW AND REGULATIONS FOR IMPACT ON PUBLIC INFRASTRUCTURE:~~

~~12-4-6: CONCEPT PLAT:~~

~~12-4-7: PRELIMINARY PLAT:~~

~~12-4-8: FINAL PLAT:~~

~~12-4-1: APPROVAL AND APPEALS PROCESSES:~~

No building permits shall be issued within any subdivision without final plat approval and plat recordation. All subdivisions are initially reviewed by staff and the planning commission. Final plat approval for subdivisions is granted by the city council. No planning review shall occur until all applicable planning application fees have been paid, and no final plat approval by the city council shall be effective until all other fees assessed by this title or other ordinance, including applicable staff review and engineering fees

have been paid. Upon final plat approval and plat recordation, an application may be made for building permit issuance under the provisions of the adopted building code. (Ord. 2017-06, 2-22-2017)

A. Application And Review Fees: Prior to commencing review of any proposed subdivision, all application and review fees must be paid in full by the applicant in accordance with the adopted fee schedule. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)

B. Concept Plat: All applicants for a subdivision approval shall first submit to the city a concept plat in accordance with section 12-4-6 of this chapter. The concept plat will be reviewed by staff. There is no approval of a concept plat required or given. The concept plat gives the applicant and staff an opportunity to discuss the project prior to the preparation of a preliminary plat. (Ord. 2001-05, 4-24-2001)

C. Preliminary Plat And Construction Plans:

1. Following review of the concept plat and after receiving staff comments, the applicant shall prepare a preliminary plat and construction plans in accordance with section 12-4-7 of this chapter. The planning commission shall review the preliminary plat as to compliance with this title and shall forward a recommendation to the city council to approve, approve with conditions or deny approval of the preliminary plat.

2. After receiving a recommendation from the planning commission, the city council shall hold a public hearing, consider the planning commission's recommendation, and may approve, amend and approve, approve with conditions, remand the subdivision back to the planning commission for further review, or deny the application for preliminary plat approval. The city council, at its discretion, may approve the preliminary and final plats concurrently if forwarded by the planning commission as a concurrent preliminary and final plat. (Ord. 2017-06, 2-22-2017)

D. Final Plat: Following approval of the preliminary plat by the city council, the applicant may prepare the final plat in accordance with section 12-4-8 of this chapter. The planning commission shall review the final plat for completeness and forward a recommendation to the city council to approve, approve with conditions or deny approval of the final plat. The city council may approve, amend and approve, approve with conditions, remand the subdivision back to the planning commission for further review, or deny the application for final plat approval. The city council, at their discretion, may approve the preliminary and final plats concurrently. (Ord. 2007-23, 8-28-2007)

E. Phasing Plan Required:

1. All subdivisions with more than ten (10) lots or units shall include a phasing plan which specifies the timing of public improvements and residential construction. A phasing plan shall include:

a. The number of units or parcels to be developed in each phase and the timing of each phase.

b. The timing of construction of public improvements and subdivision amenities to serve each phase.

c. The relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided. (Ord. 2017-06, 2-22-2017)

2. If the subdivision is in an area covered by an approved planned residential development that has a phasing plan, the phasing plans shall be consistent. An applicant may request a revision of the phasing plan which may be necessary due to such conditions as changing market conditions, inclement weather or other factors. (Ord. 2007-23, 8-28-2007)

F. Approval Documentation: The city shall transmit documentation of subdivision approval, including any applicable conditions of approval and prepare written findings on any application that is denied, amended or approved. (Ord. 2017-06, 2-22-2017)

G. Preconstruction Meeting: Following recordation of final plat and prior to any excavation or construction in the new subdivision, the contractor shall arrange to meet with city staff in a preconstruction meeting. At the meeting, the contractor and staff will discuss specific construction standards, time lines and other relevant information. Failure to arrange a preconstruction meeting may result in a stop work order or class C misdemeanor issued against the property owner.

H. Appeal Of City Council Decisions: The owner of any project, or any person aggrieved by a decision of the city council, may appeal the final action by filing civil action in the district court as provided by state law.

I. Termination Of Projects:

1. It is the policy of the city to require applicants submitting projects to move their projects to either approval or denial in a reasonably expeditious manner. A subdivision application shall be deemed inactive and subject to termination on the basis of inactivity if, through the act or omission of the applicant and not the city:

a. More than three (3) months have passed since the last meeting of staff and the applicant.

b. More than three (3) months have passed since a request for additional information was made by staff, which request has not been complied with or reasons for noncompliance are not stated or indicated by the applicant.

c. The applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest.

d. The applicant has stated intent to abandon the project.

e. The project appears to have been abandoned.

2. Delays caused entirely by internal delays of the city or any commission or board shall not be cause for termination. (Ord. 2001-05, 4-24-2001)

~~12-4-2: APPEARANCES BEFORE BOARDS, COMMISSIONS AND COUNCILS; PUBLIC NOTICE:~~

All persons speaking before any city agency, department, committee, commission, board or the city council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the spokesperson is associated with the architect or engineer whose name appears on the plans or if the owner is present. The planning commission or staff may request an agent to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions concerning the project.

Notice of required hearings before the city council concerning subdivision plat approval shall be provided in accordance with this section. Notice shall be given at least ten (10) days before the date set for the hearing. Notice of amendment or vacation of subdivision plats, when required, shall be given in accordance with state law. All notice required under this section shall be given as follows:

A. Posted Notice: The staff shall post notice of subdivision approvals in accordance with state law on the city's website.

B. Courtesy Notice: As a courtesy to property owners, the applicant shall provide the city with stamped and preaddressed envelopes for each owner of record of each parcel located entirely or partly within five hundred feet (500') from any boundary of the property subject to the application, together with a mailing list for those owners. The addresses shall be as shown on the most recently available Salt Lake County tax assessment rolls. The courtesy notice shall state that an application has been filed, the nature of the application or action, and the time, place and date set for a public hearing on the matter. (Ord. 2017-06, 2-22-2017)

~~12-4-3: VESTING OF ZONING RIGHTS:~~

A. Scope Of Vesting: Upon payment of the required application fees and submission of a completed application, which includes all information requested by the city staff and planning commission in order to complete a reasonable review of the project, an applicant shall be entitled to have the application reviewed and acted upon pursuant to the terms of this title. Vesting is usually indicated by approval of the preliminary plat by the city council and is subject to the exceptions set forth below. The applicant may take advantage of amendments to this title that would permit greater density or more intense use of the land; provided, however, that these changes may be deemed a modification of the plan and require the payment of additional planning review fees and loss of vesting. (Ord. 2001-05, 4-24-2001)

B. Complete Application Required: For the purposes of this title, a complete application includes all documentation required by this title, other adopted laws, standards, and ordinances of the city, and relevant state and federal laws. Following review of the concept plat, staff will inform the applicant of any additional information required for a complete review. The planning commission will review the preliminary plat and recommend approval, approval with conditions or denial of the preliminary plat. After the planning commission review, the city council will make an approval decision.

C. Appeals: Appeals regarding processing of subdivision applications and approval decisions shall occur in accordance with state law. (Ord. 2017-06, 2-22-2017)

D. Nonsubdivision Related Matters: Nonsubdivision related matters, including, but not limited to, site development standards, procedural requirements and building code requirements will not vest until complete building permit applications have been filed and required fees have been paid. Water and sewer connection availability, costs of water and sewer connection and water development fees, applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit. (Ord. 2001-05, 4-24-2001)

E. Exceptions: Applicants shall not be entitled to project review and approval of applications pursuant to the terms of this title when revisions to this title are pending that would prohibit or further condition the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application, in accordance with state law. (Ord. 2017-06, 2-22-2017)

~~12-4-4: PLAT APPROVAL:~~

All projects requiring the recording of a subdivision plat or recording of a survey map under applicable city and state law shall conform to the following standards before approval will be granted by the city:

A. Owner Execution: A subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat, including those holding a security interest in the property, but excluding mechanic liens and judgment liens. All signatures must be legally acknowledged.

B. Contents Of Plat: The plat must have signature blocks for the mayor, planning commission chair, city engineer, city recorder, city attorney, Salt Lake County flood control (where appropriate), the city/county health department, South Valley sewer district, appropriate utility companies, appropriate canal companies and the county recorder. The survey data and accuracy of the plat must be certified by a licensed surveyor and the plat must bear the surveyor's official stamp. The preliminary and final plat must include all information required by this title, specifically sections 12-4-7 and 12-4-8 of this chapter.

C. Submission: The submission for plat approval must be accompanied by any covenants, declarations, easements, dedications of rights of way, or similar documents that are in addition to the contents of the plat. The submission must also be accompanied by a current title report showing the persons having an interest in the property and verifying the ownership is consistent with the ownership as indicated on the plat. The legal descriptions of the property must also be consistent among the plat, declarations or covenants and title report. (Ord. 2001-05, 4-24-2001)

D. Recording: Upon granting of final approval by the city, the city recorder or designated city staff shall proceed to record the plat in the office of the county recorder. No plat shall be recorded until the city recorder has verified that all fees relative to the project have been paid, including the final engineering bills from the plat approval, along with the deposit of any required financial guarantees, if applicable. (Ord. 2017-06, 2-22-2017)

E. Effect Of Approval: In approving the plat, the city and its officers and agents are only certifying to substantial compliance with the statutes and ordinances regarding the recording of plats and the prior approval of the project as being in compliance with city ordinances. The city does not make any representation concerning the accuracy of the information in the plat drawn by the applicant, nor the value of the project. (Ord. 2001-05, 4-24-2001)

~~12-4-5: REVIEW AND REGULATIONS FOR IMPACT ON PUBLIC INFRASTRUCTURE:~~

A. Adequate Public Facilities Requirements: No request for development approval, and no development permit or license shall be granted, approved or issued unless the applicant has provided information necessary to establish that adequate public facilities in the area affected by the proposed development have been determined to have sufficient capacity available at the adopted level of service (LOS) standards to accommodate the proposed development within a reasonable period of time.

1. Essential Public Facilities: Essential public facilities to which this adequate public facilities (APF) requirement applies include the following:

- a. Culinary water system, including water quality, treatment, transmission and distribution system capacity, source and storage capacity.
- b. Secondary water (pressurized irrigation), including source, storage capacity, transmission and distribution system capacity, where available.
- c. Sanitary sewer system, including treatment facilities, outfall lines, lateral and collector lines.
- d. Storm drainage facilities, including surface and subsurface transmission, and flood control facilities.
- e. Transportation facilities, including streets, roads, highways and intersections.
- f. Parks and related recreational facilities.
- g. Emergency service facilities.

2. Procedures For Determination Of Adequate Public Facilities: Applications for development approval shall include information necessary to demonstrate that adequate public facilities will be available at the specified levels of service (LOS) within a reasonable period of time following the issuance of a development permit for the proposed development. Such a determination may include the timing, phasing and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards set forth herein as may be amended from time to

time. The staff, planning commission or city council may request additional information from the applicant to address the adequacy and availability of public facilities.

3. Level Of Service (LOS) Standards: The level of service (LOS) standards by which the adequate public facilities requirement shall be measured are as follows:

- a. Culinary water system. Source, treatment, storage, transmission and distribution capacity and sizing to accommodate peak instantaneous flows with a minimum of twenty (20) pounds per square inch (psi) pressure existing in the system at all points.
- b. Secondary water (pressurized irrigation). Source, storage, transmission and distribution capacity, and sizing to accommodate peak instantaneous flows with a minimum of forty five (45) pounds per square inch (psi) dynamic pressure.
- c. Sanitary sewer system. No surcharge shall result in the lines servicing the proposed development by the increased flows anticipated to be generated by the proposed new development.
- d. Storm drainage and flood control facilities. Compliance with design standards for storm drainage, including surface and subsurface, and flood control facilities as required by the city design guidelines and standard specifications, and the capital facilities program, including the storm drainage master plan.
- e. Transportation facilities. All existing roads adjacent to, or impacted by, the proposed development shall be capable of accommodating the anticipated traffic loads generated by the proposed development for a twenty (20) year design period. The city has adopted a level of service C for all city roads and streets.
- f. Parks and related recreational facilities. Parks and related recreational facilities shall be available at the adopted level of service.
- g. Emergency service facilities. Emergency service facilities shall be available at the adopted level of service.

4. Noncompliance With Adequate Public Facilities Requirement: If it is determined that adequate public facilities will not be available at the specified level of service (LOS) within a reasonable period of time of potential development approval, the city council may:

- a. Deny development approval.
- b. Defer final development approval and the issuance of building permits until all necessary public facilities are adequate and available.
- c. Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities.
- d. Allow the applicant to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet applicable level of service (LOS) standards by entering into an appropriate form of agreement, which may include, as appropriate, provisions for credits or reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.

B. Infrastructure Review:

1. Although the city endeavors to provide infrastructure that will adequately service subdivisions, developments and structures because of size, type of construction or lot characteristics may present peculiar or excessive demands on city infrastructure. For these reasons, the developer is responsible to perform an impact analysis in a form and methodology acceptable to the city to determine the possible impacts on infrastructure.
2. In order for the city to determine whether existing infrastructure is adequate or what additional infrastructure is needed to meet the particular needs of certain developments, sizes of buildings and structures that are permitted uses in the zone, the following proposed developments, buildings and structures are subject to the review process for impact on existing infrastructure: (Ord. 2001-05, 4-24-2001)
 - a. Commercial or multi-family buildings or structures of class III, IV or V construction, as defined by the international building code, greater than ten thousand (10,000) square feet. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)
 - b. Buildings or structures that are required to have fire sprinkling systems under city ordinance or resolution.
 - c. Buildings or structures located on lots with an average slope of more than fifteen percent (15%). (Ord. 2001-05, 4-24-2001)
 - d. Industrial or manufacturing facilities that deal with products or processing materials that are or could become explosive, flammable or toxic according to the international fire code. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)
 - e. Subdivision or planned residential development projects with ten (10) or more dwelling units or parcels.
 - f. Development projects that require the extension of any public infrastructure for a distance of one thousand feet (1,000').

C. Scope Of Review:

1. Generally: For proposed developments, buildings, structures or uses that are permitted or conditional uses in the zone in which the building or structure is proposed, the review shall include the determination of the ability of existing city infrastructure to provide adequate water for culinary, irrigation and fire flow purposes, the proper handling of storm drainage, slope preservation, mitigation of impact on roads by construction and permanent traffic, impact on electrical facilities and ensuring safe access for users and emergency vehicles in accordance with city codes, standards and all other adopted ordinances. For conditional uses or planned residential developments in the zone in which the development, building, structure or use is proposed, the infrastructure review is a part of the regular conditional use or planned residential development review process specified below and may involve additional regulations.
2. Impact Review: In addition to the developments listed in subsection B of this section, developments, buildings and structures that are permitted or conditional uses in the zone proposed and not subject to

zoning or use review, are subject to review for impact on existing infrastructure according to the standards described in this subsection. The following review procedure shall be followed:

- a. **Plans And Specifications:** Upon making an application for development approval or a building permit, the applicant shall supply the city with plans and specifications sufficiently detailed to determine whether the proposed project, buildings or structures are subject to further infrastructure review. If, according to the standards found in this section, any proposed development, building or structure triggers infrastructure impact review, then development approval or approval of a building permit shall not be issued until the impact of the proposed development, building or structure on existing city infrastructure is determined and what, if any, additional infrastructure is necessary.
- b. **Studies And Information:** For any application for a building permit that requires infrastructure impact review, the city may request from the applicant any additional studies, plans, surveys, specifications and information necessary to review the infrastructure impacts. The following types of information may be requested by staff to the extent relevant:

(1) **Impact On Drainage:**

(A) A map of the site showing the existing conditions prior to the demolition of any existing structures, any grading and any known geologic or natural hazards.

(B) Topography with contours shown at intervals of not more than two feet (2') of the site and as the site adjoins contiguous properties.

(C) Vegetation type and location, and soil type and load-carrying capacity information.

(D) 100-year floodplain and high groundwater areas, known spring and seep areas and ditches or canals.

(E) All existing roads and proposed road locations and other circulation features, fences, irrigation ditches and drainage facilities.

(F) Location and size of the nearest storm drain facilities the site could drain to, water lines and sewer lines, where the developer proposes to connect to the existing drains, and proposed drainage, drainage works, detention ponds, retaining walls and erosion control plans.

(G) Site plan of the proposed buildings and structures showing building locations and finished grades.

(H) Estimate of storm drainage runoff during a 100-year, twenty four (24) hour intensity storm.

(2) **Impact On Water, Fire Flows And Sewage:**

(A) Location and size of the nearest water main and sanitary sewer lines to the project to which the project can drain or be supplied and how the applicant proposes to connect to the systems.

(B) Site plan and floor elevations (including building height) of all proposed building types and structures showing building locations, construction type and materials.

(C) Proposed easements for new utility services or relocated utility services.

(D) Fire hydrant locations, building sprinkling plans and water demand for fire flows. Estimated peak culinary and irrigation water demands.

(E) Other specific information and technical data and opinions that, in the opinion of staff, are necessary for the meaningful review of the project.

(F) Water demand and storage requirements.

(3) Impact On Slope Retention:

(A) Topography existing before construction and proposed finished grades, both on the site as they relate to adjoining property.

(B) Proposed drainage, drainage works, retaining walls and erosion control plans, including proposed landscaping.

(C) Detailed construction drawings and supporting documentation of any and all structures sufficient to demonstrate compliance with applicable standards, codes and ordinances; or general architectural concept drawings of proposed buildings showing cuts and fills.

(D) Other specific information and scientific data and opinions that, in the opinion of staff, are necessary for the meaningful review of the project.

(4) Impact On Street And Pedestrian Facilities:

(A) A site plan which coordinates pedestrian connections, sidewalks and bike paths, if any such pedestrian facilities are shown on the trails master plan or the streets master plan as they are currently adopted.

(B) Estimated truck traffic trip numbers for construction traffic.

(C) If requested by the city engineer, the project applicant shall submit reproducible measurable pavement quality testing analysis for each street or roadway that will be utilized by any traffic generated by or relating to the proposed project, including, but not limited to, construction traffic. Such analyses will be submitted both before permit issuance and before building occupancy and shall use a nationally recognized pavement quality testing machine, system or program as approved by the city engineer. Such analyses will be used to determine construction impacts on existing streets at the end of construction so that repairs can be made at the expense of the project proponents to return the pavement to its original quality prior to dedication to the city.

(5) Impact On Electrical Facilities:

(A) A site plan indicating the location of existing distribution lines both underground and overhead.

(B) Capacities of current power facilities that will serve the proposed development. The applicant should indicate both line size and present utilization of the power facilities.

(C) A site plan indicating all power line easements to and within the proposed development.

(D) An estimate of the amount of electrical power needed for each proposed unit.

D. Department Action:

1. Staff Review: Within thirty (30) working days from the receipt of the complete application, including all requested information for infrastructure impact review, the staff shall review the project and determine whether existing infrastructure is sufficient to adequately serve proposed buildings or structures. If the data is sent to an engineer or other consultant for determination of impacts, the applicant shall pay the costs associated with professional review. (Ord. 2001-05, 4-24-2001)
2. Approval Or Denial: If the existing infrastructure is adequate to serve the proposed buildings or structures, then development approval or a building permit shall be issued in accordance with the international building code and city ordinances. If, upon review, existing infrastructure is found to be inadequate to serve any proposed developments, buildings or structures, development approval or the building permit shall be withheld. At the option of the city, the applicant may either: (Ord. 2001-05, 4-24-2001; amd. 2013 Code)
 - a. Change the type, scale or location of any proposed buildings or structures in such a manner that existing infrastructure may adequately serve the proposed development, buildings or structures.
 - b. Provide, at applicant's expense, the additional infrastructure necessary to adequately serve the proposed buildings or structures according to designs and specifications approved by the city.
 - c. Pay a proportionate share of a city project that would mitigate the impact as detailed by the city council or staff.
 - d. Upon submission of plans, changing the type, scale or location of any or all proposed buildings or structures in such a manner that existing infrastructure is adequate to serve all proposed buildings or structures; or upon submitting plans for additional infrastructure and a letter of credit or escrow agreement to the city for the full cost of the additional infrastructure required as estimated by the city engineer, development approval or a building permit shall be issued in accordance with city codes and ordinances.

E. Appeal And Review:

1. Appeal: If the applicant does not agree with the determination of staff that existing infrastructure is inadequate or with the requirement for additional infrastructure, the applicant may request city council review. The city council is empowered to affirm, reverse or modify the determination of staff. All actions regarding infrastructure impacts and requirements of the planning commission or staff may be appealed to the city council.
2. Time Limit For Review: If the staff has not acted on an application or has not indicated to the applicant what existing infrastructure is inadequate within thirty (30) working days after complete information submission, the application shall be forwarded to the planning commission for determination of adequacy of existing infrastructure.

F. Transferability: The infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site.

G. Expiration: If a building permit is not obtained within one year from the date of approval, then the infrastructure review and approval process must be repeated prior to issuance of a building permit to determine whether off site conditions or demands have changed the ability of the system to meet the demands of the project under review. If a building permit expires before actual construction of buildings or structures, the infrastructure review and approval process must be repeated prior to issuance of another building permit. The building permit requirements may be modified to adjust to the new capacity or demand.

H. Standards For Review: No approval will be given and no building permits shall be issued on buildings or structures subject to infrastructure review unless it is found by the city that there is sufficient infrastructure capacity according to the standards adopted by the city. Specific review items include: delivery of adequate water for culinary, irrigation and fire flow purposes; safe vehicular and pedestrian access for owners, users and emergency vehicles; and proper handling of storm drainage and slope preservation. The standards to be applied for review are as follows:

1. Delivery Of Water: The standards for adequate delivery of water are: the city fire flow standards; the city design guidelines and standard specifications; construction specifications and standard drawings; and the county and/or state department of healthy drinking water regulations as now constituted and as may be adopted or amended. (Ord. 2001-05, 4-24-2001)
2. Adequate Site Drainage: The standards for adequate site drainage are the international building code, as adopted by ordinance, and the city design guidelines and standard specifications, construction specifications and standard drawings as now constituted and as may be adopted or amended.
3. Access: The standards for access to the development, buildings or structures are the international fire code as adopted by ordinance; the streets master plan or zoning map; the trails master plan; the design guidelines and standard specifications; and construction specifications and standard drawings as now constituted and as may be adopted or amended.
4. Slope Regulation: The standards for slope retention are the international building code, as adopted by ordinance and the design guidelines and standard specifications, construction specifications and standard drawings as now constituted and as may be adopted or amended. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)

12-4-6: CONCEPT PLAT:

A. Scope:

1. The concept plat provides an opportunity for the applicant and staff to meet and discuss the proposed project in the conceptual stage. The applicant can use the concept plat meeting to ask questions of the staff, and receive direction on project layout. At the concept plat meeting, the staff will inform the

applicant what zone the proposed project is located in and what uses are allowed in the zone. The staff may also discuss the procedure for approval of a subdivision plat and the specifications and requirements for layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts, and similar matters, and the availability of existing services. (Ord. 2017-06, 2-22-2017)

2. The staff may also advise the applicant, where appropriate, to discuss the proposed subdivision with those agencies who must eventually approve those aspects of the subdivision plat coming within their jurisdiction, including, but not limited to, the fire department, school district, South Valley sewer district, Utah department of transportation, the Salt Lake Valley health department and the various utility-service providers. (Ord. 2001-05, 4-24-2001)

B. Application Procedure And Requirements: Prior to any process or procedure for subdividing land as contained in this title, an owner of the land or an authorized agent shall submit an application for a concept plat, along with any required application fees. The number of copies of the concept plat will be determined at the time of submission of the plan, based on the city's application requirements. The concept plat shall include a general written and graphic representation of the proposed project, all approvals being sought, and any other information the applicant believes is necessary to present to the staff.

C. Staff Review And Action On Concept Plat: There is no approval of a concept plat required or given. After reviewing and discussing the concept plat and other reports submitted by invited agencies and officials, the staff will advise the applicant of the specific changes or additions, if any, that are required in the layout, and the character and extent of required improvements that are required to be included in an application for the preliminary plat. (Ord. 2017-06, 2-22-2017)

12-4-7: PRELIMINARY PLAT:

A. Scope:

1. Application May Be Submitted: Following presentation of a concept plat to the staff, the staff will inform the applicant that an application for preliminary plat may be submitted.

2. Procedure Discussed: The staff may also discuss the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for 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.

3. Concept Plat; Generally: There is no approval of a concept plat required or given. After reviewing and discussing the concept plat, staff reports and other reports as submitted by invited agencies and officials, the staff will advise the applicant of the specific changes or additions, if any, required in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the preliminary plat.

4. Requirements: These preliminary plat requirements are minimum in nature and other information may be required by the staff, planning commission or city council, in accordance with adopted standards,

regulations, and ordinances. If it is anticipated that the planning commission or city council might require significant alterations to the proposed preliminary plat, the planning commission may recommend and the city council may approve a preliminary plat upon the condition of the plan satisfying all adopted requirements of the city.

B. General Plat Requirements: The preliminary plat shall be prepared by a licensed land surveyor to a scale, determined by the city in its application requirements, along with the required number of large and eleven by seventeen inch (11 x 17") copies.

C. Features To Be Shown On Preliminary 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 title, the planning commission, city council or staff on the preliminary plat, whether included in this list or not. Failure to show any feature required by this title, the planning commission, city council or staff may result in denial of the plan:

1. Specified: The preliminary plat shall, at a minimum, show the following:

- a. The date of the map, approximate true north point, scale in graphic and numeric detail, and name of the subdivision.
- b. A vicinity map indicating the location of property with respect to surrounding property and streets, the names of all adjoining property owners or the names of adjoining developments, the location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot tied to at least two (2) section corners, and the legal description of the property complete with township, range and section lines. The vicinity map may be reviewed at the time of submission of the concept plat. The vicinity map should indicate how the new infrastructure will tie into existing and future infrastructure. The map shall be at a scale not to exceed one inch equals two hundred feet (1" = 200') and shall cover an area no less than one thousand feet (1,000') from any perimeter of the proposed development.
- c. The location of existing streets, streetlights, easements, water bodies, rivers, streams and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges or other features.
- d. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways and easements, and proposed street rights of way. The location of all existing fire hydrants within one thousand feet (1,000') of the subdivision and all proposed fire hydrants. The city engineer will require a profile and cross section of all proposed streets.
- e. The location, dimensions and areas of all proposed or existing lots complete with utility easements, lot numbers, proposed addresses (corner lots should include 2 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.
- f. 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 complete with an acreage tabulation of all open space areas.

- g. The name and address of the owner or owners of land to be subdivided, the name and address of the applicant if other than the owner, and the name of the land surveyor.
- h. Sufficient data acceptable to the city 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.
- i. Names of all new streets and adjoining streets.
- j. Indication of the use of all lots or parcels, whether single-family, two-family, multi-family, agricultural, commercial or open space, as well as all uses other than those specified that are proposed by the applicant.
- k. Explanation of drainage and site easements, if any.
- l. Explanation of reservations and conservation easements, if any.
- m. Owners dedication and consent to record as required by applicable state law.
- n. Signature blocks for endorsement by the mayor, planning commission, city engineer, city recorder, city attorney and county recorder.
- o. All utility facilities existing and proposed throughout the subdivision and details for connection to city infrastructure.
- p. A plan designating limits of disturbance or building pads and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.
- q. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the additional property.
- r. Indication of the nearest location of all public and private utilities.
- s. Appropriate contour lines.
- t. A vegetation or revegetation plan as required by adopted ordinances and standards, including any required erosion control plan.
- u. The names and addresses of the property owners within five hundred feet (500') as shown on the county recorder/assessor tax files, together with a stamped, addressed envelope for each such owner. A map showing the property to be subdivided and the properties within five hundred feet (500') of the same, together with tax identification numbers, shall be provided with the list of names and addresses.
- v. Complete construction plans containing the information required in subsection D of this section, and any other information required by the city's adopted standards and ordinances.

w. FEMA floodplain boundaries and wetlands.

x. Fences, canals and waterways.

y. Snow removal plan.

2. Lack Of Information; Denial: The lack of information under any item specified herein, or improper information supplied by the applicant, may be cause for denial of a preliminary plat, in accordance with Utah state code regarding determination in incomplete applications.

D. Construction Plans:

1. Preliminary Construction Plans: If it is anticipated that the planning commission or city council might require significant alterations to the proposed construction plans, the planning commission may recommend and the city council may approve the preliminary construction plans upon the condition of the plan satisfying all adopted requirements of the city. Such a condition must be satisfied prior to approval of the final plat and recordation in the office of the county recorder.

2. Scale: Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch equals fifty feet (1" = 50'), and map sheets shall be the same size as the preliminary plat. These are minimum requirements and other information may be required as the need dictates.

3. Minimum Features: The following features, at a minimum, shall be shown on the construction plan:

a. Profiles showing existing and proposed elevations along centerlines of all roads, along with typical cross sections. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred feet (100') of the intersection shall be shown. Approximate radii of all curves, lengths of tangents and central angles on all streets.

b. Plans and profiles showing the locations of curb and gutter, sidewalks, drainage easements, irrigation ditches, rights of way, manholes and catch basins, street trees, streetlights and signs, the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains, fire hydrants, connections to any existing or proposed utility systems, and exact location and size of all water, gas or other underground utilities or structures. All street monuments shall be indicated on the construction plans.

c. Location, size, elevation and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, drains, water mains, easements, water bodies, streams, swamps, wetlands, buildings, features noted on the official zone map, point of connection to proposed facilities and utilities within the subdivision, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall refer to the NAVD 88. The horizontal datum shall be to the state plane Utah central zone, NAD 83, in U.S. feet, and tied to a county section corner used as a basis of bearing. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than twenty feet (20') back from the ordinary high water mark of such waterways.

- d. Topography at the same scale as the preliminary plat with contour intervals at two feet (2'), referred to sea level datum. All datum provided shall be the latest applicable U.S. geodetic survey datum and should be so noted on the plat.
 - e. All other specifications, details and references required by adopted design guidelines and standard specifications, construction specifications and standard drawings, including a site grading plan for the entire subdivision.
 - f. Notation of approval by the owner, city engineer and all utility providers.
 - g. Title, name, address, signature and seal of the professional engineer preparing the plans, and date, including revision dates.
 - h. A limits of disturbance, revegetation, and erosion control plan.
4. Format: The construction plans shall be prepared on a similar medium and be the same size as the preliminary plat. The applicant will provide three (3) complete copies of the construction plans to the city. The applicant shall also provide two (2) additional copies of the electrical layout and one additional copy of the fire hydrant layout. The construction plans should provide signature blocks for and be signed by the mayor, city engineer, and the applicant's engineer and surveyor.

E. Fees: All review fees shall be paid in full according to the fee schedule adopted by the city. (Ord. 2017-06, 2-22-2017)

F. Effective Period Of Preliminary Approval: The approval of a preliminary plat and construction plans shall be effective for a period of one year. Any plat not receiving final approval within one year shall be null and void, and the developer shall be required to resubmit a new application and preliminary plat subject to all new review requirements, land use restrictions and subdivision regulations that may be in effect. (Ord. 2001-05, 4-24-2001)

G. Land Use Regulations: Every plat shall conform to existing land use regulations and subdivision regulations applicable at the time of complete application submittal. (Ord. 2017-06, 2-22-2017)

12-4-8: FINAL PLAT:

Following the approval of the preliminary plat, the applicant may proceed in the approval process by filing an application for a final plat. The final plat shall be prepared by a registered land surveyor or engineer licensed by the state and certified on the plat. The final plat shall be prepared on reproducible mylar at the same scale and contain the same information as the preliminary plat, except for any conditions, changes or additions indicated in the approval of the preliminary plat. The preliminary plat may be used as the final plat if it meets these requirements and is revised in accordance with the preliminary plat approval. These requirements are minimum and other information may be required by the city council, planning commission or staff, in accordance with adopted standards and ordinances. The applicant shall provide the city with the number and size of copies required by city application requirements. Additionally, the city

desires to have an electronic copy of any final plat prepared on a computer in a format approved by the city engineer.

A. Revisions: All revision dates must be shown as well as notation of any self-imposed restrictions. All revisions shall meet adopted standards, requirements, or applicable approval conditions:

B. Features To Be Shown On Final Plat:

1. The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by the adopted standards and ordinances.
2. The final plat shall comply in all respects with the preliminary plat, as approved.
3. The final plat shall, at a minimum, show the following:
 - a. All the requirements of the preliminary plat as approved or amended and approved. If approved by the city engineer, or required by the county recorder, certain details placed on the preliminary plat for review purposes may be eliminated from the final plat.
 - b. No recordation of a final plat will be issued until sufficient secondary water for the proposed project has been provided, in accordance with adopted ordinances.
 - c. All monuments erected, corners, and other points established in the field in their proper places. The monuments shall meet specifications of the Salt Lake County surveyor.
 - d. A summary statement of the proposed subdivision, including total project acreage, total area of each lot or parcel, the total number of units, acreage of open space, sizes and lengths of utility piping, and lane miles of road.

C. Planning Commission Review Of Final Plat: The planning commission shall review the final plat to ensure that all approval conditions have been satisfied to ensure compliance with the preliminary plat approval and conditions, if any, and to verify all other requirements of this title. After its review, the planning commission shall forward a recommendation to the city council to approve, approve with conditions or deny approval of the final plat.

D. City Council Approval Of Final Plat:

1. The city council shall review the final plat to ensure that all approval conditions have been satisfied, to ensure compliance with the preliminary plat approval and conditions, if any, and to verify all other requirements of this title. After review of the final plat and consideration of any testimony or exhibits presented at the public hearing of the preliminary plat, the city council shall approve, amend and approve, approve with conditions, or deny approval of the final plat, in accordance with adopted ordinances and regulations.

2. The city council shall not approve any final plat until all review fees have been paid in full according to the fee schedule. (Ord. 2017-06, 2-22-2017)

E. Dedications: At the time of final plat approval, all proposed dedications shall be indicated on or accompanied by the final plat and shall be accompanied by a title report for such dedications in a form approved by the city attorney. (Ord. 2001-05, 4-24-2001)

F. 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 city council upon preliminary plat approval. In order to satisfy these provisions, a letter of recognition from the service provider on their letterhead shall sign the final plat. These utilities include, but are not limited to, Rocky Mountain Power, Salt Lake Valley health department, county flood control (when required), South Valley sewer district, Comcast, Century Link and Questar. (Ord. 2001-05, 4-24-2001; amd. 2013 Code)

G. Outstanding Obligations: At the time of final plat approval, the applicant shall provide evidence that all property taxes are current and that no other debts or obligations are outstanding and no liens or encumbrances are placed on the property.

H. Signing And Recording Of Final Plat:

1. The mayor, city engineer, city attorney and city recorder shall endorse approval on the final plat.
2. The mayor, city engineer, city attorney and city recorder will sign the reproducible mylar original of the final plat. The city shall be responsible for recordation of the original mylar plat with the county recorder within ten (10) days of the date of signature. Simultaneously, with the filing of the plat by the city, a licensed title company employed by the applicant shall record the agreement of dedication, together with such legal documents as shall be required to be recorded by the city attorney. (Ord. 2001-05, 4-24-2001)

Chapter 5 IMPROVEMENTS

~~12-5-1: IMPROVEMENT, DESIGN AND LAYOUT CONSIDERATIONS:~~

~~12-5-2: LOT IMPROVEMENTS AND ARRANGEMENT:~~

~~12-5-3: ROADS AND STREETS:~~

~~12-5-4: DRAINAGE AND STORM SEWERS:~~

~~12-5-5: WATER FACILITIES:~~

~~12-5-6: SEWER FACILITIES:~~

~~12-5-7: SIDEWALKS, CURBS, TRAILS AND PATHS:~~

~~12-5-8: ELECTRIC FACILITIES:~~

~~12-5-9: OTHER UTILITIES:~~

~~12-5-10: LANDSCAPING:~~

~~12-5-11: PRESERVATION OF NATURAL FEATURES AND AMENITIES:~~

~~12-5-12: ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS:~~

~~12-5-13: COMMENCEMENT OF EXCAVATION AND INSTALLATION OF IMPROVEMENTS:~~

~~12-5-14: INSPECTION OF IMPROVEMENTS AND RELEASE OF GUARANTEE:~~

~~12-5-15: ESCROW DEPOSITS OR LETTERS OF CREDIT FOR LOT IMPROVEMENTS:~~

~~12-5-16: MAINTENANCE OF IMPROVEMENTS:~~

~~12-5-1: IMPROVEMENT, DESIGN AND LAYOUT CONSIDERATIONS:~~

A. Scope Of Regulations:

1. ~~Plats Required: After an applicant has submitted a concept plat and prepared a preliminary plat and subsequently the final plat, the applicant shall prepare a preliminary plat using the criteria in this section as a guide, along with adopted ordinances and standards. The planning commission will use adopted ordinances and standards in its consideration of recommending approval or denial of the preliminary plat and final plat.~~
2. ~~Compliance Required: In addition to the requirements established herein, subdivision plats shall comply with all applicable statutory provisions, adopted building, fire and related codes, the adopted city design guidelines and standard specifications, the official transportation master plan, the official zone map, public utilities plans, capital improvements program of the city or any other government agency having jurisdiction in the development, including all streets, trails, drainage systems and parks shown on the official map or general plan as adopted or amended for the subdivision, and the rules of the state department of transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.~~
3. ~~Restrictive Covenants: If the owner places restrictions on any of the land contained in the subdivision greater than those required by this title or any other city regulation or requirement, 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 with the county recorder in a form approved by the city attorney. The city has no role or responsibility in enforcing private covenants. (Ord. 2017-06, 2-22-2017)~~

B. Plats Straddling Municipal Boundaries, Annexations:

1. ~~Recommendation Of Planning Commission: When a subdivision is proposed that includes property under the jurisdiction of another entity, the planning commission may recommend annexation of the property involved.~~

2. Compatibility Of Development Regulations: If the area in the county, or other entity, is not annexed, the city and county, or other entity, shall work together in a cooperative arrangement or through an interlocal agreement, if necessary, to ensure that the portion of development located in the county, or other entity, is as compatible as possible with the city development regulations and general plan. (Ord. 2001-05, 4-24-2001)

C. Monuments:

1. Required: The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the city engineer.
2. Standards And Specifications: Monuments shall be installed in accordance with adopted city design guidelines and standard specifications, and/or requirements of the Salt Lake County surveyor construction specifications and standard drawings. The monuments shall be located on street right of way lines, at street intersections, and angle points of curve within the subdivision. They shall be spaced to be within sight of each other, with the sightlines being contained wholly within the street limits.
3. Setting And Approval: All street monuments shall be properly set in the ground by a licensed surveyor and approved by the Salt Lake County surveyor prior to the release of the performance guarantee as established in accordance with the provisions of this title.

D. Unsuitability:

1. Development Denied: If the planning commission or city council finds that a portion of all of the land proposed for subdivision or development unsuitable due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations, topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridgelines and hilltops, which will be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision or surrounding areas, in accordance with adopted ordinances, the land shall not be subdivided or developed until mitigated.
2. Remedy Methods: The development may be made suitable if adequate methods are formulated by the developer and approved by the city, upon recommendation of a qualified planner or engineer hired by the developer and approval of the city 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, in accordance with adopted ordinances.
3. Considerations: Additionally, consideration must be given to soil conditions and groundwater existence and may include appropriate setbacks and conservation requirements, in accordance with adopted standards and ordinances.

E. Subdivision Name: The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or nearby communities.

F. Open Space:

1. Requirements: Units may be clustered in the most suitable and least sensitive portions of the site with common open space corridors separating clusters, in accordance with adopted ordinances. Any open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners' association, unless dedicated and accepted by the city. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development.
2. Landscaping Plan: If it is determined that landscaping is required by ordinance, the applicant shall complete a landscaping plan for the open space area. The landscaping plan shall contain information pertaining to type and size of plants, a maintenance plan, and a design for an irrigation system, if required. At the applicant's expense, the city may require the landscaping plan to be reviewed by a competent landscape architect for suitability of plant types and sizes.

G. Drainageways And Irrigation Ditches:

1. Maintenance: Existing natural drainage and irrigation ditches or rights of way shall be maintained and stabilized. Notification to irrigation companies for development may be required in certain circumstances as determined by the city if the development impacts irrigation works or access.
2. Stabilization Specifications: The banks of any existing or proposed drainage channel, irrigation ditch, canal, creek or other watercourse shall be stabilized in the following manner:
 - a. The applicant shall conduct and provide to the city engineer a complete engineering study and analysis that determines the proper design to prevent channel erosion at the maximum volume flow of the watercourse.
 - b. Provide detailed construction drawings of the area to be stabilized, including materials, size, weight and method of installation.
 - c. Provide information pertaining to the effect on downstream flows following proposed channel stabilization.
 - d. Any stabilization shall be approved by the entity having jurisdiction over the waterway or watercourse.

H. Trails And Sidewalks: Trails and sidewalks shall be provided to allow efficient internal pedestrian and nonmotorized circulation as well as links to adjacent trail systems on other properties, pursuant to adopted ordinances. Existing trails should be maintained and incorporated into any open space elements of the project. This may include trails for pedestrian, bicycle or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public

improvements. Maintenance responsibility for trails and sidewalks, unless otherwise approved by the city council, shall be provided on each side of all public streets and shall satisfy the requirements of the design guidelines and standard specifications.

I. Limits Of Disturbance; Vegetation Protection: A separate plan that addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas shall be required. This shall include construction necessary for all project improvements such as roads and utilities. (Ord. 2017-06, 2-22-2017)

J. Fire Hydrants: Fire hydrants shall be inspected and approved by the fire chief before being installed by the developer. The hydrants shall be spaced in accordance with the international fire code, generally at five hundred foot (500') intervals and the intersections of streets. (Ord. 2001-05, 4-24-2001; amd. 2013 Code; Ord. 2017-06, 2-22-2017)

K. Fire Sprinkling: Fire sprinkler systems may only be required in accordance with adopted fire and building codes. (Ord. 2017-06, 2-22-2017)

L. Mailboxes: Each unit shall provide a mailbox. In developments with greater than twenty (20) units, the applicant should work with the postmaster to determine the most desirable mail delivery system.

M. Addressing Required: The numbers or letters indicating the address of any unit must satisfy the requirements of the adopted building code and shall be clearly visible at all times, including nighttime hours. (Ord. 2001-05, 4-24-2001; amd. Ord. 2017-06, 2-22-2017)

12-5-2: LOT IMPROVEMENTS AND ARRANGEMENT:

A. Scope Of Regulations:

1. Arrangement: The lot arrangement should attempt to avoid difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the international building code and the international fire code, this title, and in providing reasonable driveway access to buildings on such lots from an approved street.
2. High Fire Danger Areas: In areas that are determined by the fire chief to be in high fire danger areas, the building sites shall be located or situated in areas of the development that are less hazardous or are naturally clear of the hazardous vegetation, in accordance with adopted fire codes.
3. Limits Of Disturbance Lines: If deemed necessary by the planning commission, limits of disturbance lines shall be designed which minimize disturbance of existing vegetation. If required, limits of disturbance lines shall be shown on the final plat. If required, all construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

B. Lot Dimensions: Lot dimensions shall comply with the minimum standards for the appropriate zone found in title 11 of this code. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum setbacks from both streets.

C. Double Frontage Lots And Access To Lots:

1. Double Frontage Lots Avoided: Double frontage and reversed frontage lots shall typically be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. An exception to this section may apply for two-family (duplex, twin home) developments so that creative access issues may be addressed.
2. Access: Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the city may require that such lots be served by a combined access drive in order to limit possible traffic hazard on the arterial or collector street. Where possible, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on arterial or collector streets.

D. Grading, Drainage And Seeding:

1. Final Grading: Topsoil should not be removed from residential lots or used as spoil, but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as determined necessary by the city engineer, will also be required to be installed according to the adopted standards.
2. Lot Drainage: Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm drainage water from any lot to adjacent lots.
3. Lawn Grass Seed And Sod: The city council may impose planting requirements if deemed necessary. If revegetation is required, all lots shall be seeded from the roadside edge of the right of way back to a distance of twenty feet (20') behind the principal residence on the lot.

E. Debris And Waste: No cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind, shall be buried in any land, or left or deposited on any lot or street at the time of acceptance of the subdivision improvements. Removal of these types of materials shall be required prior to issuance of any certificate of occupancy. No such items shall be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

F. Fencing: Each applicant shall be required to furnish and install fences when the city determines that a hazardous condition may exist. The fences shall be constructed according to standards found in the

land use ordinance and shall be noted as to height and material on the final plat. The fire chief must approve the fence if the fence is erected within five feet (5') of a fire hydrant. No certificate of occupancy shall be issued until the fence improvements have been duly installed. (Ord. 2017-06, 2-22-2017)

G. Water Bodies And Watercourses: If a tract being subdivided contains a water body or course, or portion thereof, lot lines shall be drawn to distribute ownership of the water body among the adjacent lots. The city council may approve a plan whereby the ownership of and responsibility for safe maintenance of the water body will not become a city responsibility. No more than twenty five percent (25%) of the minimum area of a lot required in this title may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert or other structure approved by the city engineer.

H. Performance Guarantee: The performance guarantee shall include an amount to guarantee completion of all necessary public improvements. The city may enforce the provisions of the guarantee where the provisions of this section or other applicable law, ordinance or regulation have not been complied with. (Ord. 2001-05, 4-24-2001; amd. Ord. 2017-06, 2-22-2017)

I. Utility Easements: Each lot in a subdivision shall include a ten foot (10') utility easement adjacent to any public road and maintain a ten foot (10') utility easement around the remaining perimeter of the lot, unless a lesser easement is allowed pursuant to an approved project plan in a mixed use or special development zone, or is deemed unnecessary by the city council.

J. Lot Area, Frontage And Setbacks: All existing and new structures in a subdivision are required to satisfy the lot area, setback and frontage requirements of the zone in which they are located. (Ord. 2017-06, 2-22-2017)

~~12-5-3: ROADS AND STREETS:~~

A. Approval; Standards: All road and street layout and design is subject to approval of the city engineer. All roads and streets in subdivisions shall meet the adopted requirements of the design guidelines and standard specifications document available from the city engineer. All subdivisions shall have access to a public street or approved private right of way.

B. Grading And Improvement Plan:

1. Streets shall be graded and improved in conformance with the adopted design guidelines and standard specifications and shall be approved as to design and specifications by the city engineer. All road construction plans are required to be submitted prior to final plat approval. Prior to final plat approval, the city shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.

2. At present, it is the preference of the city for all subdivision streets to be dedicated public streets. However, if private streets are approved, they must be constructed to meet all requirements of public streets in case the city is required to maintain the streets in the future, unless they comply with adopted alternate standards for private rights of way. The land area for private streets or rights of way shall not be included in or counted toward the minimum area required for a lot.

C. Topography And Arrangement:

1. Roads, streets, and private rights of way shall be related appropriately to the topography. Local roads may be curved to avoid conformity of lot appearance and to discourage through traffic. All streets shall be arranged to obtain as many building sites at, or above, the grades of the streets as possible. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. A combination of steep grades and curves, as well as large cut and fill sections, shall be avoided. All cuts and fills shall conform to the requirements adopted by the city.
2. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights of way as established in the general plan, streets master plan and zone map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
3. A rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
4. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the planning commission and/or city council such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
5. The arrangement of streets shall provide for the continuation of principal streets and utilities such as storm drain lines between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the streets master plan. If the adjacent property is undeveloped and the street must be a dead end street temporarily, the right of way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead end streets, with the notation on the final plat that land outside the normal street right of way shall revert to adjacent owners when the street is continued. The turnabout shall have at least a fifty foot (50') radius. The city may limit the length of temporary dead end streets in accordance with adopted ordinances.
6. Where a road or street does not extend to the boundary of the subdivision and its continuation is not required by the city for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty feet (50'). However, the planning commission and/or city council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities, pursuant to adopted ordinances and standards. A cul-de-sac turnaround shall be provided at the end of a permanent dead end street in accordance with the design guidelines and standard specifications. At a minimum, the turnaround shall be large enough to accommodate all public safety vehicles and snow removal equipment to complete a three hundred sixty degree (360°) turn. For greater convenience to traffic and more effective police and fire protection, permanent dead end streets

shall, in general, be limited in length to one thousand feet (1,000'), unless specifically allowed by other provisions of this code. (Ord. 2017-06, 2-22-2017)

D. Cul-De-Sacs:

1. Cul-de-sacs should be limited in use to areas where impacts to emergency service provision, removal of snow, extension of utility services and circulation can be sufficiently mitigated. If these concerns cannot be mitigated, the city engineer may require the applicant to remove the cul-de-sac from the proposed development plan. All cul-de-sacs shall have at least a fifty foot (50') radius of asphalt.
2. When a cul-de-sac is proposed within one thousand feet (1,000') of a church, school, park or other public facility, pedestrian access should be addressed by a walkway easement, or other acceptable solution.

E. Turnarounds: Permanent or temporary dead end roads must have an approved turnaround in place before construction begins. Dead end roads in excess of one hundred fifty feet (150') in length shall provide provisions for the turning around of emergency apparatus in accordance with fire department specifications and adopted fire codes. (Ord. 2015-01, 2-11-2015)

F. Ingress And Egress:

1. In order to provide adequate emergency access to and from the development and proper circulation, two (2) points of ingress and egress shall be required in all subdivisions with the following exceptions:
 - a. Any subdivision, or portion of a subdivision, which cannot provide two (2) points of ingress and egress in a practical manner shall be limited to no more than thirty (30) residential lots or units; provided, that in no case shall the single ingress/egress exceed a maximum of one thousand feet (1,000') in length, regardless of the number of dwelling units accessing from it, unless specifically allowed by other applicable provisions of the city land use ordinances.
 - b. A subdivision, or portion of a subdivision, which will be served by more than one point of ingress and egress in the future may receive approval for no more than thirty (30) residential lots or units until a second point of ingress and egress is provided and so indicated on the final plat; provided, that in no case shall the single ingress/egress exceed a maximum of three thousand feet (3,000') in length, regardless of the number of dwelling units accessing from it, unless specifically allowed by other applicable provisions of the city land use ordinances.
 - c. Any subdivision providing a temporary second point of ingress and egress shall be subject to the following conditions:
 - (1) The second access shall be reviewed and approved in writing by the fire chief and city engineer.
 - (2) The second point of access shall provide continuous and unobstructed access to and from the subdivision until which time a permanent access is completed.

(3) The second point of access may cross private property, but must connect the subdivision to an improved public right of way.

(4) The second access shall be hard surfaced with at least one and one-half inches ($1\frac{1}{2}$ "') of asphalt prior to October 1 of the year construction began. The asphalt must be a minimum of twenty feet (20') in width.

2. The second point of ingress and egress shall be located in a future right of way unless it can be shown that the second point of access in another location is preferable to the satisfaction of the city engineer. The fire chief must approve the street design in any subdivision with only one point of ingress and egress, in accordance with the adopted fire code. (Ord. 2017-06, 2-22-2017)

G. Block: Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, waterways, and for developments containing exclusively two-family dwellings. The lengths, widths and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed one thousand feet (1,000') in length. The city council may require the reservation of an easement through a block to accommodate utilities, drainage facilities or pedestrian traffic and provide circulation or access to schools, playgrounds, shopping centers, transportation, trails or other community facilities.

H. Access To Highway, Arterial Or Collector Streets: When a subdivision borders on or contains an existing or proposed highway, arterial or collector, the city council may require that access to such streets be limited by one of the following means:

1. The subdivision lots back onto the highway, arterials or collector and front onto a parallel local street with no direct access to the primary arterial or collector. Screening shall be provided by a strip of land along the rear property line of such lots.

2. A series of cul-de-sacs, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway.

I. Road Names: The applicant shall inform the city of the preferred street names for all streets at the time of preliminary plat approval. Names shall be sufficiently different in sound and in spelling from other road names in Salt Lake County or the city to eliminate confusion. All street names shall be approved by Salt Lake County. A street that is or is planned as a continuation of an existing road shall bear the same name. The north, south, east and west coordinate system of the city should be maintained where appropriate. (Ord. 2015-01, 2-11-2015)

J. Road Regulatory Signs: The applicant shall erect or post acceptable guarantees ensuring placement of each road and safety sign required in the adopted design guidelines and standard specifications or by the city engineer. All road signs shall be installed before release of the development guarantee or issuance of a certificate of occupancy for any residence on a new street. Street name signs are to be placed at all intersections within and abutting the subdivision. The type, design and location of the

signs are to be approved by the city engineer. Street signs shall be designed according to the design guidelines and standard specifications document.

K. Streetlights: Installation of streetlights shall be required in accordance with adopted design guidelines and standard specifications or as designated and located by the city engineer and shall be approved by the city council.

L. General Design Standards: In order to provide for roads in suitable locations with proper width and improvements to accommodate prospective traffic, afford satisfactory access to police, firefighting, snow removal, sanitation and road maintenance equipment, coordination of roads to compose a convenient system, and avoid undue hardships to adjoining properties, the roads are hereby required to be in compliance with the adopted design guidelines and standard specifications and applicable provisions of the city land use ordinances. All roads shall also be consistent with the streets master plan, or directions from the city engineer and fire chief in the event that the streets master plan does not provide enough direction. (Ord. 2017-06, 2-22-2017)

M. Road Surfacing And Improvement: Prior to road construction, the applicant may be required to complete a soil test of the area proposed for roads to determine whether existing soils are considered adequate and safe for road construction by the city engineer. If the soil is considered inappropriate or unsafe, the city engineer will indicate what action should occur in order to provide adequate and safe road base. After sewer and water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface roadways to the widths prescribed in the design guidelines and standard specifications. Pavement design shall be proposed by the applicant and approved by the city engineer. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the city and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

N. Excess Right Of Way: Right of way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one (3:1), unless specifically approved by the city engineer.

O. Intersections:

1. Streets shall be laid out to intersect as near as possible at right angles. An angle within ten degrees (10°) of perpendicular is required for a proposed intersection of two (2) new streets. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100'). Not more than two (2) streets shall intersect at any one point unless specifically approved by the city council and city engineer.

2. Proposed new intersections along one side of an existing street shall, where practical, coincide with any intersections on the opposite side of the street. Street jogs with centerline offsets of less than one hundred fifty feet (150') are not permitted. Where streets intersect major streets, the alignment shall be continuous. Intersections of arterial and collector streets must be at least eight hundred feet (800') apart.
3. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty feet (20') and minimum curb radius at an intersection involving a collector street shall be at least twenty five feet (25'). Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
4. Intersections shall be designed with a flat grade where practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having less than a two percent (2%) slope for a distance of sixty feet (60'), measured from the nearest right-of-way line of the intersecting street.
5. Where any street intersection will involve earth banks or existing vegetation inside any corner lot that could create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance. The cross slopes on all streets, including intersections, shall be three percent (3%) or less. (Ord. 2015-01, 2-11-2015)

P. Bridges: Bridges of primary benefit to the applicant, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the applicant shall be in accordance with adopted State law provisions.

Q. Road Dedications And Reservations:

1. Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half streets. The City Engineer may authorize a new perimeter street, however, the applicant shall be required to improve half the width of the street plus ten feet (10'), and dedicate the entire required street right-of-way width, if in the applicant's control to do so.
2. Where a subdivision borders an existing narrow road or when the General Plan, Streets Master Plan or zone map indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Frontage roads and streets shall be improved and dedicated at the applicant's expense to the full width as required by this title. (Ord. 2017-06, 2-22-2017)

R. Shared Driveways: Shared driveways are allowed pursuant to section 11-16-18 of this Code.

S. Private Rights-Of-Way: Private rights-of-way are allowed pursuant to section 11-16-25 of this Code. (Ord. 2015-01, 2-11-2015)

12-5-4: DRAINAGE AND STORM SEWERS:

- A. Adequate Provisions Required: The City staff shall not recommend approval of any final plat that does not make adequate provisions for storm or flood water runoff channels or catch basins. Plans shall be reviewed for compliance with adopted design guidelines and standard specifications and other standards as may be adopted. The stormwater drainage system shall be separate and independent of the sanitary sewer and irrigation system. Storm sewers, where required, shall be designed by the rational method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with construction plans. Inlets shall be provided in accordance with adopted standards.
- B. Spring And Surface Water: The applicant may be required, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the adopted design guidelines and standard specifications. (Ord. 2017-06, 2-22-2017)
- C. Underground Storm Sewer Systems: Underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of facilities shall be conducted under the direction of the City Engineer. If a connection to a public storm sewer will be provided eventually, the developer shall make arrangements for future stormwater disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.
- D. Drainage Required Prior To Approval: No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility. (Ord. 2001-05, 4-24-2001)
- E. Accommodation Of Upstream Drainage Areas: Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the design guidelines and standard specifications assuming conditions of a 100-year storm event. The city engineer must review and approve the design. If the facility must be enlarged to accommodate upstream development, the city shall contribute the absolute difference between the facility needed for the subdivision and the facility needed for upstream drainage, pursuant to state law.
- F. Effect On Downstream Drainage Areas: The developer's engineer shall also study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. City storm drainage studies, together with such other studies, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the city council may require the applicant to improve the facility in order to serve the subdivision, pursuant to state law.

G. Areas Of Poor Drainage: Development in areas of extremely poor drainage will not be allowed, unless satisfactorily mitigated pursuant to adopted standards.

H. Floodplain Areas: The city council may, upon recommendation of the city engineer and when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the 100-year floodplain of any stream or drainage course. These floodplain areas should be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the city council.

I. Dedication Of Drainage Easements:

1. Where a subdivision is traversed by a watercourse, drainageway, channel, river or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction adequate for the purpose. Where possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
2. Where topography or other conditions made the inclusion of drainage facilities within road rights of way impractical, perpetual unobstructed easements at least twenty feet (20') in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the final plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights of way or easements must be secured and indicated on the plat.
3. The applicant shall dedicate to the city, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, in a distance necessary to preserve drainage function and safety, in accordance with adopted ordinances and standards. (Ord. 2017-06, 2-22-2017)

12-5-5: WATER FACILITIES:

A. Scope: Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water supply capable of providing domestic water use and fire protection. All improvements, whether on or off site, which provide direct benefit to the subdivision shall be constructed and paid for by the applicant. No approval of a final plat will be issued until sufficient water for the proposed project has been provided. (Ord. 2007-23, 8-28-2007)

B. Existing Systems: Where a public water main is accessible, the applicant shall install adequate water facilities (including fire hydrants) subject to all adopted city and state specifications. All water mains that provide fire suppression flow shall be at least eight inches (8") in diameter. Water main extensions and water facilities improvements shall be approved by the city engineer and city council. If a new water main line is required to service the new development, the applicant will be required to replace

the insufficient water main line with a water line of sufficient size and connect existing users to the new water line.

C. Pressurized Irrigation: All new subdivisions are required to install a piped irrigation system in accordance with all adopted city specifications. All main water lines for the system shall be at least eight inches (8") in diameter. All facilities shall be approved by the city engineer. (Ord. 2017-06, 2-22-2017)

D. Ownership Of Facilities: Prior to approval of the final plat, a determination shall be made by the city council about the location and extent of facilities to be maintained by the city. Private facilities will be required to be so noted on the final plat and will be the responsibility of the applicant or owners of the development. (Ord. 2007-23, 8-28-2007)

E. Fire Hydrants:

1. Fire hydrants shall be required in all subdivisions. Fire hydrants shall be inspected and approved by the fire chief prior to installation by the applicant. All existing hydrants within one thousand feet (1,000') of the proposed subdivision and all proposed hydrants shall be indicated on the plat. The hydrants shall be located no more than five hundred feet (500') apart and shall be approved by the fire chief and city engineer, in accordance with adopted codes and standards. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements, shall be installed before any final paving of a street shown on the plat. Fire hydrants located on cul-de-sacs shall be installed at the direction of the fire chief and city engineer, pursuant to adopted codes. All dead-end lines located in cul-de-sacs shall have hydrants located at the end of the line for flushing purposes. The location of all fire hydrants and all water storage and supply improvements shall be shown on the preliminary plat.
2. All fire hydrants shall be located offset four feet (4') from a property line to eliminate interference from fences or other items that may be placed on the property line. The final location of the hydrant shall be approved by the fire chief and city engineer, in accordance with adopted standards and codes.
3. All fire hydrants need to be red, original factory finish, unless otherwise approved by the fire chief. (Ord. 2017-06, 2-22-2017)

~~12-5-6: SEWER FACILITIES:~~

~~The applicant shall install sanitary sewer facilities under the direction of and in accordance with the specifications, review and approval of the South Valley sewer district. (Ord. 2001-05, 4-24-2001)~~

~~12-5-7: SIDEWALKS, CURBS, TRAILS AND PATHS:~~

~~A. Location: Sidewalks shall be included within the dedicated right of way of all roads unless an alternative location has been specifically approved by the city council. In some cases, required pedestrian paths separate from the road right of way may be preferable.~~

B. Improvements: Sidewalks shall be constructed of concrete at least five inches (5") thick and not less than five feet (5') wide, and shall be designed to best facilitate their assumed use and serve the public interest and safety.

C. Trails And Paths: Trails, pedestrian paths and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage and provide safe access. Walking and hiking trails, bike paths and horse trails shall be provided by the developer in accordance with the trails and/or transportation master plan when required by ordinance or development agreement. When constructed, trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks and other significant natural features to the extent practicable. Trails shall be built to adopted city specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the city council approves an alternate construction timing requirement. When required installation is delayed, a guarantee shall be posted with the city engineer based on an engineer's cost estimate for the delayed infrastructure. (Ord. 2017-06, 2-22-2017)

12-5-8: ELECTRIC FACILITIES:

Applicants for subdivision approval will be referred to the power provider following review of the concept plat by the city staff. (Ord. 2001-05, 4-24-2001)

12-5-9: OTHER UTILITIES:

A. Underground Location: Utility facilities, including, but not limited to, power, gas, telephone and cable TV, shall be located underground in new subdivisions when underground location does not violate safety standards of the particular utility, and underground location does not impose any potential additional maintenance burden on city streets and water/sewer personnel in the opinion of the city council. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the applicant and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the city engineer. Casings or conduits shall be installed under all streets at intersections to provide for future utility line installation. (Ord. 2001-05, 4-24-2001)

B. Easements:

1. Each lot in a subdivision shall include a ten foot (10') utility easement adjacent to any public road and maintain a ten foot (10') utility easement around the remaining perimeter of the lot. Proper coordination shall be established by the applicant between the applicable utility companies for the establishment of utilities facilities and easements to adjoining properties. Existing lots, previously subdivided or sold in metes and bounds, shall provide a ten foot (10') utility easement adjacent to any public road and maintain a ten foot (10') utility easement around the remaining perimeter of the lot when applying for a building permit. Easements may be adjusted by the city council in smaller lot developments and in other areas as determined to be necessary.

2. Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least ten feet (10') in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.
3. Where necessary to ensure proper access and maintenance, easement widths may be increased by the city council when deemed necessary as recommended by the city engineer. (Ord. 2017-06, 2-22-2017)

~~12-5-10: LANDSCAPING:~~

A. Landscaping Plan: Where an area within a subdivision is required to be landscaped by city ordinance or development agreement, a landscaping plan shall be submitted which contains information pertaining to type and size of plants, a maintenance plan, and a design for an irrigation system. At the applicant's expense, the city may require the landscaping plan to be reviewed by a competent landscape architect for suitability for plant types and sizes.

B. Other Public Uses: When a tract to be subdivided includes a school, recreation uses or other public use, the space shall be suitably incorporated by the applicant into the final plat. (Ord. 2017-06, 2-22-2017)

~~12-5-11: PRESERVATION OF NATURAL FEATURES AND AMENITIES:~~

Features which add natural value or historical amenities to the community should be retained where practicable. Attractive existing vegetation should also be retained where possible. Vegetation protection may be required during construction so that disturbance is limited. Existing features such as watercourses, rivers, irrigation works, wetlands, historic sites, critical meadowlands, important vistas and other irreplaceable assets should be preserved in the design of the subdivision. Trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. (Ord. 2017-06, 2-22-2017)

~~12-5-12: ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS:~~

A. Completion Of Improvements: Before the final plat is signed by the mayor, all applicants shall be required to complete any and all improvements required for development or provide a performance guarantee according to subsection B of this section. The applicant shall dedicate all applicable public improvements to the city, including any water right transfers, conservation easements or dedications of public lands to land trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated. (Ord. 2007-23, 8-28-2007)

~~B. Performance Guarantees:~~

1. The city manager shall require the applicant to post an acceptable guarantee prior to final recording of the final plat, in an amount estimated by the city engineer sufficient to secure to the municipality the satisfactory construction, installation, dedication of all required improvements and payment of applicable engineering, inspection and administrative fees. The amount of the guarantee shall be in an amount or value equal to one hundred ten percent (110%) of the estimated cost of the required improvements and amenities as determined by the city engineer. Included in the performance guarantee shall be an amount equal to ten percent (10%) of the estimated construction cost as contingency or retainage (including

engineer, inspection and administrative fees) and an amount equal to ten percent (10%) of the estimated construction cost for the warranty for durability referred to in subsection 12-5-16B of this chapter.

2. The posting of guarantees are established for the benefit of and to ensure to the public at large, and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency and manner of execution as set forth by the city attorney.
3. All required subdivision improvements shall be completed within two (2) years of final plat approval. The guarantee shall be approved by the city manager and city engineer with surety and conditions satisfactory to protect the public's interest and ensure construction of required improvements.
4. In the event the applicant's ability to post an acceptable guarantee is dependent upon prior recordation of the final plat due to requirements of the interstate land sales act or other federal law, the city council may authorize plat approval and recordation upon receipt from the applicant of an executed and acknowledged agreement signed by all owners of fee, leasehold, contract and security interests in the subject property, in the form of a restrictive covenant that the applicant will not sell, lease or otherwise convey any lot, parcel or portion of a lot of the subject property unless the applicant shall first, as a condition precedent thereto, satisfy the foregoing requirements of this title as applicable. The agreement shall be in a form acceptable to the city and shall specifically provide that the encumbrance created shall be deemed to be a covenant running with the land, binding on applicant's successors and assigns, to install or guarantee installation of all required improvements, and to pay all costs, including attorney fees, which the city may incur in enforcing the terms and provisions of the agreement. Further, the agreement shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the guarantee requirements have not been complied with within a specified time determined by the city council on the date of recordation of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the applicant or his successors with the provisions of this title and the agreement.

C. Temporary Improvements: The applicant shall build and pay for all costs of temporary improvements required by the city, and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the city engineer a separate suitable guarantee, in accordance with this title, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained and removed.

D. Costs Of Improvements: All required improvements shall be completed by the applicant, at their expense, without reimbursement by the city or any improvement district therein, and in accordance with adopted codes, standards, fee schedules and ordinances.

E. Acceptance Of Dedication Offers: Acceptance of formal offers of dedications of streets, public areas, easements and parks shall be by ordinance of the city council when a final plat is not prepared. (Ord. 2017-06, 2-22-2017)

12-5-13: COMMENCEMENT OF EXCAVATION AND INSTALLATION OF IMPROVEMENTS:

- A. Final Plat Approved And Recorded: Prior to commencement of excavation and installation of subdivision improvements, the final plat of the subdivision shall have received approval from the city council, assurance for completion and maintenance of improvements shall have been received by the city in accordance with section 12-5-12 of this chapter, the final plat shall have been recorded in the office of the county recorder and the applicant shall have held a preconstruction meeting with the city engineer, unless a valid land disturbance permit has been issued by the city engineer prior to plat approval, in accordance with city ordinances.
- B. Commencement Of Construction: Once the requirements listed above have been satisfied, the city engineer shall authorize construction to commence. Commencement of excavation and installation of subdivision improvements prior to completing the requirements of this section before authorized to do so may cause appropriate legal action and enforcement remedies by the city. (Ord. 2017-06, 2-22-2017)
- C. Weather Passable Access; Fire Protection: No construction shall be allowed to begin until an all-weather passable access approved by the fire chief has been completed. No combustible construction shall be allowed to begin until fire protection in the form of water lines and fire hydrants is complete.
- D. Infrastructure Placed Prior To Occupancy Certificate: No certificate of occupancy, either temporary or final, shall be granted until the required infrastructure has been placed in a subdivision and approved by the appropriate service providers, and the access to the structure has been completed, inspected and approved. (Ord. 2001-05, 4-24-2001)

12-5-14: INSPECTION OF IMPROVEMENTS AND RELEASE OF GUARANTEE:

- A. General Procedure And Fees: The city engineer or designee shall provide inspection of required improvements and amenities during construction and ensure their satisfactory completion. The applicant shall, in accordance with the city fee schedule, pay to the city an inspection fee. These fees shall be due and payable upon demand of the city and no building permits or certificates of occupancy shall be issued until all fees are paid. If the city engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the adopted design guidelines and standard specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements and amenities is covered by a performance guarantee, the applicant and the issuing company shall be jointly liable for completing the improvements and amenities according to specifications.
- B. Release Or Reduction Of Performance Guarantee: Subject to the maintenance provisions contained in this title, the city manager will not accept dedication of required improvements or amenities, or release or reduce a performance guarantee, until the city engineer has verified that all required improvements and amenities have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the city engineer, through submission of detailed "as built" drawings of the subdivision indicating location, dimensions, materials, improvements and other information required by the city engineer, that the layout of the line and grade of all public improvements is in accordance with the approved construction plans for the subdivision. The "as built" plans must comply with

subsection D, "As-Built Drawings", of this section and must be submitted at least two (2) weeks prior to any reduction in the performance guarantee. Further, a title insurance policy shall be furnished to the city attorney and city engineer indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the city manager shall thereafter accept the improvements for dedication in accordance with the established policy and procedure. (Ord. 2017-06, 2-22-2017)

C. Reduction Of Performance Guarantee: The city manager and city engineer may reduce a performance guarantee upon actual completion of public improvements and amenities and then only to the ratio that the public improvement and amenities accepted bears to the total public improvements and amenities for the plat. In no event shall a performance guarantee be reduced below twenty five percent (25%) retainage of the principal amount of the performance guarantee until total completion of all improvements and amenities. If the city manager and city engineer cannot agree on the reduction of the performance guarantee or if the person requesting the reduction is dissatisfied with the decision or lack of decision by the city manager and city engineer, the matter may be appealed to the city council.

D. As-Built Drawings:

1. "As built" shall be submitted in hard copy (one 24 inch x 36 inch paper copy) and electronically (1 compact disc with AutoCAD drawings and GIS SHAPE files). Electronic files shall include AutoCAD drawings with all accompanying cross reference files bound to the base drawing and compatible with AutoCAD version 2004 or newer. SHAPE files shall include separate SHAPE files for each utility, including culinary water, secondary water, storm drain, sewer, roads and parks that are compatible with ArcView version 9.1.
2. "As built" drawings shall be based on survey information provided by the developer's engineer or surveyor. The SHAPE files shall include detailed information based upon survey points for:

Air release structures

Fire hydrants

Park boundaries

Pipe corners

Pump house corners

Recreational facilities general locations

Roadway centerline

Sewer manholes

Sewer structures

Storm drain detention/retention structures

Storm drain inlets

Storm drain manholes

Structure corners

Water blowoffs/drain structures

Water meter boxes

Water valves (Ord. 2008-12, 8-12-2008)

~~12-5-15: ESCROW DEPOSITS OR LETTERS OF CREDIT FOR LOT IMPROVEMENTS:~~

~~A. Temporary Certificate Of Occupancy Limited: When, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed due to valid weather related delays, the city council may, nevertheless, approve the issuance of temporary certificates of occupancy, provided there is no danger to health, safety or general welfare, all streets have been paved, and all fire safety provisions are in place. Any deferred improvements shall post a cash escrow deposit or letter of credit in an amount determined by the city engineer for the cost of improvements, and shall be installed within six (6) months from the date of city council approval. The performance guarantee covering such lot improvements shall remain in full force and effect. (Ord. 2017-06, 2-22-2017)~~

~~12-5-16: MAINTENANCE OF IMPROVEMENTS:~~

~~A. Prior To Completion: The applicant shall be required to maintain all improvements and amenities on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of the improvements and amenities by the city.~~

~~B. Warranty After Acceptance And Dedication: The applicant shall be required to file a maintenance guarantee with the city with the original performance guarantee, in an amount equal to ten percent (10%) of the estimated construction cost and in a form satisfactory to the city attorney, in order to assure the satisfactory condition of the required improvements and amenities, including all lot improvements on the individual subdivided lots for a period of one year after the date of their acceptance by the city manager and city engineer and dedication to the city. (Ord. 2017-06, 2-22-2017)~~

11-3-9: LAND USE APPLICATIONS:

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I. Reviewing Bodies: The Zoning Administrator (ZA) or designee, the Appeals and Variance Hearing Officer (AVHO), the Planning Commission (PC), and the City Council (CC) each have the following primary authority to review applications for compliance with this title, unless specified differently by ordinance or development agreement:

Type Of Review	Zoning Administrator Or Designee	PC	CC	AVHO	Appeal Authority
Preliminary subdivision plat	X	X			
<u>Preliminary subdivision plat, minor</u>	<u>X</u>				
Final subdivision plat	X				
<u>Final subdivision plat, minor</u>	<u>X</u>				<u>AVHO</u>
Final subdivision plat appeal					District Court <u>AVHO</u>
Plat amendment	X	X			District Court <u>AVHO</u>

Title 12 SUBDIVISION ORDINANCE

Chapter 1 GENERAL PROVISIONS

12-1-1: SHORT TITLE:

12-1-2: PURPOSE:

12-1-3: ACCEPTABLE INFORMATION:

12-1-4: GENERAL CONSIDERATIONS:

12-1-5: GENERAL RESPONSIBILITIES:

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12-1-10: APPEALS:

12-1-11: STAFF AUTHORITY:

12-1-1: SHORT TITLE:

This title shall be known as the *BLUFFDALE CITY SUBDIVISION ORDINANCE* or *SUBDIVISION ORDINANCE*. This title shall also be known as Title 12 of this code. It may be cited and pleaded under any of the above stated designations.

12-1-2: PURPOSE:

The purpose of this title, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

A. To promote and protect the public health, safety and general welfare.

B. To regulate future growth and development activity within the city in a manner which promotes the physical integration of diverse housing forms, the preservation of Bluffdale City community values and the social integration of residents from diverse backgrounds in accordance with the general plan; and to promote the efficient and orderly growth of the city.

C. To provide procedures and standards for the physical development of subdivisions of land and construction of buildings and improvements thereon within the city, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, sidewalks, parks, trails, and open spaces, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public rights of way, dedication of land and streets, granting easements or rights of way and to establish fees and other charges for the authorizing of a subdivision and for the development of land and improvements thereon.

12-1-6: ACCURATE INFORMATION:

12-1-3: INTERPRETATION:

In their interpretation and application, the provisions of this title shall be considered as minimum requirements for the purposes set forth. Where the provisions of this title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

12-1-4: GENERAL CONSIDERATIONS:

A. General Plan: The general plan shall guide the use and future development of all land within the corporate boundaries of the city. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the general plan, the zoning ordinance, and other applicable ordinances.

B. Preservation; Design: Trees, native land cover, natural watercourses, and topography shall be preserved where possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.

C. Community Facilities: Community facilities, such as parks, recreation areas, trails, and transportation facilities shall be provided in the subdivision in accordance with general plan standards, this title, and other applicable ordinances. This title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of this subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the applicant may be required to dedicate, grant easements over or otherwise reserve land for parks, playgrounds, public ways, utility easements, and other public purposes.

D. Vesting of Zoning Rights:

C. Plats and/or plans of proposed subdivisions may be referred by the Zoning Administrator to any City departments and special districts, governmental boards, bureaus, utility of Bluffdale in effect when a complete application is submitted and all fees have been paid, unless:
1. An applicant is entitled to approval of a land use application if the application complies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment.

A. The land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

D. The City, in order to be in compliance with the engineering plans and specifications for the City required improvements for the subdivision and whether the proceedings to amend its ordinances as provided for in these ordinances that would prohibit proposed City required improvements of the applicant with this title, City design and construction standards, and other applicable ordinances and shall be responsible for inspecting the City required public

2. The City shall process an application without regard to proceedings initiated to improve the public ROW and private storm drain, private streets, fire hydrants, and on site culinary water within City's service area. Security

180 days have passed since the proceedings were initiated, and
B. The proceedings have not resulted in an enactment that prohibits the approval of the proceedings collection and administration, and the collection of certain fees. Street layout and

3. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

4. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

5. The City shall not impose on a holder of a subdivision approval, a requirement that is not expressed: A. In the land use permit or in documents on which the land use permit is based; or B. In the City's ordinances.

6. The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed: A. In the building permit or in documents on which the building permit is based; or B. In the City's adopted standards and ordinances.

12-1-5: GENERAL RESPONSIBILITIES:

A. The applicant shall prepare concept plans and plats consistent with the City development standards and shall pay for the design, City review, construction, and City inspection and testing of all public improvements and private improvements. These improvements include all required infrastructure within the public ROW and private storm drain, private streets, fire hydrants, and on site culinary water within City's service area. The City shall process said plans and plats in accordance with the regulations set forth herein. The applicant shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until applicant has obtained the necessary approvals as required in this code. The applicant is responsible to obtain and be familiar with all applicable subdivision ordinances, rules and standards of the City.

B. The Zoning Administrator, or their designee, shall review the plans and plats for design; for conformity to the general plan and to the zoning ordinance; and shall process the subdivision plats and reports as provided for in this title.

overall circulation shall be coordinated with transportation planning by the Zoning Administrator and City Engineer.

- E. The Public Works Director, or their designee, shall review and make comments on the design engineering plans and specifications for the City required improvements related to long term maintenance and preservation provisions, snowplowing, snowplow storage areas, waste management collection and vehicle turnaround, City culinary water infrastructure and service lateral maintenance, streetlight service and all other related aspects pertaining to public works utility and infrastructure maintenance to the City Engineer and the Zoning Administrator. The Public Works Director may assist the City Engineer in performing inspections.
- F. The designated land use authority shall receive public comment at a public hearing, if required, regarding proposed subdivisions. The land use authority may approve, approve with conditions or, if the project does not meet adopted City standards and ordinances, terminate processing the application until such time that the application complies with all adopted standards and ordinances.
- G. The City Engineer or their designee, shall verify that the security proceeds provided by the applicant is acceptable, that the applicant dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the applicant, and may review matters of title such as easements and plats.

12-1-6: ACCURATE INFORMATION:

- A. All documents, plans, reports, studies and information provided to the City by the applicant in accordance with the requirements of this title shall be accurate and complete. Any action taken or approval given by the City based upon incomplete or inaccurate documents, plans, reports, studies or information supplied to the City by the applicant may be voidable.
- B. All engineering drawings, plats, reports, and other similar documents shall be stamped by a registered Professional Engineer or others as required, licensed to practice in the State of Utah.
- C. Plats and/or plans of proposed subdivisions may be referred by the Zoning Administrator to any City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment.

12-1-7: COMPLIANCE REQUIRED:

- A. It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the City except in compliance with this title. No plat of any subdivision shall be recorded until it has been submitted and approved as herein. A plat shall not be approved if the land use authority determines such plat to be in conflict with any provision of portion of the general plan, master traffic and transportation plan, master parks and trails plan, zoning ordinance, this title, adopted building and/or fire codes, or any other State law or City ordinance or standard.
- D. The City Engineer, or their designee, shall review for compliance the engineering plans and specifications for the City required improvements for the subdivision and whether the proposed City required improvements are consistent with this title. City design and construction standards, and other applicable ordinances, and shall be responsible for inspecting the City required public improvements and private improvements within the public ROW and private storm drain, private streets, fire hydrants, and on site culinary water within City's service area. Security proceeds collection and administration, and the collection of certain fees. Street layout and
- B. Land or lots within a proposed subdivision shall not be transferred or sold until a final plat of a

subdivision has been recorded in accordance with this title and any applicable provisions of State law. Recordation of the plat shall not occur until the improvements required in connection with the subdivision have been completed; however, upon the developer's request, the City may record the plat prior to the installation of all improvements if the developer has first guaranteed the installation of improvements as provided herein. Construction of any improvements related to the subdivision, including any land disturbance, shall not be commenced until a land disturbance permit has been issued for the project.

C. All lots, plots or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the applicant or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.

D. Restrictive Covenants: If the applicant places restrictions on any of the land contained in the subdivision greater than those required by this title or any other city regulation or requirement, such as restrictions or reference thereto may be required to be indicated on the final plat or recorded with the county recorder. The city has no role or responsibility in creating or enforcing private covenants.

E. A building permit shall not be issued on a parcel or tract of land within a subdivision until:

1. All infrastructure improvements essential to meet the requirements to issue a building permit under the adopted building code and fire code and city ordinances; OR

2. The applicant has provided an improvement completion assurance for the required landscaping and/or infrastructure improvements to the City.

F. The issuance of a building permit for one model home per twenty (20) lots within a recorded subdivision, not to exceed four (4) total model homes in any one recorded subdivision plat, may be allowed prior to the completion of all required subdivision improvements, subject to the following conditions:

1. Said model home is limited to non-residential occupancy. This limitation shall be formalized in an agreement acceptable to the City Attorney which shall be executed prior to the issuance of any building permit for the structure. Said agreement shall include the requirement that conversion to residential occupancy shall be subject to an additional final building inspection and the installation of all required subdivision requirements in the entire subdivision; and

2. Model homes shall only be constructed within seven hundred fifty feet (750') of the subdivision's entrance where it meets a fully improved public street.

G. Until the subdivision is completed and conditionally accepted by the City Engineer and all appropriate agencies, the applicant shall be responsible for the following in the area where building permits have been issued:

1. Maintaining -public roads in a manner that allows continuous access for emergency

2. Maintaining public roadways and all drainage facilities free and clear of dirt and debris which might obstruct water flow or quality of storm water flows; and

3. Maintaining continuous flow capacities to all hydrants in the subdivision.

4. Installing and maintaining street signs.

H. All public improvements must be constructed in accordance with the following:

1. The City's adopted standards and specifications;

2. The requirements of the City Engineer;

3. The development agreement between the applicant and the city (if applicable); and

4. All other applicable city ordinances and regulations.

I. The City will not withhold a certificate of occupancy unless:

1. The applicant and the City have agreed in a written document to the withholding of certificates of occupancy, OR;

2. The applicant has not completed the required landscaping and infrastructure improvements as adopted in City ordinances, or the applicant has not provided assurance for the incomplete landscaping and infrastructure improvements as adopted in City ordinances.

3. The City shall not require assurances for private infrastructure improvements that are not required by the adopted building code, fire code, flood or storm water regulations, street and access requirements, or other necessary public safety improvements as adopted in the City's ordinances, standards and specifications. Nothing in this section shall prevent the City from requiring assurances for private landscaping as required by City ordinances or an applicable development agreement or adopted project plan.

12-1-8: PROHIBITED ACTS:

A. An owner of any land located in a subdivision, as defined in Utah Code Annotated section 10-9a-103, who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.

B. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of subsection A1 of this section or from the penalties or remedies provided in Chapter 1-4 of this Code.
vehicles; and

C. Notwithstanding any other provision of this subsection A, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this section:

1. Does not affect the validity of the instrument or other document; and

2. Does not affect whether the property that is the subject of the instrument or other document complies with applicable municipal ordinances on land use and development.

D. The City may bring an action against an owner to require the property to conform to the provisions of this chapter.

E. An action under this subsection B may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.

F. The City need only establish the violation to obtain the injunction.

12-1-9: PENALTIES:

It shall be a Class C misdemeanor for any person to fail to comply with the provisions of this title. In addition to any criminal prosecution, the City may pursue any other legal remedy to ensure compliance with this title.

12-1-10: APPEALS:

A. Appeals may be made in accordance with section 11-3-4 to the designated appeal authority as set forth in section 11-6-9 of the City's Land Use Ordinance. Such appeal shall set forth in detail the action and grounds upon which the applicant or other person deems himself or herself aggrieved.

B. An aggrieved party may appeal the appeal authority's decision as provided in section 11-3-9 of this Code.

12-1-11: STAFF AUTHORITY:

Unless otherwise specifically provided for in this title, all officers and employees of the City act in an advisory capacity to the -designated land use authority and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity.

Chapter 2 CONCEPT PLAN

12-2-1: CONCEPT PLAN:

12-2-2: SUBMISSION:

12-2-3: REVIEW BY CITY STAFF:

12-2-1: CONCEPT PLAN:

A pre-application meeting with the City's Development Review Committee (DRC) complete with a concept plan is strongly encouraged for all subdivisions as provided in this title. This provides the applicant with an opportunity to consult with and receive assistance from the City regarding the regulations and design requirements applicable to the subdivision of property. The applicant or applicant's duly authorized and certified agent may schedule this meeting with the Community Development Department and submit a complete concept plan for review at the meeting.

12-2-2: SUBMISSION:

The applicant shall submit printed and/or digital copies of the proposed subdivision concept plan to the Bluffdale City Community Development Department for review at the pre-application meeting. The proposed concept plan shall be professionally prepared and include the following items:

- A. The proposed name of the subdivision.
- B. A vicinity plan showing significant natural and manmade features or existing structures on the site and within two hundred feet (200') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than two feet (2'); and north arrow.
- C. A proposed lot and street layout.
- D. Availability and location of utilities and drainage facilities within the vicinity which are adjacent to the property.
- E. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.
- F. The total acreage of the entire tract proposed for subdivision.
- G. County plat map with aerial photo underlay, if available.

12-2-3: REVIEW BY CITY STAFF:

- A. The City Staff shall review the submitted concept plan in a pre-application meeting scheduled with the applicant and check compliance with the City's General Plan, Zoning Ordinance, this Subdivision Ordinance, and other appropriate regulations. The City Staff shall verbally advise the applicant regarding the submitted concept plan, specifying any inadequacy in the information submitted, noncompliance with City regulations, questionable or undesirable design and/or engineering. City Staff may also request any additional information which may assist them to evaluate the proposed subdivision.

B. The City Staff may request additional information, data or studies to be provided for the overall development before comments regarding the concept plan are provided. Any recommendation given by the City Staff may include requirements for the overall development as part of its findings on the concept plan.

Chapter 3 PRELIMINARY PLAT

12-3-1: PURPOSE OF THE PRELIMINARY PLAT:

12-3-2: APPLICATION AND FEES:

12-3-3: PRELIMINARY PLAT SUBMITTAL:

12-3-4: REVIEW AND APPROVAL:

12-3-1: PURPOSE OF THE PRELIMINARY PLAT:

The purpose of the preliminary plat is to require formal preliminary approval of a subdivision to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat shall in all respects comply with the provisions of this title and all other applicable provisions of this code.

12-3-2: APPLICATION AND FEES:

After receiving concept plan comments from the City's Development Review Committee (DRC), an applicant may file an application for preliminary plat approval with the Community Development Department on a form prescribed by the City, together with the required number of drawings sets of the preliminary plat, and the application fee as set forth in the consolidated fee schedule. Applications for preliminary and final plats may be processed concurrently.

12-3-3: PRELIMINARY PLAT SUBMITTAL:

The preliminary plat shall include:

A. Vicinity Map: A vicinity map drawn at a scale of one thousand feet to the inch (1,000' = 1") showing:

1. All existing and proposed roadways in the vicinity of the development;
2. A north arrow;
3. The nearest section corner tie; and
4. The subdivision name.

B. Preliminary Plat: A preliminary plat drawn at a scale not larger than one hundred feet to the

inch (100' = 1") and prepared, stamped and signed by a Licensed Professional Surveyor licensed by the State of Utah, showing:

1. All facilities within one hundred feet (100') of the subdivision boundaries;
2. A north arrow;
3. The subdivision name;
4. The layout and names and widths of existing, proposed, and future road rights of way; _____
 - a. Transportation infrastructure as indicated on the adopted Transportation Plan or adopted Capital Facilities Plan shall be included in the development plans of the proposed subdivision.
5. A tie to a permanent survey monument at a section corner;
6. The boundary lines of the subdivision with bearings and distances;
7. The layout and dimensions of proposed lots with lot areas in square feet;
8. The location, dimensions and labeling of all other spaces including open spaces, parks, trails, and public spaces;
9. Addresses for each lot and parcel
10. Ownership of all adjoining tracts of land.
11. The location of manmade features including bridges, railroad tracks, fences or walls, and buildings;

C. Grading and Drainage Plan: A grading and drainage plan drawn to a scale not larger than forty feet to the inch (40' = 1"), showing:

1. The road and lot layout;
2. Topography at two foot (2') contour intervals;
3. A north arrow;
4. The subdivision name;
5. Areas of substantial earthmoving and including in such cases an erosion control plan;
6. The location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains;

7. The location of any 500-year floodplain, 100-year floodplain, and floodway as designated by the federal emergency management agency (FEMA);

8. Any existing wetland; and

9. All drainage facilities, including water flow directions, ditches, swales, gutter flow capacities, inlets, outlets, catch basins, pipes, culverts, outlets to off-site facilities, storm water control facilities, control structures, and orifice plates planned to accommodate, convey, and control the project's storm drainage and detention storage for the storm events defined in City of Bluffdale Storm Water Design Standards Manual, and which also comply with the adopted standards and specifications.

10. The location and dimensions of all existing and proposed easements and entities to which they are granted.

D. Utility Plan: A utility plan drawn to a scale not larger than forty feet to the inch (40' = 1"), showing:

1. The road and lot layout;

2. A north arrow;

3. The subdivision name;

4. All existing and proposed utilities, including sewer, culinary water, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, and streetlights; and

E. Phasing Plan: When a subdivision is proposed to be developed in phases, the applicant shall identify the location of all proposed phases along with a proposed time line for the construction of proposed public improvements.

G. Geotechnical Investigation: The required number of printed and/or digital copies of a soils report.

H. Storm Drainage Report: The required number of printed and/or digital copies of report that complies with the City of Bluffdale Storm Water Design Standards Manual.

I. Traffic Study: A traffic impact analysis as required by the City Engineer.

J. Title Report: A preliminary title report dated within thirty (30) calendar days of application submittal.

K. Storm Drainage Agreements: Any agreements required for the legal discharge and conveyance of storm water drainage.

L. Evidence Of Compliance: Evidence of compliance with all applicable Federal, State, and

local laws and regulations if requested by the Development Review Committee.

M. Digital Drawing Copies: Electronic copies of preliminary plat drawings in AutoCAD (DWG), shapefile (SHP)

Format, and pdf format.

12-3-4: REVIEW AND APPROVAL:

A. Review: Upon receipt of a complete application for preliminary plat approval city staff shall review the application for compliance with adopted standards and ordinances.

B. Recommendation and Approval: The land use authority as set forth in section 11-3-9 of the City's Land Use Ordinance shall review the preliminary plat submittal and determine compliance with the standards and criteria set forth in this chapter and all other ordinances of Bluffdale City, including the land use ordinances, general plan, transportation plan, and City standard specifications and design criteria. Notice of the public meeting(s) and/or hearing(s) shall be given in accordance with section 11-3-6 of the City's Land Use Ordinance. Upon receiving a recommendation, the land use authority may approve, approve with conditions or, if the application does not comply with regulations, terminate processing the application until it complies with adopted standards and ordinances. The land use authority shall make findings on the record specifying any inadequacy in the application and noncompliance with City regulations in the event of termination.

C. Limitation Of Approval: Granting of preliminary plat approval shall not constitute a final acceptance of the subdivision by the City. Approval of the preliminary plat shall not relieve the applicant of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards and requirements.

Chapter 4

FINAL PLAT AND CONSTRUCTION DRAWINGS

12-4-1: FINAL PLAT; PURPOSE:

12-4-2: APPLICATION AND FEES:

12-4-3: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

12-4-4: REVIEW BY CITY STAFF:

12-4-5: APPROVAL BY LAND USE AUTHORITY:

12-4-6: RECORDING OF FINAL PLAT:

12-4-1: FINAL PLAT; PURPOSE:

The purpose of the final plat is to require formal approval by the City of Bluffdale before a subdivision plat is recorded in the Office of the County Recorder.

12-4-2: APPLICATION AND FEES:

A. Following approval of the preliminary plat (if not submitted concurrently) the final plat, along with the required number of sets of required information shall be submitted at the time of final plat application and shall conform in all respects to those requirements specified in this title. The applicant shall file an application for final plat approval with the Community Development Department on a form prescribed by the City, together with the required number of copies of the proposed final plat drawings.

12-4-3: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

All required materials, including applicable fees paid pursuant to the adopted consolidated fee schedule, must be submitted before review of a final plat may commence.

A. The final plat shall show the subdivision name in a title heading and the general location of the subdivision in bold letters at the top of the sheet.

B. The plat shall contain a north arrow and scale no larger than 100' to the inch (100' = 1") of the drawing. The month and year shall be indicated under the title heading and location designation at the top of the plat.

C. An accurate and complete survey to second order accuracy shall be made of the land being subdivided. A traverse of the exterior boundaries of the tract and of each block when computed from field measurements on the ground shall close within a tolerance of one foot (1') to twenty thousand feet (20,000').

D. Plats shall include accurately drawn boundaries showing the bearings and dimensions of all boundary lines of the subdivision tied to public survey monuments.

E. The final plat shall show all survey and mathematical information necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, central angle, radius and arc length of curves with associated chord bearing and distance, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments shall show the calculated County coordinates.

F. All lots, blocks, and parcels offered for dedication for any purpose shall be designated with dimensions, boundaries and courses clearly shown. The square footage of each lot shall be shown. Parcels being dedicated, including streets and easements, shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof.

G. The plat shall show the right-of-way lines of each street, the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown. Proposed street names shall be provided on the plat for review. Names cannot be duplicated within the county and must be approved by Salt Lake County and the City of Bluffdale. Streets which are a continuation of existing

streets shall carry the same name.

H. The plat shall show the location and dimension of any existing or proposed easements, rights of way, or other encumbrances.

I. The plat shall specify the owner and entity in charge of maintaining all public and private infrastructure.

I. Construction Plans: All plan shall adhere to City standards, specification, and manuals. Plans shall include, but are not limited to, the following sheets; plat, demolition, site plan, grading and drainage, utility, signage and striping, and details. The following features, at a minimum, shall be shown on the construction plans:

1. Profiles showing existing and proposed elevations along centerlines of all roads, along with typical cross sections. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred feet (100') of the intersection shall be shown. Approximate radii of all curves, lengths of tangents and central angles on all streets.

2. Plans and profiles showing the locations of curb and gutter, sidewalks, drainage easements, irrigation ditches, rights of way, manholes and catch basins, street trees, streetlights and signs, the location, size and invert elevations of existing and proposed sanitary sewers and stormwater drains, fire hydrants, connections to any existing or proposed utility systems, and exact location and size of all water, gas or other underground utilities or structures. All street monuments shall be indicated on the construction plans.

a. Underground Location: Utility facilities including power, gas, telephone and cable, shall be located underground in new subdivisions when underground location does not violate safety standards of the particular utility, and underground location does not impose additional maintenance burden on city streets and water/sewer personnel. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the applicant and shall be marked on the surface, as shall casings or conduits for all other underground utilities in accordance with adopted standards.

3. 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, streams, swamps, wetlands, buildings, features noted on the official zone map, point of connection to proposed facilities and utilities within the subdivision, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall refer to the NAVD 88. The horizontal datum shall be to the state plane Utah central zone, NAD 83, in U.S. feet, and tied to a county section corner used as a basis of bearing. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less

than twenty feet (20') back from the ordinary high water mark of such waterways.

4. Topography at the same scale as the preliminary plat with contour intervals at two feet (2'), referred to sea level datum. All datum provided shall be the latest applicable U.S. geodetic survey datum and should be so noted on the plat.

5. All other specifications, details and references required by adopted design guidelines and standard specifications, construction specifications and standard drawings, including a site grading plan for the entire subdivision.

6. Title, name, contact information, signature and seal of the professional engineer preparing the plans, and date, including revision dates.

7. A limits of disturbance, revegetation, and erosion control plan.

8. Signing and Striping Plan

J. Lots shall be numbered consecutively under a definite system. Numbering shall continue throughout the subdivision with no omissions or duplications. Each lot shall show the street addresses assigned thereto according to the standard addressing methods approved by the City. In the case of corner lots, an address will be assigned for each street frontage.

K. Streets shall be numbered in accordance with and in conformity with the street numbering system adopted by the City. Named streets shall also be numbered.

L. The side lines of all easements shall be shown by fine dashed lines. The width of all easements and bearing, distances, dimension, ties or other depictions to definitely locate the same on the ground shall be shown. All easements shall be clearly labeled and identified.

M. The plat shall show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the applicant under the direction of the City Engineer. The following monuments shall be shown on the final plat:

1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; and

2. All right-of-way monuments to be set or otherwise installed at angle points and intersections as approved by the City Engineer.

N. The final plat shall contain the name, stamp and signature of the Licensed Professional Surveyor who prepared the plat, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:

1. A registered land surveyor's "certificate of survey";
2. An owner's dedication certificate with appropriate notary public acknowledgements;
3. A correct metes and bounds description of all property included within the subdivision;
4. The signatures of the water provider, sewer provider, natural gas provider, electric power provider, local telephone service provider, Utah County and/or Salt Lake County Health Department, and blocks for signatures of the City Engineer, City Attorney, the designated Land Use Authority and an attestation by the City Recorder, and a signature block for the County Recorder in the lower right corner of the final plat; and
5. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, this title, or by the City Attorney.

O. Prior to recordation of the plat, the applicant shall submit a title report prepared and dated not more than thirty (30) calendar days before the proposed recordation of the final plat, to be reviewed by the City Attorney.

P. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the applicant shall submit with the final plat the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements.

Q. The applicant shall submit a street tree plan in accordance with Title 7 Chapter 4.

R. If the proposed subdivision is located within 1,000 feet of a vested Critical Infrastructure Materials Operation as set forth in Utah Code Annotated 10-9a-9 the following note shall be included on the final plat:

1. "Vested Critical Infrastructure Materials Operations – This property is located in the vicinity of an established vested critical infrastructure materials operations in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from such normal critical infrastructure materials operations."

12-4-4: REVIEW BY CITY STAFF:

The City Staff shall review the final plat and construction drawings conformance to adopted standards and ordinances. If the final plat complies, the Staff shall forward the plat to the land use authority as designated in section 11-3-9 of this code. If the plat does not comply, the City Staff shall return the plat to the applicant with comments for the applicant's revision.

12-4-5: APPROVAL BY LAND USE AUTHORITY:

A. The land use authority shall not be bound by the recommendations of the city staff and may set its own conditions and requirements consistent with this title. If the land use authority determines that the final plat is in conformity with the requirements of this title, adopted standards, other applicable ordinances, and any reasonable conditions as recommended by the City Staff, it may approve the final plat. If the land use authority determines that the final plat is not in conformity with this title, adopted standards, other applicable ordinances or any reasonable conditions imposed, the land use authority may terminate processing the application until it complies with adopted standards and ordinances. The land use authority shall make findings on the record specifying any inadequacy in the application and noncompliance with City regulations in the event of termination.

B. Minor Subdivisions: A “minor” subdivision shall be defined as a subdivision of ten (10) or fewer lots from a parcel or a phase of lots which have received prior approval in the form of an approved site plan, project plan, development agreement or similar instrument.

1. Applications for a minor subdivision shall include the materials set forth in this chapter and shall be reviewed for compliance with adopted standards and ordinances by the City’s Development Review Committee (DRC).

2. Following the review and recommendation of the DRC the application shall be forwarded to the land use authority as set forth in section 11-3-9 of this code for their decision. The land use authority may, after review of the plan and comment from other departments and agencies, direct the applicant to follow the standard approval process required for subdivisions, as described in this title. The land use authority may take the following into account when determining whether the application will be required to follow the standard approval process:

a. The size and phasing of the proposed development;

b. Compliance with adopted City ordinances, standards and master plans, and development agreements (if applicable); and

c. The controversial nature of the proposal.

3. Appeal: The applicant may appeal the decision of the land use authority in accordance with section 11-

3-4 of this code to the designated appeal authority as set forth in section 11-3-9 of this code.

12-4-6: RECORDING OF FINAL PLAT:

A. After receiving approval from the designated land use authority and all required signatures on the mylar have been completed, the final plat shall be presented by the City Recorder to the County Recorder for recordation, provided improvements have been completed and accepted or an improvement guarantee agreement has been executed.

B. Acceptance of Dedication Offers: Acceptance of formal offers of dedications of streets, public areas, easements and parks shall be by ordinance of the City Council when a final plat is not

prepared.

Chapter 5 MINOR SUBDIVISIONS

12-5-1: GENERAL PROVISIONS:

12-5-1: GENERAL PROVISIONS:

Minor Subdivisions: A “minor” subdivision shall be defined as a subdivision of ten (10) or fewer lots from a parcel or a subdivision of any number of lots from a parcel within a phase of an approved project plan.

A. Applications for a minor subdivision shall include the materials set forth in this chapter and shall be reviewed for compliance with adopted standards and ordinances by the City’s Development Review Committee (DRC).

B. Following the review and recommendation of the DRC the application shall be forwarded to the land use authority as set forth in section 11-3-9 of this code for a final decision. The land use authority shall consider the application in a public hearing and give notice of the meeting time, date, and location in accordance with section 11-3-6 of the Bluffdale City code. The land use authority may, after review of the plan and comment from other departments and agencies, direct the applicant to follow the standard approval process required for subdivisions, as described in this title. The land use authority may take the following into account when determining whether the application will be required to follow the standard approval process:

1. The size and phasing of the proposed development;

2. Compliance with adopted City ordinances, standards and master plans; and

3. The controversial nature of the proposal.

C. Appeal: The applicant may appeal the decision of the land use authority in accordance with section 11-3-4 of this code to the designated appeal authority as set forth in section 11-3-9 of this code.

Chapter 6 PLAT AMENDMENTS

12-6-1: PETITION FOR AMENDMENT:

12-6-2: AMENDMENT PROCEDURE:

12-6-3: AMENDED PLAT REQUIREMENTS:

12-6-4: LOT LINE ADJUSTMENTS, JOINING LOTS, PARCEL BOUNDARY ADJUSTMENTS, AND BOUNDARY LINE AGREEMENTS:

12-6-1: PETITION FOR AMENDMENT:

A. Property Owner: Any fee owner of property lying within a recorded subdivision plat may petition the City requesting to vacate, alter or amend the subdivision plat. The petition shall include:

1. The name and address of all owners of record of the land contained in the entire plat;

2. The name and address of all affected entities;

3. The signature of each of the owners identified in subsections A1 and A2 of this section who consent to the petition; and

4. The fee as set forth in the Bluffdale City consolidated fee schedule.

B. City: The City on its own initiative may consider the vacation, alteration or amendment of a subdivision plat.

The procedure for such consideration shall be as set out in this chapter.

12-6-2: AMENDMENT PROCEDURE:

A. Recommendation: Upon receipt of a petition to vacate, alter, or amend a subdivision plat, the matter shall be referred to the land use authority as designated in section 11-3-9 of this code for consideration.

B. Public Meeting: The land use authority shall hold a public meeting wherein the application is reviewed and a decision is issued. Notice of the public meeting shall be given as provided in section 11-3-6 of the City's Land Use Ordinances.

C. Vacating A Public Street, Right-Of-Way Or Easement: A petition under this section that proposes to vacate some or all of a public street, right-of-way or easement shall comply with State Code.

D. Notice: Notice shall be given in accordance with section 11-3-6 of this code.

12-6-3: AMENDED PLAT REQUIREMENTS:

Prior to the land use authority's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the City an amended plat map and supporting information in compliance with the requirements of section 12-4-3 of this title. The amended plat map shall be accompanied by the appropriate recording fee to provide for recordation of the map

with the County Recorder.

12-6-4: LOT LINE ADJUSTMENTS, JOINING LOTS, PARCEL BOUNDARY ADJUSTMENTS, AND BOUNDARY LINE AGREEMENTS:

A. Lot Line Adjustments: Consenting owners of adjoining properties in a subdivision may relocate the mutual property boundary line between their adjoining lots pursuant to this section.

1. The designated land use authority for lot line adjustments is set forth in section 11-3-9 of this code.

2. Applications shall:

a. Be filed jointly by the owners of both subject properties.

b. Include the legal description of each original property.

c. Include the proposed adjusted legal description of each property as proposed. Legal descriptions shall be prepared by a certified surveyor or engineer licensed in the State of Utah.

3. The land use authority shall approve and provide a notice of approval to the applicants for applications that comply with the following requirements:

a. No new dwelling or lot or housing unit will result from the adjustment.

b. The properties as proposed comply with all adopted standards and ordinances.

4. The property owners that are a party to the application shall record with the Salt Lake County Recorder's Office the notice of approval and a valid document of conveyance that results in the property boundaries described by the legal descriptions submitted with the lot line adjustment application.

B. Joining Lots: A fee owner may join two (2) or more of the petitioner fee owner's contiguous lots as long as

the joined lots comply with this Code. The land use authority for joining lots shall be set forth in section 11-3-9 of this code.

C. Parcel Boundary Adjustments And Boundary Line Agreements: A parcel boundary adjustment or boundary line agreement subject to Utah Code Annotated 10-9a-523 and 10-9a-524, as amended, shall not require review by the City.

CONDOMINIUM PLATS

12-7-1: APPROVAL PROCESS:

12-7-1: APPROVAL PROCESS: Applications to create a condominium plat shall follow the application and approval process as set forth in Chapter 12-6: Plat Amendments in accordance with the standards and regulations herein and as prescribed in State law.

Chapter 8

GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

12-8-1: SUBDIVISION LAYOUT:

12-8-2: LOTS:

12-8-3: STREETS:

12-8-4: DRAINAGE:

12-8-5: UTILITIES:

12-8-6: LANDSCAPING AND TREES:

12-8-7: IMPROVEMENTS REQUIRED:

12-8-1: SUBDIVISION LAYOUT:

The subdivision layout shall conform to the City's standards and ordinances.

12-8-2: LOTS:

A. Developable Lots: All subdivisions should result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, driveway grades, or other physical conditions.

B. Frontage: All lots or parcels created by the subdivision shall have frontage on a street, improved to standards hereinafter required. This standard shall not apply to commercial development given adequate cross access is provided between any and all affected developments and/or properties. Land designated as right-of-way shall be separate and distinct from lots adjoining such right-of-way and not be included in the area of such lots.

C. Double Frontage Lots: Double frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. The street frontage adjacent to the rear of any approved double frontage lots shall be improved by the applicant in accordance with the standards set forth in the City's subdivision standards. Unless specifically approved by the City Engineer, no double frontage lot shall have vehicular access from the street frontage adjacent to the rear of the lot.

- D. Minimum Area, Dimensions: The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinance for the district in which the subdivision is located.
- E. Side Lines: The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul-de-sac on which the lots face.
- G. Lot Divisions: A lot shall not be divided by a City limit line or County boundary line.
- H. Remnants: Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or suitable for common open space, private utility or public purpose.
- I. Parcels Included In Plat: All portions of all parcels from which a subdivision is created shall be included within the subdivision plat.
- J. Building Envelopes: Building envelopes shall be required to be shown on all final plats designating the buildable area on each lot. Building envelopes shall take into account minimum setback requirements, utility and access easements, physical constraints, such as steep slopes, waterways, wetlands, faults, and any other features deemed significant by the designated land use authority. The accurate identification of the building envelope in the field is the responsibility of the developer. A certificate of survey, prepared by a registered land surveyor, licensed in the State of Utah, may be required. All existing and new structures in a subdivision are required to satisfy the lot area, setback and frontage requirements of the zone in which they are located.
- L. Access: Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the city may require that such lots be served by a combined access drive in order to limit possible traffic hazard on the arterial or collector streets. Where possible, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on arterial or collector streets.

12-8-3: STREETS:

- A. Location: Streets shall be located within a subdivision so they connect with existing streets. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided. Development on pre-existing private rights of way is permitted in accordance with section 11-16-27-25 of this code. Prior to final plat approval, the city shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.
1. Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half streets. The City Engineer may authorize a new perimeter street, however, the applicant shall be required to improve half the width of the right of way plus ten

feet (10') , and dedicate the entire required street right-of-way width, if it is in the applicant's control to do so.

2. Where a subdivision borders an existing narrow road or where the General Plan, Transportation Plan, or Capital Facilities Plan indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Frontage roads and streets shall be improved and dedicated at the applicant's expense to the full width as required by this title.

B. Cross Section: All streets, whether public or private, shall conform to the cross section designated by the City's adopted Transportation Plan and adopted standards and specifications. At present it is the preference of the city for all subdivision streets to be dedicated public streets. However, if private streets are approved, they must be constructed to meet all requirements of public streets in case the city is required to maintain the streets in the future. The land area for streets or right of way shall not be included in or counted toward the minimum area required for a lot.

C. Curbs, Gutters, Sidewalks: Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the applicant in all subdivisions in accordance with adopted standards and specifications.

E. Cul-De-Sacs and Dead End Streets:

1. In order to provide adequate emergency access to and from the development and proper circulation, two (2) points of ingress and egress shall be required in all subdivisions with the following exceptions:

a. Any subdivision, or portion of a subdivision, which cannot provide two (2) points of ingress and egress in a practical manner shall be limited to no more than thirty (30) single family residential lots or units or 100 multi-family units; provided, that in no case shall the single ingress/egress exceed a maximum of one thousand feet (1,000') in length, regardless of the number of dwelling units accessing from it, unless specifically allowed by other applicable provisions of the city land use ordinances or the adopted building or fire codes. This measurement shall begin at the point at which a person last has a choice between at least two public streets or rights of way for travel.

b. A subdivision, or portion of a subdivision, which will be served by more than one point of ingress and egress in the future may receive approval for no more than thirty (30) single family residential lots or units or 100 multi-family units until a second point of ingress and egress is provided and so indicated on the final plat; provided, that in no case shall the single ingress/egress exceed a maximum of three thousand feet (3,000') in length, regardless of the number of dwelling units accessing from it, unless specifically allowed by other applicable provisions of the city land use ordinances. This measurement shall begin at the point at which a person last has a choice between at least two public streets or rights of way for travel. The second access, when built, shall be constructed in accordance with adopted standards and specifications.

F. Bridges:

1. Bridges of primary benefit to the applicant shall be constructed at the full expense of the applicant without reimbursement from the city. The sharing of expense for the construction of bridges not of primary benefit to the applicant shall be in accordance with adopted state law provisions.

12-8-4: DRAINAGE:

The applicant shall construct and install drainage systems conforming to the City's adopted standards, specifications, and manuals.

12-8-5: UTILITIES:

A. Underground: All required utilities shall be provided in accordance with adopted standards. All underground utilities specified in this section shall be installed prior to the installation of road base, surfacing, curbs, gutters and sidewalks. The applicant shall stub all utility services to outside the city right of way unless specified differently by adopted standards and specifications. Underground utilities shall be installed only after streets have been rough graded to a line and grade approved by the City Engineer.

B. Culinary Water: A culinary water supply, which must be approved by the City Engineer, shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the City. Where an approved culinary water supply is available, the City will require to be installed, at the applicant's expense, water mains, valves, and service laterals to each lot within the subdivision. Private water system shall meet rules and requirements set by State Division of Drinking Water (DDW) and provide documentation of approval by DDW to the city.

C. Fire Hydrants: Fire hydrants shall be installed at locations determined by the City Engineer and the Fire Chief in accordance with adopted standards and specifications. Fire hydrants shall be governed by the requirements of the Fire Code adopted by the City.

D. Sanitary Sewer: The applicant shall install sanitary sewer facilities under the direction of and in accordance with the specifications, review and approval of the South Valley Sewer District.

E. Electric Facilities: The applicant shall install electrical facilities under the direction of and in accordance with the specifications, review, and approval of the local electrical power provider.

F. Supplementary Utility Facilities (natural gas, telecom, communications): The applicant shall install natural gas facilities, telecommunications, and communications facilities under the direction of and in accordance with the specifications, review, and approval of local utility providers.

G. Subsurface Water Drains: Subsurface water drains may be installed at the option of the applicant. All plans for such subsurface drains proposed by the applicant shall be reviewed and approved by the City Engineer, or their designee. All such subsurface drains shall meet the minimum requirements for design and construction of such drains, as specified by the City. The City may, based on the findings and recommendations of a soils report and other relevant analysis, require that no basements are constructed in certain areas with identified high water tables. If no basements are allowed, a note shall be placed on the plat reflecting this requirement.

H. Streetlights: Streetlights shall be provided in all subdivisions in accordance with adopted standards and ordinances.

I. Utility Easements: Utility easements shall be provided within the subdivision as required for public utility purposes. All lots shall include a ten foot (10') easement around the entire perimeter. Additional easements, or increased width of easements, may be required as necessary to provide for adequate utility service and/or drainage within the subdivision and adjoining parcels. Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least ten feet (10') in width shall be provided with satisfactory access to the nearest public right of way. Whenever possible, utilities shall be installed within dedicated public rights-of-way or other streets. Where city utilities are located outside of the public right of way a perpetual unobstructed easement at least ten feet (10') in width shall be provided with satisfactory access to the nearest public right of way in the name of the city. All utilities easements shall be indicated on the plat.

J. Irrigation and Secondary Water: The applicant shall be responsible for dedicating adequate secondary water in accordance with section 8-5-3 of this code. Unless otherwise provided in this code, adequate facilities shall be provided within the subdivision for the utilization of secondary water as irrigation.

12-8-6: LANDSCAPING AND TREES:

A. Landscaping: A landscaping plan shall be required for all subdivisions within the City detailing the landscaping in all public and common areas of the development and any other area required to be landscaped as a condition of development approval. All landscaping plans shall indicate who will be responsible for landscaping installation and how maintenance of the landscaped areas will be performed and by whom. All landscape plans and irrigation systems will conform to Bluffdale City's adopted standards and specifications. A landscaping plan for all park strips is required to be submitted with the final plat application for all subdivisions. This plan shall indicate the plan for ground cover within park strips, and shall also include details on the irrigation system required to support the designated ground cover and required street trees. Drip or similar deep watering systems shall be indicated where street trees are present within the landscaping plan.

B. Street Trees:

1. Street Trees Required: All developers of residential subdivisions in Bluffdale City shall provide street trees as part of the landscaping plan in order to reduce heat, dust, glare and the need for cooling and heating; to help clean and oxygenate the air; to reduce road noise; to prevent erosion and promote soil health; to mask undesirable views and enhance pleasing views; to develop continuity among developments; and to generally enhance the appearance of the City streets and promote a sense of civic pride and vitality. A street tree plan, which is in accordance with Bluffdale City standards and Chapter 7-4: Trees of the Bluffdale City Code, shall be submitted with the final plat application for all subdivisions. The applicant is responsible for ensuring the installation of the required number, species, and caliper of street trees, per the approved street tree plan, prior to the issuance of a certificate of occupancy for any dwelling.

2. Tree Bond: Security for street tree installation is required to be provided with all subdivision. The applicant shall post an escrow bond with the City prior to recording any subdivision or phase of each subdivision. The bond amount shall be set by the City and shall be set in an amount sufficient to cover the cost of providing trees for the individual lot, but shall not be less than three hundred dollars (\$300.00) per required tree. Bonds will be held by the Bluffdale City Community Development Department, and shall not be released until a site inspection has verified the proper tree installation has occurred, in accordance with the procedure outlined below:

Total street tree and park strip landscaping bond amounts shall be calculated by multiplying the number of trees shown on the approved street tree and landscaping plan by three hundred dollars (\$300.00), and additionally adding in an estimated landscaping and irrigation systems cost. This bond would be posted with each subdivision or phase of a subdivision prior to the recording of any final plat. During the construction and occupancy of homes within a subdivision, applicant would have two (2) annual opportunities to reduce or refund a portion of the bond amount. These reductions of the street tree bond amount would be linked to the installation of the street trees as described on the street tree planting plan.

3. Street Tree Installation: All residential subdivisions shall have street trees and irrigation systems installed within the park strip between the sidewalk and curb. In areas where there is no sidewalk or no park strip between the sidewalk and curb, street trees shall be installed at adjacent to the right-of-way. Street trees shall be installed in accordance with the standards and specifications developed by the City Tree Commission and adopted by the City Council. Irrigation systems shall be professionally installed by a licensed contractor, and shall include an automatic watering system appropriate to the approved tree and park strip planting plan. The developer shall prepare a street tree plan for each residential subdivision which shall be reviewed by the Bluffdale City Community Development Department. Tree species selection shall vary by street to add variation in form, texture, color and general visual effect to the subdivision. A diversity of species shall also be provided to minimize the danger of losing an entire monospecific planting to blight, insects or some other species specific condition. After installation by the applicant, individual homeowners are responsible for the irrigation and maintenance of required park strip street trees.

C. Open Space Requirements: Units may be clustered in the most suitable and least sensitive portions of the site with common open space corridors separating clusters, in accordance with adopted ordinances. Any open space corridors should be designed to coincide with significant

vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners' association, unless dedicated and accepted by the city. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development.

D. Fencing: Each applicant shall be required to furnish and install fences when the city determines that a hazardous condition exists. The fences shall be constructed in accordance with section 11-16-14 of the city's land use ordinances and shall be noted as to height and material on the final plat. Fences located within five feet (5') of a fire hydrant must be approved by the fire chief.

12-8-7: IMPROVEMENTS REQUIRED:

All improvements shall be installed in accordance with the city's subdivision standards and specifications, the adopted Capital Facilities Plan, the adopted Transportation Plan, the adopted Parks and Trails Plan, the development agreement between the applicant and the city (if applicable) and all other applicable city ordinances and regulations.

- A. Costs of Improvements: All required improvements shall be completed by the applicant, at their expense, without reimbursements by the city, and in accordance with adopted standards, fee schedules, and ordinances.
- B. Temporary Improvements: The applicant shall build and pay for all costs of temporary improvements required by the city, and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the applicant shall file with the City Engineer a separate suitable guarantee, in accordance with this title for temporary facilities which ensures that the temporary facilities will be properly constructed maintained and removed.
- A.C. Maintenance of Improvements: The maintenance of all required improvements in the subdivision is the applicant's responsibility until accepted by the city.
- B.D. Fees Paid Prior to Acceptance: All applicable application, field engineering, inspections, and inspection administration fees shall be paid prior to acceptance of the subdivision.

Chapter 9 ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

12-9-1: ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS:

12-9-2: COMMENCEMENT OF EXCAVATION AND INSTALLATION OF IMPROVEMENTS:

12-9-3: INSPECTION OF IMPROVEMENTS AND RELEASE OF IMPROVEMENT COMPLETION

ASSURANCE:

12-9-4: ESCROW DEPOSITS FOR LOT IMPROVEMENTS:

12-9-5: MAINTENANCE OF IMPROVEMENTS:

12-9-1: ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS:

A. Completion of Improvements: Before the final plat is signed by the City Engineer, all applicants shall be required to complete any and all improvements required for development or provide an improvement completion assurance according to subsection B of this section. The applicant shall dedicate all applicable land and public improvements to the City, including any water right transfers, conservation easements or dedications of public lands to land trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

B. Improvement Completion Assurance:

1. The applicant shall post an acceptable improvement completion assurance ("completion assurance") prior to the recording of the final plat, in an amount estimated by the City Engineer sufficient to secure to the City the satisfactory construction, installation, dedication of all required landscaping and infrastructure improvements. The amount of the completion assurance shall be in an amount or value equal to one hundred percent (100%) of the estimated cost of the required improvements and amenities as determined by the City Engineer.

2. The completion assurance shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth by the City Attorney. The completion assurance shall not be used to pay any contractual obligations of the applicant.

3. The completion assurance agreement shall be completed on the City supplied Bond Agreement form for the full subdivision improvements cost and be in one of the following forms:

a) An escrow agreement and deposit account with a federally insured bank or credit union making proceeds available to the City in the case of the developer's default upon the City presenting a sight draft at an office located within fifty (50) miles of the City. (Three party Bond Agreement)

b) Cash or a cashier's check, for deposit with the City in its bank accounts. (Two party Bond Agreement)

The completion assurance shall be approved by the City Engineer with surety and conditions satisfactory to protect the public's interest and ensure construction of required improvements.

Interest, if any, earned by the City on the deposited sum shall be retained by the City as reimbursement and an offset for the cost of administering the completion assurance.

4. All required subdivision improvements shall be completed within two (2) years of final plat approval. At such time, if the improvements have not been completed, the City Council may direct the City Engineer to complete the remaining improvements using the completion assurance.

C. Temporary Improvements: The applicant shall build and pay for all costs of temporary improvements required by the City, and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the City Engineer a separate suitable completion assurance, in accordance with this title, for temporary

facilities, which ensures that the temporary facilities will be properly constructed, maintained and removed.

D. Costs of Improvements: All required improvements shall be completed by the applicant, at their expense, without reimbursement by the City or any improvement district therein, and in accordance with adopted codes, standards, fee schedules and ordinances.

E. Acceptance of Dedication Offers: Acceptance of formal offers of dedications of streets, public areas, easements and parks shall be by ordinance of the City Council when a final plat is not prepared.

12-9-2: COMMENCEMENT OF EXCAVATION AND INSTALLATION OF IMPROVEMENTS:

A. Final Plat Approved And Recorded: Prior to commencement of the construction of any subdivision improvements, the final plat of the subdivision shall have received approval from the City Council, and the applicant shall have provided assurance for completion and maintenance of improvements, in accordance with section 12-9-1 of this chapter. The final plat shall be recorded in the office of the county recorder.

B. Commencement of Construction: Once the requirements listed above have been satisfied, the City engineer shall authorize construction to commence with a written notice to proceed. The applicant shall request in writing and have attended a preconstruction meeting with the City Engineer. The applicant shall be allowed only to clear & grub and perform preliminary grading with a valid land disturbance permit issued by the City Engineer prior to plat approval, in accordance with City ordinances, prior to getting all required permits and preconstruction conference. Commencement of excavation and installation of subdivision improvements prior to completing the requirements of this section before authorized to do so may cause appropriate legal action and enforcement remedies by the City.

C. Weather Passable Access; Fire Protection: No construction shall be allowed to begin until an all weather passable access in accordance with City standards and as approved by the Fire Chief and City Engineer has been completed. No combustible construction shall be allowed to begin until fire protection in the form of water lines and fire hydrants is complete and accepted by the City.

D. Infrastructure Placed Prior To Occupancy Certificate: No certificate of occupancy, either temporary or final, shall be granted until the required safety infrastructure has been placed in a subdivision and approved by the appropriate service providers, and the access to the structure has been completed, inspected and approved.

12-9-3: INSPECTION OF IMPROVEMENTS AND RELEASE OF IMPROVEMENT COMPLETION ASSURANCE:

A. General Procedure and Fees: The City Engineer or designee shall inspect the required improvements and amenities during construction and ensure their satisfactory completion. The

applicant shall, in accordance with the City fee schedule, pay to the City inspection fees. These fees shall be due and payable upon demand of the City. Completion assurance and/or improvement warranty monies may not be released until all outstanding inspection fees are paid. If the City Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the adopted design guidelines and standard specifications and plans, the applicant shall be responsible for completing the improvements. The City shall use any and/or all completion assurance monies to complete any improvements that are not according to design guidelines and standard specifications and have not been rectified by the applicant.

B. Reduction of Improvement Completion Assurance: At the written request of the applicant, the City Engineer shall reduce the completion assurance after the City has inspected and accepted any portion of the landscaping or infrastructure improvements that have been built by the amount relative to the completed work up to 75% of the total cost of all improvements.

C. Acceptance of Public Improvements: The applicant, upon completion of a portion or all of the improvements shall request in writing that the City perform a final inspection to verify that the construction of the improvements meets all City requirements. The City Engineer shall inform the City Council of the acceptance of the improvements when all items, and punch list items, if any, are completed.

D. Release of Improvement Completion Assurance: Subject to the maintenance provisions contained in this title, the City will not accept dedication of required improvements or amenities, or release a completion assurance, until the City Engineer has verified that all required improvements and amenities have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as built" drawings of the subdivision indicating location, dimensions, materials, improvements and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with the approved construction plans for the subdivision. The "as built" plans must comply with subsection D, "As Built Drawings", of this section. Any or all remaining portion of the completion assurance will be released after the City has ascertained that "as built" plans have been submitted in accordance with Section D. Further, a title insurance policy shall be furnished to the City Attorney and City Engineer indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Manager shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

E. As Built Drawings:

1. "As-builts" shall be submitted electronically. Electronic files shall include one AutoCAD drawing compatible with AutoCAD version 2004 or newer. SHAPE files shall include separate SHAPE files for each utility, including drinking water, secondary water, storm drain, sewer, roads and parks

that are compatible with the latest version of ArcView. AutoCAD drawings and SHAPE files shall be in State Plane Coordinates (Utah Central Zone - NAD 1983) Survey points of As-builts need to also be included in the AutoCAD drawing. A PDF of the final "Record Drawing" also needs to be included. All rim and invert elevations need to be shown on this drawing, as well as all pipe types and sizes.

2. "As built" drawings shall be based on survey information provided by the developer's engineer or surveyor. The SHAPE files shall include detailed information based upon survey points for:

- Fire Hydrants
- Water Lines (Size & type)
- Water Valves
- Water meter boxes
- Pressurized Irrigation Lines (size & type)
- PI Valves
- Pump house corners
- Water blowoffs/drain structures
- Air release structures
- Pipe corners
- Roadway centerline
- Structure centerline
- Storm drain lines (size & type)
- Storm drain manholes (rim & fl elevations)
- Storm drain inlets (rim & fl elevations) with any permanent BMPs (Flex-storm, Dandi bags, etc.) identified
- Storm drain detention/retention structures
- Sewer Lines (size & type)
- Sewer manholes (Rim and fl elevations)
- Sewer structures
- Park boundaries
- Recreational facilities general locations

12-9-4: ESCROW DEPOSITS FOR LOT IMPROVEMENTS:

A. Temporary Certificate Of Occupancy Limited: When, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed due to valid weather related delays, the City council may, nevertheless, approve the issuance of temporary certificates of occupancy, provided there is no danger to health, safety or general welfare, all streets have been paved, and all fire safety provisions are in place. Any deferred improvements shall post a cash escrow deposit in an amount determined by the City Engineer for the cost of improvements, and shall be installed within six (6) months from the date of City Council approval. The completion assurance covering such lot improvements shall remain in full force and effect.

12-9-5: MAINTENANCE OF IMPROVEMENTS:

A. Prior To Completion: The applicant shall be required to maintain all improvements and amenities

on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of the improvements and amenities by the City.

B. Warranty After Acceptance And Dedication: The applicant shall be required to file an improvement warranty with the City with the original completion assurance, in an amount equal to ten percent (10%) of the estimated construction cost and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements and amenities, including all lot improvements on the individual subdivided lots for a period of one year after the date of their acceptance by the City Manager and City Engineer and dedication to the City.