

ORDINANCE NO. 2019-17

AN ORDINANCE AMENDING PROVISIONS OF TITLE 15 OF THE CENTERVILLE MUNICIPAL CODE REGARDING TIME FRAMES FOR THE EXPIRATION AND EXTENSION OF SUBDIVISION APPLICATION APPROVALS

WHEREAS, the City Council has previously adopted Title 15 of the Centerville Municipal Code regarding Subdivisions; and

WHEREAS, the City Council desires to amend various provisions of Title 15 of the Centerville Municipal Code regarding time frames for the expiration and extension of subdivision application approvals, including approvals for concept plans, preliminary plats, final plats, small subdivisions, and plat amendments; and

WHEREAS, the City Council has determined that the proposed amendments to Title 15 of the Centerville Municipal Code as more particularly set forth herein are in the best interest of the City and the public to provide a reasonable balance between vested rights for development applications and timely pursuit of such rights; and

WHEREAS, the proposed amendments to land use provisions of the Centerville Municipal Code as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Subdivision Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 15.02.060 of the Centerville Municipal Code regarding Expiration of Concept Plan Approval for subdivisions is hereby amended as follows:

15.02.060. Expiration of Concept Plan Approval

Once a concept plan has been approved by the Planning Commission, or approved by the City Council if the concept plan was referred to the City Council, ~~by the Planning Commission for review as provided herein,~~ the subdivider may apply for preliminary plat approval consistent with the concept plan. Concept plan approval shall expire and have no further force or effect if a complete application for preliminary plat approval is not submitted within 12 months from the date of approval of the concept plan. This time period may be extended for up to 6 months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted for each approved concept plan. If preliminary plat approval for any portion of an approved concept plan has not been obtained within 12 months of the date on which concept plan was approved, a resubmittal and reapproval of the concept plan may be required by the Planning Commission or the City Council prior to the filing of an application for preliminary plat approval.

Section 2. Amendment. Section 15.02.070 of the Centerville Municipal Code regarding Small Subdivision Waiver for subdivisions is hereby amended as follows:

15.02.070. Small Subdivision Waiver

- (a) Upon review and approval of a concept plan for a small subdivision, the Planning Commission can waive the requirements for ~~preparation and~~ approval of a preliminary and a final plat if it can be shown that:
- (1) The small subdivision does not require dedication of land for street or other public purpose;
 - (2) The small subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the Master Street Plan; and
 - (3) The lots are not part of a small subdivision approved less than three years earlier.
- (b) Each of the lots in a small subdivision must meet the frontage, width, and area requirements of the zone district in which it is located, or must have been granted a variance from such requirements by the Board of Adjustment.
- (c) The Planning Commission may require as part of the approval of the concept plan for a small subdivision any improvements or utility easements that are required of other subdivisions, as set forth in this Title.
- (d) Although preliminary and final plat approval is not required for small subdivisions, applicants for small subdivisions shall be required to prepare and submit a final plat for recording in accordance with the requirements of Section 15.04.030 and comply with all public improvement, bonding, recording, and other applicable requirements for final plats as set forth in this Title.
- (e)(e) Small subdivision approval shall expire and have no further force or effect if the small subdivision is not recorded within 12 months from the date of approval of the small subdivision. This time period may be extended for up to 6 months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted for each approved small subdivision.

Section 3. Enactment. Section 15.03.015 of the Centerville Municipal Code regarding Filing Deadline for preliminary subdivision plat approval is hereby enacted as follows:

15.03.015. Filing Deadline

Application for preliminary plat approval shall be made within the required time frame as set forth in Section 15.02.060 regarding expiration of concept plan approval.

Section 4. Amendment. Section 15.03.050 of the Centerville Municipal Code regarding Expiration of Preliminary Plat Approval for subdivisions is hereby amended as follows:

15.03.050. Expiration of Preliminary Plat Plan Approval

- (a) Once preliminary plat approval has been granted, the subdivider may apply for final plat approval. Preliminary plat approval shall expire and have no further force or effect if a complete application for final plat approval is not submitted within 12 months from the date of approval of the preliminary plat. This time period may be extended for up to 6 months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted for each approved preliminary plat. If the final plat has not been recorded within one year of the date of the preliminary plat approval by the Planning Commission, the preliminary plat must again be submitted to the Planning Commission for review and approval.
- (b) In those cases where a subdivision is proposed to be developed in phases, preliminary plat approval for the remaining portions of the subdivision shall not be voided if a complete application for final plat approval for the first phase is submitted within 12 months from the date of approval of the approved and recorded within one year of the date of preliminary plat ~~approval~~ and subsequent phases are recorded in accordance with the approved phasing plan.

Section 5. Amendment. Section 15.04.020 of the Centerville Municipal Code regarding Filing Deadline for final subdivision plat approval is hereby amended as follows:

15.04.020. Filing Deadline

Application for final plat approval shall be made within the required time frame as set forth in Section 15.03.050 regarding expiration of preliminary plat approval. 12 months after approval or conditional approval of the preliminary plat by the Planning Commission. This time period may be extended for up to 6 months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date, however only one extension may be granted.

Section 6. Amendment. Section 15.04.120 of the Centerville Municipal Code regarding Expiration of Final Plat Approval for subdivisions is hereby amended as follows:

15.04.120. Expiration of Final Plat Approval

Final plat approval shall expire and have no further force or effect if the approved ~~If the final plat is not recorded within 12~~ six months from the date of City Council approval, ~~such approval shall be null and void.~~ This time period may be extended for up to 6 months for good cause shown if the subdivider petitions the City Council for an extension prior to the expiration date. Only one extension may be granted for each approved final plat. by the City Council for up to an additional six month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original six months. No extension will be granted for final plat approval if it is determined that it will be detrimental to the City. If any of the fees charged as a condition of subdivision approval have increased, the City may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases or provide additional bond funds as a condition of granting an extension.

Section 7. Enactment. Section 15.09.130 of the Centerville Municipal Code regarding Expiration of Amended Plat Approval for subdivisions is hereby enacted as follows:

15.09.130. Expiration of Amended Plat Approval

Amended plat approval shall expire and have no further force or effect if the approved amended plat is not recorded within 12 months from the date of City Council approval. This time period may be extended for up to 6 months for good cause shown if the subdivider petitions the City Council for an extension prior to the expiration date. Only one extension may be granted for each approved amended plat. No extension will be granted for amended plat approval if it is determined that it will be detrimental to the City. If any of the fees charged as a condition of subdivision approval have increased, the City may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases or provide additional bond funds as a condition of granting an extension.

Section 8. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, 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.

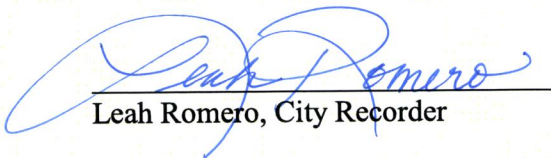
Section 9. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 10. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 20th DAY OF AUGUST, 2019.**

ATTEST:

CENTERVILLE CITY


Leah Romero, City Recorder

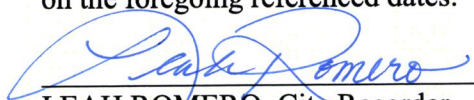
By: 
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Fillmore	☒	☐	☐
Councilmember Ince	☒	☐	☐
Councilmember Ivie	☒	☐	☐
Councilmember McEwan	☒	☐	☐
Councilmember Mecham	☒	☐	☐

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.


LEAH ROMERO, City Recorder

DATE: August 21, 2019

RECORDED this 21 day of August, 2019.

PUBLISHED OR POSTED this 21 of August, 2019.

