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WHEREAS UCA § 10-3-701 states, “except as otherwise specifically provided, the governing body of each municipality shall exercise its legislative power through ordinances.” And

WHEREAS, Providence City has ordinances in place to regulate and control regulations regarding the city’s Boards and Commissions, Zoning and Subdivisions as set forth in PCC Titles 2, 10 & 11.

WHEREAS, The Providence City Planning Commission held a public hearing regarding this amendment on November 8<sup>th</sup>, 2023, and made the following recommendation:

WHEREAS, City Council motions to approve Ordinance 06-2023 granting the following attached amendments to the city code governing subdivision regulations per the recommendations of the Planning Commission and new State Code.

- The attached referenced code amendment shall be approved.
- This ordinance shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 15 day of November 2023.

47

48

49 Council Vote:

50

51	Nebeker, Jeff	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
52	Kirk, Carrie	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
53	Paulsen, Joshua	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
54	Sealy, Jeanell	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
55	Speth, Brent	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input checked="" type="checkbox"/> Absent

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59

60

61 Kathleen Alder, Mayor

62

63 Attest:

64

65 Tyler Cameron, Recorder

66

67

68

Code Amendment Review				
<b>Prepared by:</b> S Bankhead	<b>Date:</b> 11/08/2023	<b>Land Use</b>	<b>Yes:</b> X	<b>No:</b>
<b>Code Title:</b> 2 Boards and Commissions 10 Zoning Regulations 11 Subdivision Regulations	<b>Title Chapter:</b> 2-4 Land Use Authority 10-5 Sensitive Areas 11-1 Subdivision Regulations 11-2 Administration & Enforcement 11-3 Plat Procedures & Requirements 11-4 Design Standards 11-5 Public Improvements 11-6 Condominium Approval	<b>Chapter Section:</b> 2-4-1 Established 10-5-2.B.5 New Subdivisions Multiple sections Multiple sections Multiple sections Multiple sections Multiple sections Multiple sections		
<b>Applicant:</b> Providence City				
<b>Abbreviations &amp; Authority:</b> <ol style="list-style-type: none"> <li>1. Utah Code Annotated: UCA</li> <li>2. The UCA references are summarized in this analysis. For a complete details and code requirements, please review the online Utah Code at: <a href="https://le.utah.gov/xcode/code.html">https://le.utah.gov/xcode/code.html</a></li> <li>3. Providence City Code: PCC</li> <li>4. The PCC references are summarized in this analysis. For a complete details and code requirements, please review our online city code at: <a href="https://providence.municipalcodeonline.com/book?type=ordinances#name=Preface">https://providence.municipalcodeonline.com/book?type=ordinances#name=Preface</a></li> <li>5. Recommendation: Planning Commission (PCC: 10-4-4:B.1)</li> <li>6. Legislative body: City Council</li> </ol>				
<b>Background Information:</b> <ol style="list-style-type: none"> <li>1. During the 2023 State Legislative Session changes were made to the regulations governing subdivision land use applications and subdivision improvement plans.</li> <li>2. To be compliant with state law, the city code must be amended by February 1, 2024.</li> <li>3. The attached amendments include comments listing the associated state code citation.</li> <li>4. The planning commission held a public hearing during their November 8, 2023 meeting. After the public hearing, the planning commission reviewed, suggested revisions, and recommended the city council adopt the code amendments with revisions.</li> <li>5. The attached draft includes the 11/08/2023 planning commission revisions.</li> </ol>				

#### FINDINGS OF FACT:

1. UCA 10-3-701. Legislative power exercised by ordinance. Except as otherwise specifically provided, the governing body of each municipality shall exercise its legislative powers through ordinances.
2. UCA 10-3-702. The governing body may pass any ordinance to regulate, require, prohibit, govern control or supervise any activity, business, conduct of condition authorized by this act or any other provision of law.
3. UCA 10-9a-102 Purposes – General land use authority.  
A municipality may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the municipality considers necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: (a) uses; (b) density; (c) open spaces; (d) structures; (e) buildings; (f) energy efficiency; (g) light and air; (h) air quality; (i) transportation and public or alternative transportation; (j) infrastructure; (k) street and building orientation; (l) width requirements; (m) public facilities; (n) fundamental fairness in land use regulation; and (o) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.
4. UCA 10-9a-201(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.

5. UCA 10-9a-602. Planning commission preparation and recommendation of subdivision ordinance – Adoption or rejection by legislative body.
6. UCA 10-9a-604 – 604.5 list regulations for review and approval processes for subdivision land use applications and subdivision improvement plans, improvement completion assurance and improvement warranty.
7. UCA 10-9a-604.9 requires a specified municipality, as defined in UCA 10-9a-408, to have amendments for compliance with UCA 10-9a-604.1 and 604.2 in place by February 1, 2024.
8. PCC Title 11 lists the regulations for subdividing properties.

**CONCLUSIONS OF LAW:**

1. The Providence City Council may enact or amend land use regulations.
2. The Providence Planning Commissions reviews and makes recommendations to the city council for land use regulations.
3. The Providence Planning Commission held a public hearing and made recommendation to the city council for land use regulations.
4. The applicant filed a complete application, including reasons for the proposed amendment.
5. The proposed amendments comply with state law, particularly UCA 10-9a-604.1 and 604.2.

**CONDITIONS:**

1. To be compliant with UCA 10-9a-604.9, the city council must adopt the changes by February 1, 2024.
2. The applicant shall meet all applicable City, state and federal laws, codes, rules.

1 PCC Chapter 2-4 Land Use Authority

2  
3 2-4-1 Established

4 There is ~~are~~ created a land use authority ~~authorities to act upon land use applications, including an administrative~~  
5 ~~land use authority and a regulatory land use authority, which shall consist of the~~

6 A. ~~The planning commission for all subdivisions; is the designated administrative land use authority for~~  
7 ~~preliminary plat applications. and a body, administrative~~

8 B. ~~The regulatory land use authority, to include is comprised of the community development director, public~~  
9 ~~works director, and city engineer. The regulatory land use authority is the land use authority for final plat~~  
10 ~~applications and all other land use applications.~~

11  
**Commented [SB1]:** See UCA 10-9a-604.1(3)(b). The City does note utilize 10-9a-605.

DRAFT

Providence City Code 10-5-2. **Nondevelopable** Sensitive Areas (NDSA) and Potentially Developable Sensitive Areas (PDSA)

B. Development of sensitive areas.

5. *New subdivisions*. In the case of new subdivisions, permit requirements for all public facilities (roads, sewer and water lines, etc.) within or containing a sensitive area shall be included in the ~~final~~ **preliminary** plat ~~and construction drawing~~ phases of the approval process. ~~and~~ **The** approval of the final plat **and construction drawings** shall serve as the permit for roads, sewer, and water line and similar utility and infrastructure uses within the sensitive areas.

DRAFT

1 CHAPTER 11-1 SUBDIVISION REGULATIONS GENERAL PROVISIONS

2 11-1-1 Title

3 11-1-2 Purposes

4 11-1-3 (Reserved For Future Use)

5 11-1-4 Amendments; Changes

7 11-1-1 Title

8 This title shall be known as the "Subdivision Title of Providence City, County of Cache, State of Utah."

10 (Code 1998, § 11-1-1; Subd. Ord., 1-24-1990; Ord. No. 006-2013, 9-10-2013; Ord. No. 024-2016, 11-1-2016; Ord.  
11 No. 2017-007, 4-25-2017)

12 HISTORY

13 *Adopted by Ord. 06-2022 on 9/21/2022*

15 11-1-2 Purposes

16 The purposes of this title are to promote an adequate and efficient street and road system, to prevent congestion  
17 on streets and promote traffic safety, to secure desirable public space, to ensure proper distribution of population,  
18 to provide for adequate utilities and public improvements, to provide for orderly growth, and to improve the  
19 health, safety and general welfare of the people.

21 (Code 1998, § 11-1-2; Subd. Ord., 1-24-1990; Ord. No. 006-2013, 9-10-2013; Ord. No. 024-2016, 11-1-2016; Ord.  
22 No. 2017-007, 4-25-2017)

23 HISTORY

24 *Adopted by Ord. 06-2022 on 9/21/2022*

25 11-1-3 (Reserved For Future Use)

26 HISTORY

27 *Adopted by Ord. 06-2022 on 9/21/2022*

29 11-1-4 Amendments; Changes

30 Changes and amendments shall be done in accordance with state law.

32 (Code 1998, § 11-1-4; Subd. Ord., 1-24-1990; Ord. No. 006-2013, 9-10-2013; Ord. No. 024-2016, 11-1-2016; Ord.  
33 No. 2017-007, 4-25-2017)

34 State law reference—Amendments to subdivision ordinances, [U.C.A. 1953, § 10-9a-608](#).

35 HISTORY

36 *Adopted by Ord. 06-2022 on 9/21/2022*

1 CHAPTER 11-2 ADMINISTRATION AND ENFORCEMENT

2 11-2-1 Established

3 11-2-2 Compliance Required

4 11-2-3 Permit Issuance

5 11-2-4 Fee Schedule

6 11-2-5 Inspections, Generally

7 11-2-6 Penalty

8 11-2-7 Administrative Provisions

9  
10 **11-2-1 Established**

11 The city shall enforce the provisions of this title. Failure of such to pursue appropriate legal remedies  
12 shall not legalize any violation of such provisions. Reasonable legal fees incurred by the city in  
13 enforcement hereof may be assessed as an additional penalty for violation of this title.

14  
15 (Code 1998, § 11-2-1; Subd. Ord., 1-24-1990; Ord. No. 010-2013, 9-10-2013)

16 HISTORY

17 Adopted by Ord. 06-2022 on 9/21/2022

18  
19 **11-2-2 Compliance Required**

20 No person shall subdivide any tract or parcel of land located wholly or in part in the city, except as in  
21 compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land  
22 which is any part of a subdivision or a proposed subdivision submitted to the ~~planning commission~~ city,  
23 nor offer for recording in the office of the county recorder, any deed conveying such a parcel of land or  
24 any fee interest therein, unless such subdivision has been created pursuant to and in accordance with  
25 the provisions of this title.

26  
27 (Code 1998, § 11-2-2; Subd. Ord., 1-24-1991; Ord. No. 010-2013, 9-10-2013)

28 HISTORY

29 Adopted by Ord. 06-2022 on 9/21/2022

30  
31 **11-2-3 Permit Issuance**

32 From the time of the effective date of the ordinance from which this title is derived, the building  
33 inspector shall not grant a permit, nor shall any city office, department or agency grant any license or  
34 permit for the use of any land or the construction or alteration of any building or structure on a lot  
35 which is contained in a subdivision that was not approved prior to the effective date of the ordinance  
36 from which this chapter is derived, which would be in violation of any provisions of this title until a  
37 subdivision plat has been approved as herein required and subsequently recorded. Any license or permit  
38 issued in conflict with such provisions shall be void.

39  
40 (Code 1998, § 11-2-3; Subd. Ord., 1-24-1990; Ord. No. 010-2013, 9-10-2013)

41 HISTORY

42 Adopted by Ord. 06-2022 on 9/21/2022

43  
44 **11-2-4 Fee Schedule**

45 Any and all persons requesting approval on preliminary plats, final plats and construction drawings and  
46 specifications for the construction of improvements shall have first paid all fees required as set forth by  
47 the most recent prevailing fee schedule adopted by the city. The fee schedule shall include, but shall not  
48 be limited to, office checking, legal, and field engineering fees to be payable to the city at the time of

Code Amendment

CHAPTER 11-2 Administration and Enforcement

DRAFT 10/12/2023

Page 1 of 3

each of the above-named submittals or in one lump sum as approved by the city. In addition to the above, a retainer fee for the construction inspection based on the above-mentioned fee schedule shall be payable to the city prior to any construction of subdivision improvements. All costs of inspection, including any necessary testing, shall be borne by the developer, not the city. The fee schedule shall be held in the city office.

(Code 1998, § 11-2-4; Subd. Ord., 1-24-1991; Ord. No. 010-2013, 9-10-2013)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### **11-2-5 Inspections, Generally**

Appropriate agencies, departments and officials of the city shall inspect, or cause to be inspected, all buildings, roads, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered nor backfilled until such installations shall have been approved by the appropriate department, agency or officials. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector. A minimum of one working day's notice shall be given for any inspection.

(Code 1998, § 11-2-5; Subd. Ord., 1-24-1990; Ord. No. 010-2013, 9-10-2013)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### **11-2-6 Penalty**

Whoever shall violate any of the provisions of this title shall be guilty of a Class C misdemeanor and, upon conviction of any such violation, shall be subject to penalty as provided in PCC 1-4-1. Each violation of this title shall be considered a separate offense, and each day such violation is permitted to exist shall constitute a separate offense.

(Code 1998, § 11-2-6; Subd. Ord., 1-24-1990; Ord. No. 010-2013, 9-10-2013)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### **11-2-7 Administrative Provisions**

- A. *Appeals.* Appeals from decisions applying this chapter shall be considered land use appeals and be heard by the appeal authority provided for in PCC chapter 2-5 in a manner consistent with local ordinance and state law.
- B. *Written agreements.* Written agreements may be deemed necessary by all parties involved in the review. It is to be whatever title and approval of subdivision application to protect the interests of the parties and clarify the mutual understandings associated with that review and/or approval. Written agreements may be entered into by all parties concerned to cover concerns and issues not specifically addressed by this title or other codes, standards, or ordinances of the city. Written agreements shall be finalized and executed by all other parties before the mayor places signature on the final plat and the written agreements.
- C. *Guidelines and checklists.* The city is hereby authorized and empowered to promulgate by way of resolution certain materials, such as guidelines and/or checklists relative to this title. These materials shall be provided to any interested person upon request and upon payment of a fee if required by the city. These materials shall be for instructional purposes only and represent an

**Commented [SB1]:** The application fee is charged at the time the application is filed. Fees for engineering review, legal review, etc. are billed to the developer as they are incurred.

attempt to aid those seeking to comply with this title. In the event any conflict arises between such materials and this title or other regulations, resolutions or policies of the city, then said ordinances, resolutions, regulations, or policies shall be deemed controlling and all questions shall be resolved in their favor.

- D. *Exceptions.* The city council may grant an exception to the requirements of this title after receiving the recommendations of the planning commission and the city executive staff, provided that approving such exception will not substantially impair the intent of this title.
1. When considering, granting, or denying an exception to title, the city council is acting as a land use authority.
  2. The consideration of and action upon an application for an exception to this title is an administrative act and is not an ordinance or a code amendment. An administrative record shall be kept of the decision. The decision will be supported by appropriate findings of fact and conclusions of law whether the application is approved or denied.
  3. When approving a request for an exception to this title, the city council shall specifically identify conditions that exist that support a determination that complete compliance with the requirement of this Code is unnecessary to serve the public interest and the goals and objectives of this Code and the general plan.
  4. Approval of an exception shall not materially increase the burden on the municipality to maintain its infrastructure.
  5. In approving an exception, conditions may be imposed which will, as determined by the city council, better serve the public interest than the strict application of the provisions of this title.
  6. The applicant, a board or officer of the municipality, or any person adversely affected by a decision to approve or deny an exception may, using the procedure in PCC chapter 2-5, appeal the decision to the appeal authority by alleging that there is an error in any order, requirement, decision, or determination made by the city council, acting as a land use authority, in the administration or interpretation of this Code. The appeal shall be a record review and the decision of the city council will be upheld if it is legal and supported by substantial evidence in the record.
- E. *Floodways and floodplains.* Subdivision plats shall be designed and prepared to clearly provide that the construction of buildings is not allowed in a designated floodway with a return frequency more often than a 100-year flood. Where building construction is to be allowed in any portion of a designated floodway where the return frequency is between a 100-year and a maximum probability flood, the plat shall be designed and prepared to clearly provide that all usable floor space for an occupancy use is constructed above the designated maximum probable flood level. **See Chapter 10-16 of this code for Floodplain Management Regulations.**

(Code 1998, § 11-2-7; Ord. No. 010-2013, 9-10-2013; Ord. No. 2015-010, 3-14-2015)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

1 CHAPTER 11-3 PLAT PROCEDURES AND REQUIREMENTS

2 11-3-0 Dependent Subdivisions

3 11-3-1 Concept Plan

4 11-3-2 Preliminary Plat

5 11-3-3 Final Plat

6 11-3-4 (Reserved For Future Use)

7 11-3-5 (Reserved For Future Use)

8 11-3-6 All Provisions, Timelines, Expiration Dates, Etc.

9 11-3-7 Building Lots And Building Permits

10 11-3-8 Lot Consolidation/Lot Line Adjustment In A Recorded Subdivision

11  
12 **11-3-0 Dependent Subdivisions**

13 A subdivision or phase that is dependent upon another subdivision and/or phase for access or public works  
14 improvements shall not receive approval, conditional or otherwise, for the final plat until the final plat and  
15 construction documents for the independent subdivision or phase are approved, substantial completion inspection  
16 performed, and the items listed on the substantial completion inspection punch list are completed. Changes will  
17 place the dependent subdivision or phase on hold until all modifications to the independent subdivision are  
18 approved.

- 19 A. Exception. If the land use authority for subdivisions determines for good cause that any phase of plan/plat  
20 approval for the dependent subdivision would be inadequate to protect the public health, safety, and  
21 welfare, the dependent subdivision shall not receive approval, conditional or otherwise, for any phase of  
22 plan/plat until the final plat and construction documents for the independent subdivision or phase are  
23 approved, substantial completion inspection performed, and the items listed on the substantial  
24 completion inspection punch list are completed. Changes will place the dependent subdivision or phase on  
25 hold until all modifications to the independent subdivision are approved.

26  
27 (Code 1998, § 11-3-0; Ord. No. 002-00, 1-25-2000; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007;  
28 Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012,  
29 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No.  
30 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

31  
32 HISTORY

33 Adopted by Ord. 06-2022 on 9/21/2022

34  
35 **11-3-1 Concept Plan Purpose and Pre-Application Meeting**

36 A. Purpose.

37 It is the purpose of this chapter to:

- 38 1. Establish a standard method and form of application for preliminary subdivision applications and final  
39 subdivision applications.  
40 2. Designate an administrative land use authority for the approval of preliminary plats.

41 A concept plan shall be submitted to the city executive staff (which may include the city manager, community  
42 development director, public works director, city engineer and others as designated by the city manager) for  
43 review and compliance with the city general plan, and PCC titles 10 and 11.

- 44 A. Complete application. The city has 30 days to review an application for completeness. At that time the city  
45 will provide a written notice of acceptance or denial to the developer and/or their agent. If the application  
46 is denied, professional fees for review may be billed.

- 47 1. A complete application must include information indicating the total acreage (total acreage includes  
48 all property within the parcel and all phases whether current or future) of the proposed  
49 development.

- 50 2. In addition to lot and street layout, a concept plan shall show all nondevelopable sensitive areas and  
51 all potentially developable sensitive areas within the boundaries of the development and within 100  
52 feet of the development.

Code Amendment

Title 11 Chapter 3 Plat Procedures and Requirements – Redline

Draft 10/12/2023

Page 1 of 15

Commented [SB1]: See UCA 10-9a-604.1(3)(a) & (b)

3. The following roads do not require curb, gutter, and sidewalk: Grandview Drive and Foothill Drive in the Grand View Hills Subdivision; Canyon Road east of 400 East. 400 East from Canyon Road south to the city's south boundary line does not require curb, gutter, and sidewalk on the west side; curb, gutter, and sidewalk are required on the east side.
4. See the Downtown Street Cross Sections C-1A in the city corporation department of public works standard construction drawings for profiles on all other streets.

B. **Expiration.**

1. **Concept plan application.** A concept plan application shall expire if it is determined by the city's land use authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions prescribed in city ordinances and/or listed on the city executive staff review comments;
2. **Approved concept plan.** An approved concept plan shall expire if a complete preliminary plat application has not been submitted to the city by the developer and/or its agent within one year after city executive staff approves the concept plan;
3. An expired plan is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

B. **Pre-application meeting.**

Providence City does not require a concept plan. However, an applicant may request a pre-application meeting to review a concept plan and receive initial feedback. The city follows the pre-application meeting requirements listed in Utah code.

(Code 1998, § 11-3-1; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007; Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012, 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No. 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

**11-3-2 Preliminary Plat Standard method and form of application for preliminary subdivision applications:**

A preliminary plat application will not be accepted by the city without the city's written approval of the concept plan. The following procedure shall be followed in submittal and review of the preliminary plat:

- A. **Complete Application.** Preparation. The preliminary plat shall be prepared in accordance with all requirements of the city and shall include all proposed phases. A complete preliminary plat application shall include the following:
1. Completed, signed and initialed preliminary plat information form.
  2. The owner's affidavit.
  3. The proposed preliminary plat prepared in accordance with all requirements listed below, including subdivision improvement plans.
  4. A copy of the Cache County Recorder's parcel map(s) of areas on the preliminary plat.
  5. A copy of the Cache County GIS parcel summary for each parcel involved in the proposed preliminary plat.
  6. An electronic copy of all plans in PDF format.
  7. Application and payment of the application fee.
    - a. Development fees are established by resolution of the city council. The approved fee schedule is posted on the city's website or available at the city offices.
- B. **Contents.**
- A preliminary plat shall be prepared in accordance with all requirements of the city and shall include all proposed phases. The following items must be included on or accompany the preliminary plat. If an item is not applicable, a note indicating such must be included.
1. **Drawing requirements.** Owner authorization.

**Commented [SB2]:** The City can no longer require a concept plan. As per UCA 10-9a-604.1(3)(a) the code allows for preliminary and final plat applications

**Commented [SB3]:** See UCA 10-9a-604.1(4)

**Commented [SB4]:** See UCA 10-9a-604.2(3)(b)

**Commented [SB5]:** The majority of items in the following sections are in the current city code. The change is that they have been grouped a bit differently from current code.

- 105 a. A title report, dated within 30 days, which indicates in whom the fee simple title to such property  
106 is vested and any liens or encumbrances thereon.  
107 b. A statement from the property owner disclosing any options or unrecorded  
108 contracts/agreements associated with the property.  
109 c. Copies of any agreements with adjacent property owners relevant to the proposed development.  
110 d. A signature block along the right-hand margin for an affidavit or certificate to the effect that the  
111 applicant is the owner of, or that the applicant is authorized by owner to make application for,  
112 the land proposed to be subdivided  
113  
114 C. The title block of the preliminary plat shall include the following:  
115 1. The proposed name of the development.  
116 2. The section, township and range of the development.  
117 3. The names, addresses, and contact information of the owners, developer, if other than the owners,  
118 and surveyors and/or designers of the development.  
119 4. Scale of drawing and north arrow.  
120  
121 D. Existing conditions. The preliminary plat shall also show:  
122 1. ~~The legal description basis of bearing, and total acreage (total acreage includes all property within the~~  
123 ~~parcel and all phases whether current or future) of the proposed development, certified by a licensed~~  
124 ~~land surveyor.~~  
125 2. ~~Location, street number and name of existing streets within 100 feet of the development and of all~~  
126 ~~previously platted streets or other public ways, railroad and utilities rights-of-way, parks and other~~  
127 ~~public open spaces, permanent buildings and structures, and corporate lines within and adjacent to~~  
128 ~~the tract.~~  
129 3. ~~The location of all wells, proposed, active and abandoned, springs, and all reservoirs within the tract~~  
130 ~~and to a distance of at least 100 feet beyond the development boundaries.~~  
131 4. ~~Existing sewers, water mains, culverts or other underground facilities within the tract and to a~~  
132 ~~distance of at least 100 feet beyond the tract boundaries, indicating pipe size, grades, manholes and~~  
133 ~~accurate location.~~  
134 5. ~~Existing ditches, canals, natural drainage channels, open waterways, and proposed alignments or~~  
135 ~~realignments within the tract and to a distance of at least 100 feet beyond the tract boundaries, and~~  
136 ~~a letter from the affected users indicating the plans are acceptable, must be submitted to the city.~~  
137 a. ~~Accurate boundary lines certified by a licensed land surveyor and ownership of adjacent parcels~~  
138 ~~of land.~~  
139 b. ~~By means of an overlay method or directly on the plat, vertical contour intervals of not more~~  
140 ~~than two feet, or one foot on predominantly level land.~~  
141 c. ~~A vicinity map shall show how the development is situated in its surrounding neighborhoods~~  
142 ~~extending a minimum of two blocks or more outward from the boundaries of the development.~~  
143 ~~The vicinity map shall include all major, collector, standard and feeder streets within the area,~~  
144 ~~both existing streets and those proposed on the master plan.~~  
145  
146 1. Show all non-developable sensitive areas within the boundaries of the development and within 100-  
147 feet of the development.  
148 2. Show all potentially developable sensitive areas within the boundaries of the development and within  
149 100-feet of the development.  
150 3. Total acreage (total acreage includes all property within the parcel and all phases whether current or  
151 future) of the proposed development.  
152 4. Legal description basis of bearing, and total acreage of the proposed development within and  
153 adjacent to the development certified by a licensed land surveyor.  
154 5. Accurate boundary lines certified by a licensed land surveyor and ownership of adjacent parcels of  
155 land.

- 156 6. By means of an overlay method directly on the plat, show the vertical contour intervals of not more  
157 than 2-feet, or 1-foot on predominantly level land.
- 158 7. Streets, public ways, rights-of-way, parks and open spaces, permanent structures.
- 159 a. Location, street number and name of existing streets within 100 feet of the development; and  
160 the location of all previously platted streets or other public ways,
- 161 b. Railroad rights-of-way,
- 162 c. Utilities rights-of-way and/or easements,
- 163 d. Parks and other public open spaces,
- 164 e. Permanent buildings and structures, and
- 165 f. Corporate lines within and adjacent to the tract.
- 166 8. Utilities within the tract and to a distance of at least 100-feet beyond the boundaries of the  
167 development.
- 168 a. Existing sewers mains, indicating pipe size, manholes, and accurate locations.
- 169 b. Existing water mains (pipe size and accurate locations), fire hydrants, pressure reducing valves,  
170 and any other pertinent feature.
- 171 c. Culverts, storm water mains (pipe size and accurate locations), detention/retention ponds, and  
172 any other pertinent feature.
- 173 d. Other underground utilities including but not limited to: electrical, gas, fiber, etc.
- 174 9. Wells, springs, reservoirs within the tract and to a distance of at least 100-feet beyond the  
175 boundaries of the development.
- 176 a. The location of wells, proposed, active and abandoned,
- 177 b. The location of all springs, and
- 178 c. The locations of all reservoirs
- 179 10. Ditches, canals, natural drainage channels, open waterways within the tract and to a distance of at  
180 least 100-feet.
- 181 a. Show the existing locations.
- 182 b. Show proposed alignment or realignments.
- 183 c. Provide a letter form the affected users indicating the plans are acceptable.
- 184 11. Provide a vicinity map showing how the development is situated in its surrounding neighborhoods,  
185 extending a minimum of two blocks or more outward from the boundaries of the development. The  
186 vicinity map shall include the following:
- 187 a. All major and minor collectors,
- 188 b. All minor arterial
- 189 c. All Commercial and residential (local) streets
- 190 d. All limited access specified roadway
- 191
- 192 E. Proposed conditions. The preliminary plat shall also show:
- 193 1. The layout of streets showing locations, widths and other dimensions of proposed streets (designated  
194 by actual or proposed names and numbers), crosswalks, alleys and easements.
- 195 2. The locations for culinary water improvements, wastewater improvements, storm drainage and  
196 street lights for all lots proposed within the development.
- 197 3. The layout, numbers, hazard setback, and typical dimensions of lots and square footage.
- 198 4. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of  
199 property owners in the development.
- 200 5. Written statement by the design engineer verifying that all lots have an adequate buildable envelope  
201 with regards to hazardous slope, building, water, zoning setbacks, etc.
- 202 6. Easements for water, sewer, drainage, utility lines and other utilities.
- 203 7. Typical street cross sections and preliminary street grades if required.
- 204 8. Copies of any agreements with adjacent property owners relevant to the proposed development.
- 205 9. Location, function, ownership and manner of maintenance of common open space not otherwise  
206 reserved or dedicated for public use.

Commented [SB6]: These items are in the current city code. I changed the order a bit.

10. A professionally prepared plat having been prepared on a minimum 20-inch by 30-inch or maximum 24-inch by 36-inch approved, reproducible drafting medium.
11. A signature block along the right-hand margin of the preliminary plat providing for the following certifications or approvals:
- 1) Prior to city review, an affidavit or certificate of clear title to the effect that the applicant is the owner of, or that the applicant is authorized by the owner in writing to make application for, the land proposed to be subdivided. The affidavit or certificate shall state clearly in which status, a copy of said written authorization from the owner shall be submitted with the preliminary plat. A title report shall also be submitted which indicates in whom the fee simple title to such property is vested and any liens or encumbrances thereon. A statement from the property owner disclosing any options or unrecorded contacts/agreements associated with the property.
  1. Density, rights-of-way, easements, public and open spaces.
    - 1) Density summary data indicating the amount of non-developable acreage, infrastructure (rights-of-way) acreage, public and recreation districts acreage, the number of units per net acre.
    - 2) Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the development.
    - 3) Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.
    - 4) Locations for culinary water improvements, wastewater improvements, storm drainage and street lights for all lots proposed within the development.
    - 5) Easements for water, sewer, drainage, utility lines and other utilities.
  2. Water availability requirement.
    - 1) Summary data showing the water availability requirement can be met in accordance with PCC 8-1-21.
  3. Lot and street layout
    - 1) The layout of streets showing locations, widths and other dimensions (designated by actual or proposed names and numbers, and classification), crosswalks, alleys, and easements.
    - 2) Typical street cross sections and preliminary street grades.
    - 3) The layout, numbers, and typical dimensions of lots and square footage.
    - 4) The buildable envelope, including hazard setbacks and internal lot restrictions.
    - 5) A written statement by the design engineer verify that all lots has an adequate building envelope with regards to hazardous slope, building, water zoning setbacks, etc.
- F. Phasing. The development shall be phased to provide public infrastructure, facilities, and services in a timely and orderly manner and provide the city the ability to protect and promote public health, safety, and welfare.
1. When developing a large tract of land, developers may choose to construct the subdivision in phases rather than develop the entire property at once. However, in no case should a phase contain less than six lots; and no less than two acres of land area.
  2. Phases shall be planned to ensure the efficient and consecutive construction of adjacent future phases (those phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development does not allow for leapfrog development.
  3. Each proposed phase shall provide no less than a proportionate share of required open space, recreation facilities, and/or dedications for public use concurrent with development. In cases where construction of a proportionate fair share improvement is not feasible or would result in incomplete facilities which do not mitigate the impacts of the phase, construction of the entire improvement may be required.
  4. All phases shall be required to be stand-alone. No proposed prior phase shall be dependent on the completion of subsequent phases to be consistent with any required approvals and/or conditions, including, but not limited to, the looping of roads and utilities; the provision of fire flow; and the

Commented [SB7]: These items are in the current city code. I changed the order a bit.

- mitigation of transportation, recreation and/or public services impacts. Landscaping and parking improvement shall be provided within each phase as required.
5. Infrastructure improvements which are required to serve the entire project may be constructed within a nonadjacent phase.
6. Phasing plans shall include the following information:
- a. Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers) and depict roads, lots, infrastructure, easements, dedications and open space which are included within the subject phase. The plan shall also illustrate those proposed improvements which mitigate impacts associated with the unbuilt portions of the project which are not located within the boundaries of the subject phase. Previously established phases, including roads, lots, infrastructure, easement, dedications, and open space, should be shown on the map shaded or gray-scaled. All phasing maps shall be drawn at the same scale.
  - b. A narrative description or table which describes each phase and its associated improvements; in addition, the narrative or table shall demonstrate that each phase would comprise a stand-alone development which, should no subsequent phases be constructed, would meet or exceed the standards of this title and all other conditions of approval. The narrative should also describe the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt or yet-to-be-constructed improvements.
  - c. Choosing to phase the subdivision does not relieve developer of the requirement to present the entire subdivision in its phases, for final approval by the planning commission as required by PCC 11-3-3.
  - d. Remainder parcel. In no case should a remainder parcel contain less area than the area required for six lots.
- F. Phasing. When developing a large tract of land, developers may choose to construct the subdivision in phases rather than develop the entire property at once. However, in no case should a phase contain less than six lots; and not less than two acres of land area.
- e. The development shall be phased to provide public infrastructure, facilities, and services in a timely and orderly manner to provide the city the ability to protect and promote public health, safety, and welfare.
  - f. Phases shall be planned to ensure the efficient and consecutive construction of adjacent future phases (those phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development does not allow for leapfrog development.
  - g. Each proposed phase shall provide no less than a proportionate share of required open space, recreation facilities, and/or dedications for public use concurrent with the development. In cases where construction of a proportionate fair share improvement is not feasible or would result in incomplete facilities which do not mitigate the impacts of the phase, construction of the entire improvement may be required.
  - h. All phases are required to be stand-alone. No proposed prior phase shall be dependent on the completion of subsequent phases to be consistent with any required approvals and/or conditions, including, but not limited to, the looping of roads and utilities; the provision of fire flow; and the mitigation of transportation recreation and/or public series impacts. Landscaping and parting improvement shall be provided within each phase as required.
  - i. Infrastructure improvements which are required to serve the entire project may be constructed within a nonadjacent phase.
  - j. Phasing plans shall include the following information:
    - 1) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers) and depict roads, lots, infrastructure, easements, dedications and open space which are included within the subject phase. The plan shall also illustrate those proposed improvements which mitigate impacts associated with the

- unbuilt portions of the project which are not located within the boundaries of the subject phase. Previously established phases, including roads, lots, infrastructure, easement, dedications, and open space, should be shown on the map shaded or gray-scaled. All phasing maps shall be drawn at the same scale.
- 2) A narrative description or table which describes each phase and its associated improvements, in addition, the narrative or table shall demonstrate that each phase would comprise a stand-alone development which should no subsequent phases be constructed, would meet or exceed the standards of this title and all other conditions of approval. The narrative should also describe the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt or yet-to-be constructed improvements.
- 3) Choosing to phase the subdivision does not relieve developer of the requirement to present the entire subdivision in its phases, for final approval by the administrative land use authority.
- k. Remainder parcel. In no case should a remainder parcel contain less area than the area required for six lots.
- G. Subdivision improvement plans. The civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.
- H. Subdivisions that include townhomes must also submit preliminary architectural, landscaping, and parking plans for the townhome areas. See PCC 10-8-9 for details.
- I. Submittal. Two copies (20-inch by 30-inch minimum, 24-inch by 36-inch maximum size) and one 11-inch by 17-inch copy of the preliminary plat shall be submitted to the city for review a minimum of seven days prior to the initial city review. The city will complete the first review within 30 days. Each subsequent review is subject to an additional 30-day review period. If all required information is not included, city has the right to refuse the package.
- Procedure for review for preliminary plat application; single-family dwellings, two-family dwellings, or townhomes that do not include properties within identified geological hazard areas**
- Providence City follows the review cycle restrictions and requirements listed in Utah code for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes that do not include properties within identified geological hazard areas.
1. The application review cycle does not begin until the city receives a complete application.
- a. Initial review. The city will complete the initial review of the application, including subdivision improvement plans, no later than 15 business days after the day the complete application is received.
- b. Review response. The city will provide a response to the applicant which may require additional information relating to the plans to ensure compliance with municipal ordinances and approved standards and specifications for the construction of public improvements; and modifications to the portions of the plan that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
- c. Applicant response. The applicant shall provide a written reply that addresses each of the city's required modifications or requests for additional information.
- d. Complete review cycle. The review cycle is not considered complete until each of the city's required modifications or requests for additional information is addressed in writing, either by making modifications to the plan or providing a written response, including reasons for declining to make revisions, if any. The subsequent review cycle may not begin until all comments are addressed.
- J. Staff review. Upon review, the city executive staff will provide written comments, conclusions and recommendations to the land use authority.
- Procedure for review for preliminary plat application; properties within identified geological hazard areas, condominiums, multi-family units, mixed-use, commercial**

Commented [SB8]: These items are in the current city code.

Commented [SB9]: See UCA 10-9a-604.2(1)(b)

Commented [SB10]: 10-9a-604.1(2)(a)

Commented [SB11]: UCA 10-9a-604.2(1)(a)

Properties within identified geological hazard areas are not subject to the review cycle restrictions and requirements listed in Utah Code.

Commented [SB12]: See UCA 10-9a-604.2(2)

1. Subdivisions that include condominiums, multi-family units, mixed-use, commercial, or properties within identified geological hazard areas. The city requires a complete application prior to beginning preliminary plat reviews.

- 1) In addition to the preliminary plat application requirements listed above, a preliminary plat application for following will require additional information:
  - 1) Condominiums: The condominium submission and approval process is listed in PCC Chapter 11-6. The site plan, architectural plan, landscaping/irrigation plans, parking plans requirements are listed in PCC 10-8-9.
  - 2) Mixed-use. The submission and approval process is listed in PCC 10-4-4. Illustrations of architectural design and materials, parking areas, and landscaping plans, as required in PCC 10-8-9 for the residential areas and PCC 10-8-5 for the commercial areas.
  - 3) Commercial. Landscaping and lighting plans for all public park strips. Show areas designated as landscape buffers.
  - 4) Identified geological hazard areas. Properties within identified geological hazard area are subject to the provisions listed in PCC Chapter 10-5.
- 2) Initial review. The city will complete the initial review of the application, including the subdivision improvement plans, no later than 20 business days after the day the complete application is received.
- 3) City response. The city will prepare and provide the applicant with a written review identifying items that are missing, inaccurate, or incomplete.
- 4) Applicant response. The applicant will prepare and provide the city with a written response and/or provide additional or revised information addressing the city's review items.
- 5) Steps c. and d. will be repeated until the plans meet the requirements listed in all applicable federal, state, county, and city rules, laws, codes, and ordinances.
- 6) Staff report for the land use authority. When it is determined that the preliminary plat meets the requirements, the staff will prepare a report listing the findings of fact, conclusions of law, and conditions for the land use authority to use when considering plat approval.

Commented [SB13]: The review cycle in UCA 10-9a-604.2 applies to a residential subdivision for single-family dwellings, two-family dwellings, or townhomes. This review cycle applies to other types of subdivisions and properties with geological hazard areas.

#### Designation of an administrative land use authority for the approval of a preliminary plat.

##### K. Designation of an administrative land use authority for the approval of a preliminary plat.

Approval. No preliminary plat shall be approved by the planning commission, the city council, or any other designated land use authority unless it complies with or can be shown that a final plat will be likely to comply with all the provisions set forth in the city ordinances. No preliminary or final plat shall be approved if a commitment of service letter has not been issued for the plat pursuant to PCC 8-1-21.

- a. A preliminary plat is not considered approved until all conditions have been satisfied and the plat has been signed by the city engineer, land use authority, and the developer.

PCC 2-4-1 designates the planning commission as the administrative land use authority for a preliminary plat.

Commented [SB14]: 10-9a-604.1(3)(b)(i)

L. Complete application. The city has 30 days to review an application for completeness. At that time the city will provide a written notice of acceptance or denial to the developer and/or the developer's agent. If the application is denied, the application fee may be refunded; professional fees for review may be billed. To be considered complete, an application must contain the following:

- a. A completed city application form;
- b. Payment of the application fee;
- c. The proposed preliminary plat and all required copies;
- d. A title report shall also be submitted which indicates in whom the fee simple title to such property is vested and any liens or encumbrances thereon;
- e. A copy of the city's written approval of the concept plan.

##### M. Expiration.

- a. Preliminary plat application. A preliminary plat application shall expire if it is determined by the city's land use authority that the developer and/or the developer's agent did not proceed with reasonable diligence to meet any items/conditions identified in city ordinances and/or in city executive staff review comments.
- b. a. Approved preliminary plat. An approved preliminary plat shall expire if a complete final plat application has not been submitted to the city by the developer and/or the developer's agent within one year after approval of the preliminary plat.
- c. b. An expired plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

(Code 1998, § 11-3-2; Subd. Ord., 1-24-1990; Ord. of 1-9-1996; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007; Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012, 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No. 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### 11-3-3 Final Plat

A final plat application cannot be submitted to the city prior to approval of the preliminary plat. The following information and a complete set of construction drawings, including the stormwater pollution prevention plan and the engineer's cost estimates (must show minimum improvement costs separately) shall be submitted for review:

- A. Preparation. The final plat shall be prepared in accordance with all the requirements of the city. The final plat shall be prepared by a land surveyor, licensed in the state. The top of the plat shall be either north or east, whichever accommodates the drawing best.

##### Purpose:

It is the purpose of this chapter to:

1. Ensure the review for subdivision final plat applications complies with the requirements in Utah Code.

- B. Description and delineation. **Standard method and form of application for final plat subdivision applications;**

A final plat cannot be submitted to the city prior to approval of the preliminary plat. A final plat shall be prepared in accordance with all the requirements of the city and be prepared by a land surveyor, licensed in the state of Utah.

1. The final plat shall show: **Complete application;**

A complete final plat application package shall include the following items. Additional items may be listed on the final plat information form, which is posted on the city's website.

- a. The name of the development as approved by the land use authority.
- b. Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.
- c. An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions in feet and hundredths.
- d. The street address for each lot. Each street address shall be assigned by the city. The north and west sides of the streets shall be numbered odd, and the south and east shall be numbered even.
- e. True angles and distances to the nearest official US, state, county, or city monuments which shall be accurately described in the plat and shown by the appropriate symbols. All boundary, lot and other geometries (bearings, distances, curve data, etc.) on the final plat posed to an accuracy of not less than one part in 5,000.
- f. Radii, internal angles, points or curvatures, tangent bearings and the length of all arcs.
- g. Survey markers shall be set at all lot corners and shall be shown or noted on the plat.
- h. The dedication to the city of all improvements which shall include, but shall not be limited to, streets, stormwater systems, water works, sewer works, etc., included in the proposed development.

Commented [SB15]: UCA 10-9a-604.1(3)(a) & (9) & (10)

- i. Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common use of all property owners.
- j. A statement that all expenses involving the necessary improvements or extensions for a culinary water system, sanitary sewer system, gas service, electrical service, telephone service, cable television service, grading and landscaping, storm drainage systems, curbs and gutters, fire hydrants, pavement, sidewalks, signage, street lighting and other improvements shall be paid for by the developer.
- k. All hazard setbacks.
- l. A statement verifying that all lots have an adequate buildable envelope with regards to hazardous slope, zoning setbacks, etc.
- m. A statement that the city will not issue any building permit for any lot until minimum improvements, as specified in PCC 11-5-2 are complete.
- n. Boundary descriptions of the development.
- o. Standard forms for the following:
- 1) A registered land surveyor's certificate of survey as applicable under state law.
  - 2) The owner's signature of dedication.
  - 3) A notary public's acknowledgment.
  - 4) The city engineer's certificate of approval.
  - 5) The city's authority for the culinary water and the sanitary sewer system's signature
  - 6) The county board of health's certificate of approval if a septic tank system is used for sewage disposal.
  - 7) The land use authority signature of approval.
  - 8) The city's signature of approval by the mayor.
  - 9) The city attorney's certificate of approval.
  - 10) A signed statement from each of the utility companies involved stating that they have reviewed the plat, that they approve the plat as it relates to their particular company, that they are in agreement with placing all of their utilities underground within the right-of-way as shown on the plans and are willing to provide the needed service for the development. Also included, if available, in said statements descriptions of any restrictions that will be imposed by the utility companies, any fees that will be assessed by the utility companies to install the utilities and any time tables that the utility companies might use to install their respective utilities.
  - 11) The county recorder's stamp of approval according to requirements prior to final plat approval.
- a. Final plat information form. Completed, initialed, and signed.
- b. If amending a recorded final plat, provide a copy of the signed petition for a final plat amendment.
- c. The proposed final plat prepared in accordance with all requirements listed below.
- d. The subdivision improvement plans (civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision).
- e. The engineer's cost estimates for public infrastructure improvements.
- f. The storm water pollution plan (SWPPP)
- g. An electronic copy of all plans in PDF format.
- h. Application and payment of the application fee.
- 1) Development fees are established by resolution of the city council. The approved fee schedule is posted on the city's website or available at the city offices.
  - 2) The application fee is due at the time of the application.
  - 3) Other applicable review fees are listed in the approved fee schedule, and are due upon approval of the application.

2. The final plat shall also: The top of the plan shall be either north or east, whichever accommodates the drawing best. The following items must be included on or accompany the final plat. If an item is not applicable, a note indicating such must be included.
- a. Be drawn to a scale of not less than one inch equaling 100 feet and shall indicate the base heading of true north.
  - b. Be prepared on a minimum 20-inch by 30-inch maximum 24-inch by 36-inch paper.
  - c. Show a workmanlike execution in every detail. A poorly drawn or illegible plat is sufficient cause for rejection.
  - d. Final approved plat for recording shall be prepared on Mylar.
    - 4) Development agreement. The developer shall enter into and sign an agreement with the city, which shall indicate a timetable for completion of the final improvements as listed in the preliminary and final plat. This agreement will be submitted to the city council for approval.
    - 5) Submittal. Two copies (20-inch by 30-inch minimum, 24-inch by 36-inch maximum) and one 11-inch by 17-inch copy of the final plat and construction drawings shall be submitted to the city for review a minimum of seven days prior to the initial city review. The city will complete the first review within 30 days. Each subsequent review is subject to an additional 30-day review period. If all required information is not included, city has the right to refuse the package.
    - 6) Staff review. Upon review, the city executive staff shall provide written comments, conclusions, and recommendations to the land use authority.
    - 7) Approval. The final plat shall be approved by the land use authority. The construction drawings shall be approved by the city staff. A development agreement that implements an existing land use regulation as an administrative act does not require city council approval. A development agreement that implements and/or amends a land use regulation shall be approved by the city council. Prior to submitting the final plat for recording, the final plat shall be signed by the developer and utility companies, or a letter shall be submitted with the final plat from the utility companies. The development agreement shall be signed by the developer. The city does not consider the final plat to be approved until the construction drawings are signed, the development agreement has been signed and all signatures are on the final plat. At this point, the developer shall submit an electronic copy of the approved final plat and approved construction drawings.
    - 8) Expiration.
- Final plat application. A final plat application shall expire if it is determined by the city's land use authority that the developer and/or the developer's agent did not proceed with reasonable diligence to meet any items/conditions identified in city ordinances and/or in city executive staff review comments.
- a. Drawing requirements.
    - 1) Be drawn to a scale of not less than one inch equaling 100 feet and shall indicate the base heading of true north.
    - 2) Show a workmanlike execution in every detail. A poorly drawn or illegible plat is sufficient cause for rejection.
    - 3) Paper copies should be no larger than 24-inches by 36-inches in size.
    - 4) The top of the plan shall be either north or east, whichever accommodates the drawing best.
    - 5) After approval, the recordable copy shall be prepared on Mylar.
  - b. Description and delineation.
    - 1) The name of the development as approved by the land use authority.
    - 2) Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easement, areas to be reserved for public use and other important features.
    - 3) True angles and distanced to the nearest official US, state, county or city monuments which shall be accurately described in the plat and shown by the appropriate symbols. All

**Commented [SB16]:** See UCA 10-9a-604.2(\$)(a)  
This is the list of items the comprise a complete final subdivision land use application.

- boundary, lot and other geometries (bearings, distances curve data, etc.) on the final plat posed to an accuracy of not less than one part in 5,000.
- 4) Radii, internal angles, points or curvatures, tangent bearings and the length of all arcs.
  - 5) An identification system for all lots, blocks and names of streets. Lot lines shall show the dimensions in feet and hundredths.
  - 6) The street address for each lot. Each street address shall be assigned by the city. The north and west sides of the streets shall be numbered odd, and the south and east shall be numbered even.
  - 7) Survey markers shall be set at all lot corners and shall be shown or noted on the plat.
  - 8) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common use of all property owners.
  - 9) All hazard setbacks.
  - 10) Boundary descriptions of the development.
  - 11) The dedication to the city of all improvements which shall include, but shall not be limited to, streets, stormwater systems, water works, sewer works, etc. included in the proposed development.
  - 12) A statement that all expenses involving the necessary improvements or extensions for a culinary water system, sanitary sewer system, gas service, electrical services, telephone service, grading and landscaping, storm drainage systems, curbs and gutters, fire hydrants, pavement, sidewalks, signage, street lighting and other improvements shall be paid for by the developer.
  - 13) A statement verifying that all lots have an adequate buildable envelope with regards to hazardous slope, zoning setbacks, etc.
  - 14) A statement that the city will not issue any building permit for any lot until minimum improvements, as specified in PCC 11-5-2 are complete.
- c. Signature and certification blocks.
- 1) Registered land surveyor's certificate of survey as applicable under state law.
  - 2) Owner's signature of dedication.
    - i. Notary public's acknowledgement.
  - 3) City engineer's certificate of approval.
  - 4) City authority for the culinary water and the sanitary sewer system's signature.
  - 5) Signed statement from each of the utility companies involved stating that they have reviewed the plat, that they approved the plat as it relates to their particular company, that they are in agreement with placing all of their utilities underground within the right-of-way as shown on the plans and are willing to provide the needed service for the development. Also include, if available, in said statements descriptions of any restrictions that will be imposed by the utility companies, any fees that will be assessed by the utility companies to install the utilities and any time tables that the utility companies might use to install their respective utilities.
  - 6) Land use authority signature of approval.
  - 7) City's signature of approval by the mayor.
  - 8) City attorney's certificate of approval.
  - 9) County recorder's stamp of approval according to requirements prior to final plat approval.
- d. Subdivisions that include townhomes must also submit final architectural, landscaping, and parking plans for the townhome areas. See PCC 10-8-9 for details.
3. ~~Approved final plat. An approved final plat shall be void if it is not recorded within one year of approval of the development agreement by the city council.~~
- C. **Review for final plat application and subdivision improvement plans.**

Commented [SB17]: These items are in the current city code. I changed the order a bit.

1. Providence City follows the review cycle restrictions and requirements listed in Utah code for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes that do not include properties within identified geological hazard areas.
2. Properties within identified geological hazard areas are not subject to the review cycle restrictions and requirements listed in Utah Code.
  - a. The following applies to subdivisions that include condominiums, multi-family units, mixed-use, commercial, or properties within identified geological hazard areas. The city requires a complete application prior to beginning final plat and subdivision improvement plan reviews.
    - 1) In addition to the final plat application requirements listed above, a final plat application for following will require additional information:
      - i. Condominiums: The condominium submission and approval process is listed in PCC Chapter 11-6. The final site plan, architectural plan, landscaping/irrigation plans, parking plans requirements are listed in PCC 10-8-9.
      - ii. Mixed-use. The submission and approval process is listed in PCC 10-4-4. Illustrations of final architectural design and materials, parking areas, and landscaping plans, as required in PCC 10-8-9 for the residential areas and PCC 10-8-5 for the commercial areas.
      - iii. Commercial. Final landscaping and lighting plans for all public park strips. Show areas designated as landscape buffers.
      - iv. Identified geological hazard areas. Properties within identified geological hazard area are subject to the provisions listed in PCC Chapter 10-5. If a geotechnical is required, it must be submitted with the final plat application and subdivision improvement plans.
    - 2) Review cycle.
      - i. Initial review. The city will complete the initial review of the application, including the subdivision improvement plans, no later than 20 business days after the day the complete application is received.
      - ii. City response. The city will prepare and provide the applicant with a written review identifying items that are missing, inaccurate, or incomplete.
      - iii. Applicant response. The applicant will prepare and provide the city with a written response and/or provide additional or revised information addressing the city's review items.
      - iv. Steps c. and d. will be repeated until the plans meet the requirements listed in all applicable federal, state, county, and city rules, laws, codes, and ordinances.
- D. **Recording & Expiration.**
  1. As per Utah Code, before an applicant conducts any development activity or records a plat, the applicant shall:
    - a. Complete any required public landscaping improvements or infrastructure improvements; or
    - b. Post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.
  2. Approved final plat with phasing. If the final plats are recorded in phases, subsequent final plats must be recorded within five years of the recording of the previous plat. If a development fails to meet this requirement, new concept plans and preliminary plats must be submitted and approved before subsequent final plats can be submitted or approved.
  3. An approved final plat shall be void if it is not recorded within one year of approval of the development agreement by the city council
  4. An expired plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.
- F. **Dispute resolution.**
  1. For a dispute arising from the subdivision improvement plans, an appeal panel will be assembled in accordance with state code.
  2. For a dispute arising from the subdivision ordinance review, the process in PCC 2-5-3 will be followed.

Commented [SB18]: UCA 10-9a-604.2(4)

Commented [SB19]: The review cycle in UCA 10-9a-604.2 applies to a residential subdivision for single-family dwellings, two-family dwellings, or townhomes. This review cycle applies to other types of subdivisions and properties with geological hazard areas.

Commented [SB20]: UCA 10-9a-604.5(3)(a)

Commented [SB21]: UCA 10-9a-604.2(8)

(Code 1998, § 11-3-3; Subd. Ord., 1-24-1990; Ord. of 4-9-1996; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007; Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012, 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No. 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### 11-3-4 (Reserved For Future Use)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### 11-3-5 (Reserved For Future Use)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### 11-3-6 All Provisions, Timelines, Expiration Dates, Etc.

All provisions, timelines, expiration dates, etc., listed in this chapter apply to the developer, their successors, or assigns.

(Code 1998, § 11-3-6; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007; Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012, 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No. 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### 11-3-7 Building Lots and Building Permits

Building lots in the approved development may be sold after the final plat has been recorded. ~~The lots, however, shall have recorded restrictions placed upon them stating that the city will not issue any building permit for any lot until minimum improvements, as specified in PCC 11-5-2 are complete.~~

(Code 1998, § 11-3-7; Ord. No. 97 OM016, 8-12-1997; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007; Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012, 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No. 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### 11-3-8 Altering or amending ~~Lot Consolidation/ Lot Line Adjustment in A Recorded Subdivision Plat~~

- A. Altering or amending a recorded plat follows the requirements in Utah code for subdivision amendments.
- B. ~~Lot consolidation/lot line adjustment in a recorded subdivision plat is considered a minor revision of the subdivision~~ **requires an amended final plat.**
  1. A petition to have a plat amended shall be submitted to the city executive staff for review and compliance with the city general plan, and PCC titles 10 and 11.
    - a. Petition requirements. In addition to the petition requirements listed in the state code, a petition for lot consolidation must contain a concept plan, drawn to a scale of not less than one inch equaling 100 feet, showing all existing structures and their distance from the property lines on all lots involved in the consolidation.
  2. ~~The planning commission~~ **regulatory land use authority as established in PCC 2-4-1** is the land use authority for altering or amending a subdivision plat.
  3. ~~The planning commission~~ **land use authority**, if required by state code, shall hold a public hearing within 45 days after the day on which the petition is filed.

Code Amendment

Page 14 of 15

Title 11 Chapter 3 Plat Procedures and Requirements – Redline  
Draft 10/12/2023

- 720 4. General requirements.
- 721 a. All conditions applicable to the original subdivision remain in full force and effect.
- 722 b. Any dedicated street, sidewalk, drainage feature, utility easement, or other characteristic found
- 723 in the original subdivision remains in full force.
- 724 5. Geometric requirements.
- 725 a. When combining two lots which share a common boundary, the common boundary, in plan
- 726 view must be a minimum of 15 feet.
- 727 b. When combining two or more lots which do not share a common boundary, such a boundary
- 728 must be created for the consolidated lot by the use of an abutting connector parcel.
- 729 i. The connector parcel must be a minimum width of 15 feet in plan view at its narrowest
- 730 point.
- 731 6. Final plat for recording.
- 732 a. Upon approval of the ~~planning commission~~ **land use authority**, the petitioner shall prepare an
- 733 amended final plat for recording. The final plat shall include standard forms for the following:
- 734 i. A registered land surveyor's certificate of survey as applicable under state law.
- 735 ii. The owner's signature of dedication.
- 736 iii. A notary public's acknowledgment.
- 737 iv. The city engineer's certificate of approval.
- 738 v. The city's authority for the culinary water and the sanitary sewer system's signature.
- 739 vi. The county board of health's certificate of approval if a septic tank system is used for sewage
- 740 disposal.
- 741 vii. The land use authority signature of approval.
- 742 viii. The city's signature of approval by the mayor.
- 743 ix. The city attorney's certificate of approval.
- 744 x. A signed statement from each of the utility companies involved stating that they have
- 745 reviewed the plat, that they approve the plat as it relates to their particular company.
- 746 xi. The county recorder's stamp of approval according to requirements prior to final plat
- 747 approval.
- 748 7. Expiration. An approved amended final plat shall be void if it is not recorded within one year from the
- 749 date the planning commission granted approval.
- 750 C. **Lot line adjustment in a recorded subdivision follows the requirements in Utah Code.**
- 751 1. **A lot line adjustment that changes the number of lots or the parameter of the subdivision will follow**
- 752 **the requirements to amend a recorded subdivision plat.**
- 753 2. **The regulatory land use authority is the land use authority for lot line adjustments.**
- 754
- 755 (Code 1998, § 11-3-8; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007; Ord. No. 018-2007, 9-25-2007;
- 756 Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012, 6-12-2012; Ord. No. 011-2013,
- 757 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No. 019-2016, 8-9-2016; Ord. No.
- 758 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)
- 759 HISTORY
- 760 Adopted by Ord. 06-2022 on 9/21/2022
- 761

Commented [SB22]: UCA 10-9a-608(5)

1 CHAPTER 11-4 DESIGN STANDARDS

2 11-4-1 Standards And Specifications

3 11-4-2 Blocks, Lots And Open Spaces

4 11-4-3 Streets And Street Improvements

5 11-4-4 Water System

6 11-4-5 Sewer System

7 11-4-6 Storm Drainage

8 11-4-7 Irrigation Ditches

9 11-4-8 (Reserved For Future Use)

10 11-4-9 Lighting

11 11-4-10 Signs

12 11-4-11 Monuments

13  
14 **11-4-1 Standards and Specifications**

15 Standards for design, construction specifications, and inspections of street improvements, curbs, gutters,  
16 sidewalks, stormwater drainage and flood control facilities shall be provided by the city engineer; standards for  
17 water distribution and sewage disposal facilities by the board of health; and similar standards for fire protections  
18 by the fire department. All developers shall comply with the standards established by such departments and  
19 agencies of the city, county, and state, provided that such standards shall be approved by the city council.  
20 Construction specifications approved and as may be amended from time to time by action of the city council are  
21 hereby adopted by reference as if fully set forth herein, three copies of which are on file in the city recorder's  
22 office for public inspection. These standards and specifications, in addition to the general standards set forth in  
23 this title, shall be used by all developers and/or development.

24  
25 (Code 1998, § 11-4-1; Subd. Ord., 1-24-1990; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-  
26 2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017;  
27 Ord. No. 2018-002, 4-10-2018)

28  
29 HISTORY

30 Adopted by Ord. 06-2022 on 9/21/2022

31  
32 **11-4-2 Blocks, Lots and Open Spaces**

33 The design of the preliminary and final plats of the development in relation to streets, blocks, lots, open spaces,  
34 and other design factors shall be in harmony with the current general plan and current master plans; and shall  
35 comply with PCC title 10 and the Providence City Department of Public Works Standards and Specifications Manual  
36 as approved by the city council; and other applicable industry standards such as the American Public Works  
37 Association, and the American Water Works Association, etc., if authorized by the city engineer and public works  
38 director. All improvements shall be designed by a professional engineer licensed in the state.

- 39 A. Length. Streets shall not exceed two blocks, which is typically 1,320 feet, in length between intersections  
40 with functioning cross streets (not a cul-de-sac).  
41 B. Width. Blocks shall be wide enough to adequately accommodate two tiers of lots.  
42 C. Walkways/trails. Dedicated walkways/trails may be required. Such trails shall be a minimum of eight feet  
43 in width but may be required to be wider where determined necessary by the city. The developer shall  
44 surface the full width of the walkway with an approved surface.  
45 D. Multifamily housing. Multifamily dwellings or other types of cluster housing will be considered at the  
46 option of the city. If approved, adequate space of off-street parking shall be required.  
47 E. Arrangement; design. The lot arrangement and design shall be such that lots will provide satisfactory and  
48 desirable sites for buildings, be properly related to topography, to the character of the surrounding  
49 development and to existing requirements.  
50 F. Adjoin street. Each lot shall abut on a street or lane shown on the development plat or on a publicly  
51 dedicated street. Double frontage lots shall be prohibited, except where unusual conditions make other  
52 designs undesirable.

Code Amendment

Title 11 Chapter 11-4 Design Standards – Redline

Draft 11/08/2023

- G. Open space. A portion of land or development site that is permanently set aside for public or private use and will not be developed. Open space may be used as a community open space or preserved as green space. Green space is open space maintained in a natural, undisturbed, or revegetated condition.

(Code 1998, § 11-4-2; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### 11-4-3 Streets and Street Improvements

- A. Arrangement. The arrangement of streets in new development shall make provision for the continuation of existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the city. If a future street or the expansion of an existing street is shown in the city's general plan or master transportation plan as involving some of the land involved with a proposed new development, then the proposed development plan shall make appropriate provisions for the construction of the new street or expansion of that existing street, as the land use authority reviewing the proposed new development shall determine.
- B. Connection. New streets must connect with existing public streets.
- C. Width; costs.
1. The general plan and/or transportation corridor master plan designates the location of the various street types.
  2. The minimum right-of-way width for residential streets shall be 66 feet.
    - a. Generally, residential streets shall have a minimum asphalt width of 30 feet.
    - b. When designated on the general plan and/or transportation corridor master plan, residential streets shall have a minimum asphalt width of 37 feet.
  3. The minimum right-of-way width for a commercial street shall be 80 feet, with a minimum asphalt width of 49 feet.
  4. The minimum right-of-way width for a major street shall be 99 feet, with a minimum asphalt width of 66 feet.
  5. Costs of new roads and repairs to existing roads caused by development.
    - a. The costs of new residential streets and repairs to existing roads caused by development shall be borne by the developer.
    - b. Where a major street or a commercial street is required, the cost of any paved section over and above 39 feet of width may be shared by the city.
    - c. The city's participation shall be determined by the cost estimates reviewed by the city engineer and approved by the city council. The approved estimates shall be part of the development agreement attached to the final plat.
- ~~6. The following roads do not require curb, gutter, and sidewalk: Grandview Drive and Foothill Drive in the Grand View Hills Subdivision; Canyon Road east of 400 East. 400 East from Canyon Road south to the city's south boundary line does not require curb, gutter, and sidewalk on the west side; curb, gutter, and sidewalk are required on the east side.~~
- D. Surfacing. All streets shall be improved as shown in the current city department of public works standards and specifications manual.
- E. Grades.
1. Grades of streets shall not be in excess of 15 percent for a maximum of 150 feet measured along the center line of the street, nor in excess of eight percent on sustained grades (a length of street that exceeds 150 feet), unless otherwise approved by the city. Grades of roads shall be a minimum of 0.5 percent.
  2. Streets shall be designed and constructed to a grade of less than four percent for a distance of at least 100 feet approaching all intersections. If the intersection includes a pedestrian crossing, the pedestrian crossing must meet the requirements of the Americans with Disabilities Act (ADA).

**Commented [SB1]:** This was a requirement in the concept plan. Because the city can no longer require a concept plan, this statement was moved to this code section.

**Commented [SB2]:** During the 11/08/2023 meeting, the planning commission recommended deleting this clause.

3. All changes in street grades shall be connected by vertical curves of a minimum length equivalent to 15 times the algebraic difference in the rate of grade for major streets and commercial streets; and one-half of this minimum for all residential streets.
4. Grades through cul-de-sacs (permanent or temporary) shall not exceed four percent.
- F. Curvature on center line. Minimum radii of curvature on center line shall be as follows: major and commercial streets, 500 feet; residential streets, 300 feet; unless otherwise approved by the city.
- G. Partial streets. When a partial street is approved, it will require sufficient right-of-way to construct improvements as shown on the partial street cross section in the current city department of public works standards and specifications manual.
- H. Intersection angles; curb radii. In general, streets should intersect at right angles, residential streets should approach the major or commercial streets at an angle of not less than 85 degrees and not more than 95 degrees, and curb corners should have a radius of not less than 20 feet.
- I. Curbs and gutters.
1. All streets within the development shall be improved as shown in the current city department of public works standards and specifications manual.
2. Minimum grades for curb and gutters and streets shall not be less than 0.5 percent, and from crown of road to the lip of the curb shall be a minimum of two percent.
- J. Swales. Swales may be designed to replace curb and gutter. Designs shall include, but are not limited to, providing methods and planting materials that will be used to ensure the integrity of the swale is maintained in a manner that will prevent erosion of soils and infiltration of silt and other materials along the swale area and into storm retention systems, streets, and other properties. The developer is responsible to maintain the swales for a warranty period of two years.
- K. Sidewalks. Sidewalks may be required on both sides of all public streets. Sidewalks placed on both sides of public streets shall be concrete and five feet wide minimum and four inches thick minimum. All sidewalks that cross residential driveways shall be six inches thick minimum. All sidewalks that cross commercial driveways shall be eight inches thick minimum. Sidewalks at all intersections of public streets shall conform to adopted American Disabilities Act standards.
- L. Existing and proposed streets. The developer shall improve existing and proposed streets in all development, except on the rear of lots that back on streets where access is not permitted. Timetable of completion and the security performance of all improvements will be listed in the development agreement.
- M. Damage. In the event existing sidewalks or curbs and gutters are damaged at any time, the damaging party shall repair or replace the damaged items as per PCC 7-3-1.
- N. Nonconnecting streets; turnarounds. At all temporary ends to streets on nonconnecting streets, provisions shall be provided by the developer for a turnaround for snow plows, garbage trucks, and other service vehicles. Turnarounds must be paved with hot mix asphalt (see exception in subsection N.4 of this section). See the current city department of public works standards and specifications manual.
1. Turnarounds at temporary ends to streets may be a cul-de-sac or a "T" configuration; and must meet fire department requirements. A temporary end to a street that is less than 150 feet may be used as a "T" turnaround.
2. The city, at its sole discretion, may restrict driveway location for lots adjacent to streets with temporary ends.
3. The city, at its sole discretion, may require an easement for snow removal at a temporary end to a street.
4. Exception to hot mix asphalt. If the grade in a temporary turnaround is two percent or less, a hard surface other than hot mix asphalt may be accepted. However, the grade of the temporary turnaround must be designed with safety in mind. The city reserves the right to reject a temporary turnaround at a grade of two percent or less, if the city engineer feels safety may be compromised.
- O. Park strips. Park strips shall be at least seven feet in width.
- P. Bicycle lanes. On major, commercial, and residential streets, bicycle lanes should be added as specified in the general plan and/or transportation corridor master plan, and other streets where possible. If

necessary and approved by the city council, bicycle lanes may be added in lieu of a sidewalk and/or park strip on one side of the street to help accommodate alternative modes of transportation.

- Q. Residential Access to a major, commercial, or specified residential street. Access to a major, commercial, or specified residential street, as shown on the general plan and/or transportation corridor master plan, from a residential unit (i.e., driveway cutout) shall only be allowed where no other option or solution exists.
- R. Parking. Parking on major, commercial, or specified residential street, as shown on the general plan and/or transportation corridor master plan, should be limited to areas designated by the city, so as not to impede the flow of traffic.
- S. Seal coat on asphalt surfaces. Provisions for sealing all asphalt surfaces within the subdivision shall be determined during the subdivision development plan approval process. Developers may seal asphalt using one of the following methods:
1. Ancillary agreement. The developer may enter into an ancillary agreement with the city in which the developer provides to the city a predetermined guarantee for improvements in exchange for the city agreeing that the developer will seal all asphalt within the subdivision no later than two years after the completion of the subdivision and by a date agreed to by the city engineer; or
  2. Seal coat fee. The developer may pay a seal coat fee to the city, and the city will seal all asphalt in the subdivision. The seal coat fee shall be equal to the square footage of road surfaces in the subdivision multiplied by the cost per square foot for the type of seal coat to be used. The fee per square foot shall be set by resolution of the city council in the master fee schedule and modified as needed from time to time.

Pursuant to either seal option stated above, the city's streets superintendent shall determine the type of seal coat to be used (chip seal, slurry seal, etc.) based on best practices for the type of street to be sealed. If a developer selects the seal coat fee option, the use of the fees collected for the actual application of the approved seal coat shall be at the discretion of the city as determined by the city's municipal budget. The seal coat fee shall be used by the city to accomplish the initial seal coating for the subdivision no later than two years after the completion of the subdivision.

(Code 1998, § 11-4-3; Subd. Ord., 1-24-1990; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### 11-4-4 Water System

- A. Design; construction. The entire system shall be designed and constructed in accordance with city standards and the state health department standards. If there is conflict between the standards, the most stringent shall rule.
- B. City standards. The city standards are contained in the current city department of public works standards and specifications manual.
- C. Fees. The costs for connection to the city water supply shall be specified in the fee schedule to be held in the city office.
- D. Fire hydrants. Fire hydrants shall be installed at the expense of the developer and in accordance with the regulations of the fire department and city standards.
- E. City line to development. Where a development does not border an existing city water line, the developer shall install and bear all costs of pipeline from the development to the nearest existing city water line.

(Code 1998, § 11-4-4; Subd. Ord., 1-24-1990; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

**11-4-5 Sewer System**

- A. Standards and specifications. See the current city department of public works standards and specifications manual.
- B. Fees. The costs for connection to the city sewer system shall be specified in the fee schedule to be held in the city office.
- C. Wastes allowed. Domestic wastes only shall be allowed to enter a common collection system. Downspouts for roof drains, basement drains which lower groundwater conditions, and other similar possible inflows to the sewer system shall not be allowed. Under no circumstance shall hazardous wastes or drainage from garage floors be allowed to enter a common collection system.
- D. City main to development. As with the water system, the developer shall be responsible for extending and connecting to the nearest existing sewer main. The final line sized and final approval shall also be subject to approval by the city engineer.

(Code 1998, § 11-4-5; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

**11-4-6 Storm Drainage**

- A. Ditches; canals. No ditch or canal shall be approved as suitable for the use of storm drainage without the written permission of the appropriate ditch or canal company. At the discretion of the city, ditches, canals or other waterways may be prohibited on property dedicated or to be dedicated for public use.
- B. Structures provided. Storm drains, cross-gutters, and other appurtenant structures shall be provided by the developer as required to adequately dispose of the 100-year frequency flood flows developed within the limits of the development along with the existing flows entering the proposed development from adjacent properties. The developer shall have the responsibility of providing off-site storm drain extensions in order to satisfactorily dispose of drainage.
- C. Plans. Complete drainage systems for the entire development area shall be designed by a professional engineer, licensed in the state and qualified to perform such work, which shall be shown geographically. All existing drainage features which are to be incorporated in the design shall be so identified. If the development is to be platted in phases, a general drainage plan for the entire area shall be presented with the first phase, and appropriate development stages for the drainage structures shall be indicated. All proposed surface drainage structures shall be indicated on the plans. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
- D. Design of system. The drainage system shall be designed to accommodate a 100-year storm event, using rain fall data from sufficient sources, including, but not limited to, the nearest official weather station to track 100-year storm events. Systems shall be designed to:
  1. Permit the unimpeded flow of natural watercourses;
  2. Ensure adequate drainage of all low points; and
  3. Ensure applications of the following regulations regarding development in designated floodplains:
    - a. Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a 100-year flood.
    - b. Building construction may occur in the portion of the designated floodway where the return frequency is between a 100-year and a maximum probability flood, provided all usable floor space is constructed above the designated maximum probable flood level.

(Code 1998, § 11-4-6; Subd. Ord., 1-24-1991; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### **11-4-7 Irrigation Ditches**

The subdivider shall work with irrigation, drainage or ditch companies and the city engineer with regards to ditches or canals as to:

- A. Covering, realigning, eliminating. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision.
- B. Pipe size; culverts. The size of pipe and culverts required.
- C. Responsibility. The responsibility for the periodic inspecting, cleaning and maintaining of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the city engineer.

(Code 1998, § 11-4-7; Subd. Ord., 1-24-1990; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### **11-4-8 (Reserved For Future Use)**

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### **11-4-9 Lighting**

The developer is responsible for the street lights, location to be determined by the city. The developer is responsible for the street lights along the frontage of and within the development. The developer will be responsible for all associated costs pertaining to the street lights and all coordination with the power company will be handled by the developer.

(Code 1998, § 11-4-9; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### **11-4-10 Signs**

To ensure uniformity, the city shall make available all required street signs and the cost thereof shall be charged to and paid by the developer.

(Code 1998, § 11-4-10; Subd. Ord., 1-24-1990; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### **11-4-11 Monuments**

Code Amendment

Title 11 Chapter 11-4 Design Standards – Redline  
Draft 11/08/2023

311 Permanent monuments shall be furnished in conformance with the current city department of public works  
312 standards and specifications manual.  
313  
314 (Code 1998, § 11-4-11; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord.  
315 No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-  
316 2018)  
317  
318 HISTORY  
319 Adopted by Ord. 06-2022 on 9/21/2022  
320

DRAFT

1 CHAPTER 11-5 PUBLIC IMPROVEMENTS

2 11-5-1 Construction Drawings

3 11-5-2 Building Permit Issuance; Minimum Improvements

4 11-5-3 Completion Of Construction; Time Limit

5 11-5-4 Mandatory Approval Stages

6 11-5-5 Acceptance

7 11-5-6 (Reserved For Future Use)

8 11-5-7 Security Of Performance

9 11-5-8 (Reserved For Future Use)

10 11-5-9 Adjacent Streets

11 11-5-10 (Reserved For Future Use)

12 11-5-11 Extension Of Public Works Facilities

13 11-5-12 Utilities

14 11-5-13 City Water And Sewer Systems

15 11-5-14 Sharing Development Costs

17 **11-5-1 Construction Drawings**

18 The developer's engineer shall be a professional engineer licensed in the state and shall prepare, or shall  
19 be responsible for the preparation of, all construction drawings relative to public improvements in and  
20 out of the development. The developer's engineer shall also prepare, as part of the construction  
21 documents, an estimate of the cost of construction of all the public improvements (list the required  
22 minimum improvements separately). Two copies of the construction drawings must be submitted with  
23 the final plat. All such drawings shall be reviewed and approved by the city. A signed approved set shall  
24 be kept at the construction site.

25 A. *Drawing alteration.* Any changes or alterations to the original drawings must be approved, in  
26 writing, by the city engineer prior to the construction of any such changes.

27 B. *Application for development and public improvement installation.* Prior to the city's approval of  
28 the construction drawings, the developer shall complete an application for development and  
29 public improvement installation.

30 1. If the development is subject to a development agreement that, as per state code, is  
31 approved by the city council using the same procedure for enacting a land use regulation,  
32 an application for development and public improvement installation is not required.

33 (Code 1998, § 11-5-1; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014,  
34 10-23-2018)

35 HISTORY

36 Adopted by Ord. 06-2022 on 9/21/2022

37 **11-5-2 Building Permit Issuance; Minimum Improvements**

38 A. Construction of public improvements shall proceed only after the construction drawings have  
39 been approved by all required entities. Building lots may be sold by the developer for the  
40 proposed subdivision only after the final plat has been recorded. After consulting with the fire  
41 official and the building official, the following minimum improvements, as shown on the approved  
42 construction drawings, are considered essential to meet the requirements for the issuance of a  
43 building permit or certificate of occupancy under the building code and fire code and shall be

**Commented [SB1]:** UCA 10-9a-532 regulates development agreements. We use a development application instead of a development agreement.

**Commented [SB2]:** See UCA 10-9s-604.5(3)(c)(iv) and 10-9a-802(2)(d)

completed and in place before the city will issue a building permit for any lot within the proposed development:

1. ~~All grading of roads (including pit run and road base) as shown on the approved construction drawings, and all curb, gutter, and all utility trenches that lay inside the roadway;~~ **Culinary water system improvements. The culinary water system shall be operational and provide adequate water quality and pressure for fire protection.**
  2. ~~All stormwater (excluding finish grades and landscaping), water, sewer, and other improvements that may be deemed necessary minimum improvement; and~~ **Sanitary sewer system improvements. The sanitary sewer system shall be operational.**
  3. ~~Access, egress, and ingress, to provide acceptable and safe travel to and from each lot in the approved subdivision. Streets/roads shall be graded to meet the minimum widths required by Providence City code and constructed to meet the minimum requirements of the fire code.~~
  4. **Storm water/drainage facilities. The storm water system shall be operational and provide adequate drainage facilities to protect the area during storm events.**
- B. Construction zone signs provided and maintained by the city at the developer's expense must be installed as per the public works director.
- C. **Inspection.** All required testing results and red line drawings **of the essential minimum improvements** must be turned in to the city before the minimum improvement inspection takes place. An inspection of the minimum improvements shall be made and the city engineer will certify to the city, in writing, that the minimum improvements are complete prior to the issuance of any building permits.
- D. Asphalt shall not be laid prior to a minimum improvement inspection approval.

(Code 1998, § 11-5-2; Subd. Ord., 1-24-1990; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014, 10-23-2018)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### **11-5-3 Completion Of Construction; Time Limit**

- A. Construction must be completed within a two-year time period. The two-year time period begins on the date the construction drawings were signed by the city engineer.
- B. At the completion of construction, or prior to the end of the maximum two-year time period, whichever comes first, the city shall make an inspection of all improvements and inform the developer of their findings. At the completion of construction, the developer shall call for an inspection by the city, and that inspection shall be made within ten days of the written request. The developer's engineer shall provide the city with as-built drawings accurately defining, for permanent record, the surface improvements and underground utilities as they were actually constructed. A construction punch list will be made up by the city indicating the items missed or needing correction prior to acceptance of the improvements by the city, and all required replacements or repairs shall be completed by the developer, at the developer's expense, prior to acceptance by the city.
- C. **Extension of the time for completion. The time period for the completion of the required public improvements may be extended due to unforeseen circumstances, if it is determined by the city there is good cause for the extension. Unforeseen circumstances may include but are not limited**

**Commented [SB3]:** This is something new. During the past few years, it has become more difficult for the developers to finish within the two-year timeframe. I have had several requests to extend the time.

to: delays caused by weather, natural disaster, natural hazards, etc. or similar act beyond the developer control (force majeure).

1. Development subject to a development agreement, that as per state code, is approved by the city council using the same procedure for enacting a land use regulation.
  - a. The city council may consider and may grant an extension of the time for completion.
2. Development subject to an administrative development agreement or an application for development and public infrastructure installation.
  - a. The regulatory land use authority may consider and may grant an extension of time for completion.
3. If an extension of time for completion is granted, an improvement completion assurance must be in place to cover the time of the extension.
4. Extension periods may be granted in six month increments. A maximum of three extension periods may be granted.

**Commented [SB4]:** Revised during 11/08/2023 planning commission meeting.

(Code 1998, § 11-5-3; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014, 10-23-2018)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### **11-5-4 Mandatory Approval Stages**

The following list of mandatory approvals is required by the city. It is the responsibility of the developer to either notify or cause the developer's subcontractors to notify the city in order that these approvals can be made. Failure to do so may result in work stoppage until the approvals are complete. Detailed approvals are listed in the standards and specifications manual. The city shall be given 24 hours' (business days only) notice to schedule the following approvals:

- A. The city must receive a written notice of approval from the city engineer before the development can begin the next approval stage.
  1. *Preconstruction meeting.* A pre-construction meeting will be held with the developer, general contractor for the development, and city staff prior to beginning any construction in the development, including grading and trenching.
    - a. It is the developer's responsibility to notify the general contractor and all appropriate subcontractors for the development of their required attendance at the preconstruction meeting and that no construction can commence until after that meeting.
    - b. The stormwater notice of intent (NOI) and stormwater pollution prevention plan (SWPPP) must be in place prior to the preconstruction meeting.
  2. *Minimum improvements.* An inspection of the minimum improvements shall be made and the city engineer will certify to the city, in writing, that the minimum improvements are complete prior to the issuance of any building permits.
    - a. The city must receive a written notice of approval of minimum improvement before asphalt installed.
  3. *Substantial completion.* A substantial completion inspection shall be made when the construction is 100 percent completed in accordance with the approved development and public improvement installation agreement and approved construction drawings as

modified by any change orders agreed to by the developer and approved by the city engineer.

- a. A list of items to be corrected (punch list) will be given to the developer and/or contractor. The failure to include an item on the punch list does not alter the responsibility of the developer and/or contractor to complete all the work in accordance with the approved development and public improvement installation agreement and approved construction drawings, including any change orders agreed to by the developer and approved by the city engineer.
4. *Final.* A final inspection shall be made when the construction and all items on the punch list are 100 percent complete and installed in accordance with the approved development and public improvement installation agreement and approved construction drawings as modified by any change orders agreed to by the developer and approved by the city engineer.
  - a. The warranty period shall not begin until the city engineer certifies, in writing, that all improvements are 100 percent complete.
5. *Warranty.* The developer shall warrant that the public improvements shall remain in good condition and free from all defects in performance, materials and workmanship during the warranty period except where such damage or defects are caused by verified acts of misuse, vandalism, or negligent acts of parties other than those associated in any way with the design, construction, and/or materials used in development, including, but not limited to, developer, subcontractors, engineers, consultants, etc.
  - a. The warranty security will not be released until the city engineer certifies, in writing, that the Public Improvements are in good condition and free from all defects in performance, materials, and workmanship.
- B. If the improvements fail after receiving a written approval for subsections A.2, 3, and 4 of this section, the approval is void. The developer must resolve the failure and receive written approval that the failure has been corrected before moving to the next stage.
- C. Scope and limitations of the inspection and report and/or punch list. The inspection report and/or punch list is not an all-encompassing report and/or punch list dealing with the improvement in every aspect. It is a reasonable attempt to identify any obvious or significant defects apparent at the time of the inspection.
  1. This is a visual inspection only and limited to those areas and sections of the property fully accessible and visible to the inspector on the date of the inspection.
  2. The inspection report and/or punch list does not and cannot make comment upon defects that may have been concealed; or the assessment or detection of defects which may be subject to the prevailing weather conditions.
  3. The inspector's presence on-site does not constitute an inspection or approval.

(Code 1998, § 11-5-4; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014, 10-23-2018)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### **11-5-5 Acceptance**

- A. The subdivision of lands shall not be accepted by the city without the city and developer first receiving a statement signed by the city engineer that the improvements described in the

approved construction drawings and the approved development agreement and addendum have been completed.

B. Additionally, any subdivision of lands shall not be accepted without the developer having first provided the city with a one-year written guarantee on all public improvements installed.

(Code 1998, § 11-5-5; Subd. Ord., 1-24-1990; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014, 10-23-2018)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### 11-5-6 (Reserved For Future Use)

#### HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

#### 11-5-7 Security Of Performance Improvement Completion Assurance

The security of performance improvement completion assurance required by this section is to ensure the city that all improvements are constructed in conformance with all relevant city ordinances, regulations and standards, and to ensure the city that all expenses incurred for labor and materials used in the construction of the same are paid for by the developer.

A. *Warranty bond.* A minimum of a one-year warranty bond of ten an amount equal to the maximum percentage allowed by state law of the reasonable value of all the public improvements required herein, as estimated and submitted by the development engineer and verified by the city engineer's estimate, shall be in place at the time the final plat is recorded city engineer certifies, in writing, that all improvements are 100 percent complete.

1. If the approved bid is higher than the engineer's estimate, the city reserves the right to require the amount be increased to ten percent of the approved bid.
2. If suspect soil is present a longer bond, as determined by the city engineer, may be required.

B. ~~Public improvement completion security~~ *Improvement completion assurance.* To ensure completion of the public improvements required herein, an public improvement completion security assurance on the remaining improvements shall be in place prior to the issuance of a building permit.

1. *Amount.* The amount determined by the city engineer shall be a percentage equal to at least 100 percent the maximum amount allowed by state law based on the engineer's cost estimates of the reasonable value of the improvements required herein, as approved by the city engineer.
2. If the approved bid is higher than the engineer's estimate, the city reserves the right to require the amount be increased to 100 a percentage equal to the maximum amount allowed by state law of the approved bid.
3. *Methods.* The public improvement completion security assurance may at the city's sole discretion, be furnished by any of the following methods:
  1. By providing a performance, surety or cash bond in the amount specified and conditioned upon payment by the developer of all expenses incurred for labor and materials used in the construction of the required improvements. This method of security shall be preferred by the city.

Commented [SB5]: This wording fits better with UCA 10-9a-604.5

- 216 ~~2. By depositing the specified amount of cash in a bank account to which the city~~  
217 ~~alone has access, but only in the event it becomes necessary, in order to~~  
218 ~~complete, repair or replace the improvements as set forth in this chapter.~~  
219 3. By providing the city with an irrevocable letter of credit issued by an acceptable  
220 financial institution naming the city as the sole beneficiary with a maturity date  
221 of at least two years and three months from the date of recording the final plat.  
222 4. By depositing the specified amount of cash in a supervised bank account to which  
223 the developer has access, with the approval and signature of the city, which funds  
224 shall be used to pay for the improvements as construction is completed and  
225 evidence lien waivers. In the event it becomes necessary for the city to foreclose  
226 on the public improvements completion security and move to complete, repair  
227 or replace the improvements as set forth, then the city shall have access to said  
228 supervised bank account for the purpose of completing, repairing, or replacing  
229 improvements without the necessity of obtaining the approval of the developer.  
230 ~~5. By giving other security in an amount approved by the city. This method shall be~~  
231 ~~accepted only at the option of the city. In addition, the city must have official~~  
232 ~~appraisals, a title report and review all encumbrances on the assets being offered~~  
233 ~~before this method may be accepted.~~

- 234 C. In the event construction of the public improvements is not completed, or is not completed in a  
235 satisfactory manner, within the negotiated time period but not to exceed two years from the date  
236 the construction drawings were approved with all required signatures, the city may proceed to  
237 install the improvements at the developer's expense by foreclosing on the developer's security of  
238 performance held by the city. If said security is insufficient to pay for said improvements, which  
239 the city shall cause to be installed, then the developer shall be liable for any deficiency and  
240 reasonable attorney fees realized by the city.  
241 D. In the event the public improvements fail to meet the standards as set forth in the developer's  
242 written guarantee, the city shall so notify the developer who shall be given a reasonable time to  
243 repair of otherwise correct as requested or the city may proceed to repair or replace the  
244 unsatisfactory improvements at the developer's expense by foreclosing on any security of  
245 performance still held by the city; and, in addition, the city may avail itself of any other remedy  
246 provided to it under the laws of the state and of the city.

247 (Code 1998, § 11-5-7; Ord. No. 003-00, 1-25-2000; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-  
248 10-2013; Ord. No. 2018-014, 10-23-2018)

249 HISTORY

250 Adopted by Ord. 06-2022 on 9/21/2022

251 **11-5-8 (Reserved For Future Use)**

252 HISTORY

253 Adopted by Ord. 06-2022 on 9/21/2022

254 **11-5-9 Adjacent Streets**

255 It shall become the responsibility of the developer to pay for all of the required public improvements as  
256 determined by the city, including, but not limited to, a complete street cross section with all underground  
257 improvements.

258 (Code 1998, § 11-5-9; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014,  
259 10-23-2018)

260 HISTORY  
 261 Adopted by Ord. 06-2022 on 9/21/2022

262 **11-5-10 (Reserved For Future Use)**  
 263 HISTORY  
 264 Adopted by Ord. 06-2022 on 9/21/2022

265 **11-5-11 Extension Of Public Works Facilities**  
 266 The extension of any city public works facilities, including, but not limited to, roads, bridges, storm drains,  
 267 water mains, sewer lines, and secondary water systems, shall be installed by the developer of any  
 268 development. Layout must provide for future extension to adjacent development and be compatible with  
 269 the contour of the ground for proper drainage. All public improvements shall be installed to the boundary  
 270 lines of the development. There shall be no consideration or return to the developer within the area. The  
 271 city, however, will consider cost sharing on any water line that is in excess of an eight-inch diameter or  
 272 any sewer line that is in excess of a ten-inch diameter, in the event the city desires to participate for future  
 273 planning purposes.

274 (Code 1998, § 11-5-11; Subd. Ord., 1-24-1990; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-  
 275 2013; Ord. No. 2018-014, 10-23-2018)

276 HISTORY  
 277 Adopted by Ord. 06-2022 on 9/21/2022

278 **11-5-12 Utilities**  
 279 All utilities, privately or publicly owned, shall be placed underground. This includes, but shall not be limited  
 280 to, telephone, gas, electric power, water, sewer, cable television and irrigation lines. Exceptions to this  
 281 may be considered.

282 (Code 1998, § 11-5-12; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014,  
 283 10-23-2018)

284 HISTORY  
 285 Adopted by Ord. 06-2022 on 9/21/2022

286 **11-5-13 City Water And Sewer Systems**  
 287 All developments located within the corporate boundaries of the city shall be required to connect to the  
 288 water and sewer systems of the city, except as provided by a resolution to the contrary.

289 (Code 1998, § 11-5-13; Subd. Ord., 1-24-1990; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-  
 290 2013; Ord. No. 2018-014, 10-23-2018)

291 HISTORY  
 292 Adopted by Ord. 06-2022 on 9/21/2022

293 **11-5-14 Sharing Development Costs**  
 294 Public works improvements shall be paid for by the developers and landowners who will benefit by their  
 295 existence and use as set forth in this section.

296 A. *Compensation.* Circumstances where the original developer may be compensated by adjacent  
 297 landowners or by the city for a portion of the cost for these improvements:

298 1. *Adjacent landowner.* The owner of any parcel of land that has frontage along and/or is  
 299 immediately adjacent to any public works improvements, which landowner would benefit

- from connecting onto or accessing the public works improvements without additional easements or rights-of-way. Parcels of land that could only be served by an extension of the public improvements beyond the end of those that were installed by the original developer are not included.
2. *City compensation.* The city may use PCC 11-5-11 as a guide for determining whether or not to assist a developer where the potential for future growth may present a demand for up-sized water or sewer lines or extra width for a road.
- a. In addition to PCC 11-5-11, the city may provide funds from impact fees that would expand and improve public works in already existing public rights-of-way, or in areas where upgrades are needed but not done, provided the use of impact fees is in compliance with state and city law.
  - b. The city may use impact fees to assist with off-site improvements as allowed by law so that reimbursement to the developer will not have to be tracked in the future.
  - c. All agreements and the dollar amounts of the financial commitment by the city must be part of the development agreement.
  - d. When the city participates with a developer as herein mentioned, then there will be no additional compensation due from adjacent landowners to the developer.
  - e. In the event the city determines to participate in the costs of certain public works improvements proposed by a developer, the city's participation will generally involve the expenditure of impact fees as allowed by law, in the anticipation that the city will be reimbursed through the collection of impact fees at the time building permits are issued as development occurs and/or through receipt of sales tax revenues.
3. *Compensation from adjacent landowners.* Where an adjacent landowner may benefit from the installation of public works improvements, a developer may contact the adjacent landowner and solicit participation in the costs for such improvements from the adjacent landowner.
- a. If an agreement is reached, a written agreement for sharing development costs by adjacent landowners that may use the improvements shall be submitted by the developer initially responsible for the improvements, along with the final plat.
4. *No participation from adjacent landowners.* Where adjacent landowners do not participate as described in subsection A.3 of this section, and the city does not participate as described in subsection A.2 of this section, then the original developer may be entitled to compensation from adjacent landowners as follows:
- a. *Submitting a statement of costs.* The original developer must file a letter or other written notice with the city by not later than the date of final plat approval by the city council, indicating the original developer's intent to be considered for reimbursement of a portion of the costs of constructing public works improvements as provided in this chapter.
    - 1) The letter or other written notice must provide an estimate of costs for the public works improvements to be installed by the developer.
    - 2) This letter or other written notice will be used by the city to alert future adjacent landowners or their developers of their responsibility to the original developer, if they should begin to develop their adjacent real property before the original developer has completed installation of the required public works improvements.

- 347 3) The failure to submit the referenced letter or other written notice to the  
348 city by the date of final plat approval by the city council shall constitute a  
349 waiver by the original developer of the right to request reimbursement  
350 as contemplated by this section.
- 351 5. No developer may use this chapter for shared development costs as a basis for  
352 unapproved private compensation or to control, direct, or deter growth within the city.
- 353 a. The city requires that all compensation of one developer to another be  
354 accomplished by using this chapter and be done in writing and in conjunction with  
355 the city.
- 356 b. Developers may continue, however, to combine their resources and work  
357 together in developing areas or a combination of areas, as proposals are made,  
358 as described in subsection A.3 of this section.
- 359 B. *Completion.*
- 360 1. When the original development's public improvements are completed and accepted in  
361 writing by the city, the original developer has 30 days from the date of acceptance of said  
362 improvement by the city, to file a statement of actual expenses incurred for the public  
363 works improvements.
- 364 a. Itemize each item of the public improvements, with complete itemization of the  
365 costs incurred for each item. Statement may include engineering costs.  
366 Statement shall include developer's proposed division of such costs between the  
367 developer and adjacent landowners.
- 368 b. Should the original developer fail to file the statement of actual expenses  
369 incurred for the public works improvements as required by this subsection, within  
370 30 days from the date of acceptance of the public works improvements by the  
371 city, or fail to submit the as-built drawings as required by the city's subdivision  
372 ordinance, the original developer's request for compensation/reimbursement  
373 and any determination made by the commission and/or the city council shall  
374 become null and void.
- 375 2. *Future development; pro-rata share.* Future development by owners of land adjacent to  
376 these public improvements will not be approved by the city until the new developer  
377 agrees in writing to compensate the original developer, or the developer's legal agent, for  
378 a pro-rata share of the costs of the public works improvements, as was approved by the  
379 city.
- 380 3. *Reimbursement to the original developer.* Reimbursement to the original developer shall  
381 be 100 percent of the pro rata share during the first five years following the date of  
382 completion and acceptance by the city of the public works improvements. The pro rata  
383 share shall be depreciated 20 percent per year thereafter, and no pro rata share shall be  
384 due to the developer after ten years following the acceptance date by the city.

385 (Code 1998, § 11-5-14; Ord. No. 004-00, 1-25-2000; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-  
386 10-2013; Ord. No. 2018-014, 10-23-2018)

387 HISTORY

388 Adopted by Ord. 06-2022 on 9/21/2022

1 CHAPTER 11-6 CONDOMINIUM APPROVAL

2 11-6-1 Purpose And Intent

3 11-6-2 Submission Of Application

4 11-6-3 Staff Review

5 11-6-4 Planning Commission Action

6 11-6-5 Final Plat Recordation

7  
8 **11-6-1 Purpose and Intent**

- 9 A. The procedures and requirements of this chapter shall apply to and govern the processing of  
10 condominium records of survey maps pursuant to the requirements of the Condominium Ownership Act  
11 ([U.C.A. 1953, § 57-8-1 et seq.](#)). Said procedures and requirements shall supplement zoning, site  
12 development, health, building and other ordinances applicable to a particular condominium project, and  
13 shall apply to the approval of such projects involving new construction as well as those involving the  
14 conversion of existing structures. In addition, condominium projects, which contemplate dedication of  
15 real property or improvements for the use of the public, or condominium projects in which units are not  
16 contained in existing or proposed buildings shall also be considered subdivisions requiring compliance  
17 with the applicable provisions of this chapter.
- 18 B. It is the intent of this chapter to establish a reasonable process whereby the city can assess the impact of  
19 mixing collective and individual ownerships, as presented in a particular condominium project, upon the  
20 public health, safety, welfare and convenience of the city. In the case of conversions of existing  
21 commercial or residential buildings to condominiums, corrections of building code violations, the  
22 upgrading of vehicle parking facilities, and safety of common functional elements of the structures are of  
23 prime importance.

24  
25 (Code 1998, § 11-6-1; Ord. No. 2016-005)

26 HISTORY

27 Adopted by Ord. [06-2022](#) on 9/21/2022

28  
29 **11-6-2 Submission of Application**

- 30 A. *Documents and information required.* The owner or developer of a proposed condominium project  
31 desiring approval shall file the following with the ~~planning commission~~ **city**:
- 32 1. An application for condominium approval on a form prescribed by the city;
  - 33 2. ~~Four~~ **Two** copies (20-inch by 30-inch minimum, 24-inch by 36-inch maximum size) and one 21-  
34 inch by 31-inch copy of the proposed record of survey map required by [U.C.A. 1953, § 57-8-13](#).  
35 The map shall also:
    - 36 a. Be drawn to a scale no smaller than one inch equals 40 feet;
    - 37 b. Contain diagrammatic floor plans identifying boundaries of the project units, convertible  
38 and expandable areas or spaces and common areas;
    - 39 c. Contain a designation of the intended use of common areas, such as storage areas,  
40 recreational areas, parking areas for owners, guests, open space, etc.;
    - 41 d. Contain a designation of the common areas which are open to the public, which are  
42 assigned to specific units and which are semiprivate and available only to unit owners;
    - 43 e. Contain a detailed description of existing or proposed driveways, pedestrian ways, curb  
44 cuts, walls, structures, fences, landscaping and sprinkling systems; and
    - 45 f. Show individual utility connections for each unit. The culinary water must be master  
46 metered. The city will bill the condominium association, not individual units;
  - 47 1. Two copies signed in the original of the proposed condominium declarations and bylaws;
  - 48 2. A condominium application filing fee, which shall be equal to the filing fee the developer pays for  
49 the subdivision application;
  - 50 3. Proposed covenants, conditions and restrictions which provide adequate guarantees for  
51 retention and maintenance of the development as approved.

- 52 B. *Meetings.* The city staff (or the city staff's assigns) may, at ~~their discretion~~ **the request of the developer**,  
53 meet with developers to comment on incomplete applications. Such meetings shall not be deemed  
54 acceptance of such incomplete applications for purposes of determining vested rights, and the city  
55 departments shall not retain copies of such incomplete applications. ~~The city shall not schedule meetings~~  
56 ~~and hearings before the planning commission on an application that is not complete.~~

57  
58 (Code 1998, § 11-6-2; Ord. No. 2016-005)

59 HISTORY

60 Adopted by Ord. 06-2022 on 9/21/2022

61  
62 11-6-3 Staff Review

63 Upon receipt of a completed application for approval of a condominium project, the city staff shall route copies of  
64 the application and development plans in the same manner as a standard subdivision. Additionally, preliminary  
65 review by the planning staff and fire chief shall include, but not be limited to, the following:

66 A. *Staff review.*

- 67 1. *Letter of intent.* A letter of intent shall be submitted indicating proposed concept of project for  
68 staff review. The condominium declarations and bylaws shall be reviewed as part of the final  
69 approval process and will include provisions addressing and fixing responsibility for the  
70 maintenance, upkeep and repair of common areas, including common walls, electrical,  
71 mechanical, plumbing or utility systems, recreational areas, landscaping, private streets and  
72 parking areas. The declarations shall also restrict the use of any individual residential dwelling  
73 unit to single families. The staff shall also review the declaration to require appropriate  
74 disclosure of any unusual circumstances, variances or conditions placed upon the condominium  
75 project for approval.  
76 a. *Fire safety review.* The fire marshal shall inspect each structure proposed for conversion  
77 to condominiums and shall submit a report thereon to the ~~planning staff~~ **city** outlining  
78 the conditions of the structures as they relate to fire safety. The fire marshal shall  
79 stipulate those conditions requiring improvement prior to occupancy in the report.  
80 b. *City attorney.* The city attorney shall review the declaration of condominium to ensure  
81 its conformance to the state code and city ordinances.  
82 2. *Plans and related documents.* The staff shall review the plans and related documents to  
83 determine whether the project conforms to applicable requirements of this title, the status or  
84 extent of nonconforming rights, applicable conditions imposed upon the building or use by  
85 ordinance, and/or conditional use permit. If the staff finds there are violations of applicable  
86 zoning ordinances or requirements, the staff may recommend denial of the condominium project  
87 until such violations have been corrected or requirements completed or monies escrowed for  
88 110 percent of the cost for correction before a decision can be made by the planning  
89 commission.  
90

91 (Code 1998, § 11-6-3; Ord. No. 2016-005)

92 HISTORY

93 Adopted by Ord. 06-2022 on 9/21/2022

94  
95 11-6-4 Planning Commission and Administrative Land Use Authority Action

- 96 A. *Compliance requirements.* Upon completion of the recommendations of the staff, the matter shall be set  
97 for consideration by the planning commission. The planning commission shall review the application to  
98 determine if it is in full compliance with:  
99 1. Applicable city ordinances;  
100 2. The requirements of the Condominium Ownership Act (U.C.A. 1952, § 57-8);  
101 3. In every way, the project is ready for final approval.  
102 B. *Planning commission action.* Upon completion of the planning commission's review, ~~it shall take action as~~  
103 ~~the land use authority for subdivisions~~ **shall consider the project for approval.**

Code Amendment

CHAPTER 11-6 CONDOMINIUM APPROVAL

DRAFT: 11/12/2023

Page 2 of 4

**Commented [SB1]:** Revised during the 11/08/2023  
planning commission meeting.

- 104 1. *Approval granted.* If the planning commission ~~administrative~~ land use authority finds that the  
105 project is in compliance with applicable ordinances and the requirements of final plat approval,  
106 the planning commission ~~administrative~~ and use authority shall grant approval.  
107 2. *Disapproval.* If the planning commission ~~administrative~~ land use authority determines said  
108 project is not in conformity with requirements of the ordinances of the city, or if it rejects any  
109 offers of dedication, the planning commission may disapprove the plat specifying the reasons for  
110 disapproval.  
111 3. *Reconsideration.* Within 30 days after the planning commission ~~administrative~~ land use authority  
112 has disapproved any final plat, the developer may file with the city a revised plat and/or  
113 documents altered to meet the requirements of the planning commission ~~administrative~~ and  
114 use authority. Upon receipt of the revised final plat and/or documents, and review by the  
115 executive staff, the matter shall be referred back to the planning commission ~~administrative~~ land  
116 use authority for reconsideration.  
117 4. *Approval and recording required.* No final plat shall have any force or effect until the same has  
118 been approved by the signature of the mayor and has been officially recorded with the county  
119 recorder within 60 days from the date of the planning commission's approval.  
120

**Commented [SB2]:** Revised during the 11/08/2023 planning commission meeting.

**Commented [SB3]:** Revised during the 11/08/2023 planning commission meeting.

**Commented [SB4]:** Revised during the 11/08/2023 planning commission meeting.

**Commented [SB5]:** Revised during the 11/08/2023 planning commission meeting.

**Commented [SB6]:** Revised during the 11/08/2023 planning commission meeting.

**Commented [SB7]:** Revised during the 11/08/2023 planning commission meeting.

121 (Code 1998, § 11-6-4; Ord. No. 2016-005)

122 HISTORY

123 Adopted by Ord. 06-2022 on 9/21/2022

124  
125 11-6-5 Final Plat Recordation

- 126 A. *Requirements.* For purposes of recordation, the final approved plat shall be recorded as a subdivision and  
127 be included in the subdivision plat records of the county recorder's office. Recordation by the city shall  
128 only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and  
129 fees are posted with the city public works department paid, and, if needed pursuant to state law, the  
130 improvement completion assurance is in place.  
131 B. *Covenants, conditions and restrictions.*  
132 1. The city shall require the applicant to submit for recording covenants, conditions and restrictions  
133 which will provide adequate guarantees for the permanent retention and maintenance of open  
134 space area, landscaping, natural features, private streets, other privately-owned infrastructure  
135 and architectural design standards in accordance with applicable rules, standards, and policies,  
136 including, but not limited to, the state code, this Code and the city public works standards and  
137 specification manual. The covenants, conditions and restrictions shall include, at a minimum,  
138 provisions for:  
139 a. The establishment of a condominium association, unless the property will continue to  
140 be held in single ownership by either a corporation, partnership or an individual, and  
141 restrictions are recorded requiring establishment of a condominium association in the  
142 event that the unity of title is not maintained; and  
143 b. A provision granting the city the consent of the condominium association and each of its  
144 members, after providing notice to each property owner and holding a public hearing,  
145 to create a special assessment area comprised of all units and lots within the  
146 development, to finance the cost of reasonably necessary maintenance, repair or  
147 replacement of commonly-owned essential public infrastructure such as streets,  
148 sidewalks, street lighting, water systems, etc., in the event of dissolution or default by  
149 the condominium association. It is the intent of this provision that once the city uses the  
150 special assessment area to finance the reasonably necessary maintenance, repairs, etc.,  
151 future maintenance and repairs would be treated as any other city infrastructure  
152 project.  
153 2. Each phase submitted for review shall include covenants, conditions and restrictions for  
154 approval.

- 155 3. Two copies of the declaration of covenants, conditions and restrictions shall be submitted to the  
156 city signed and prepared for recording at the county recorder's office prior to approval of a final  
157 plat. Prior to recordation, the covenants, conditions and restrictions shall be reviewed and  
158 approved for compliance with this chapter by the community development director and city  
159 attorney.  
160 4. The applicant shall be responsible for recording and recording fees.  
161

162 (Code 1998, § 11-6-5; Ord. No. 2016-005)

163 HISTORY

164 Adopted by Ord. [06-2022](#) on 9/21/2022  
165

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