

**CERTIFICATE OF PASSAGE AND POSTING**

STATE OF UTAH            )  
                                  : ss.  
COUNTY OF SALT LAKE)

**CITY OF BLUFFDALE**

**I, Teddie K. Bell, the duly chosen, qualified and acting Recorder of Bluffdale City, County of Salt Lake, State of Utah, do hereby certify as follows:**

1. On the 28<sup>th</sup> day of August, 2007, the Bluffdale City Council adopted Ordinance No. 2007-23
2. On the 6th day of September, 2007, I caused to be posted in three (3) public and conspicuous places within said City, certified copies of Ordinance No. 2007-23 of said City entitled:

**AN ORDINANCE AMENDING TITLE 11 OF THE BLUFFDALE CITY CODE, THE SUBDIVISION ORDINANCE, PERTAINING TO PHASING, COMPLETION OF SUBDIVISION IMPROVEMENTS, PERFORMANCE GUARANTEE REQUIREMENTS, AND OTHER MISCELLANEOUS REVISIONS**

The places in said City where such certified copies of Ordinance No. 2007-23 were posted are as follows:

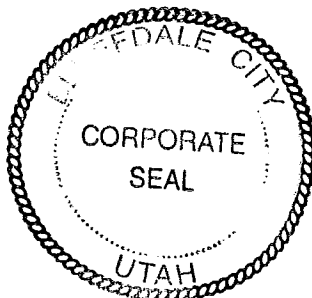
One at Bluffdale City Fire Station – 14350 South 2200 West;

One at Bluffdale City Hall -- 14175 South Redwood Road;

One at The Bluffs Apartments -- 14035 S. Marketview Drive and;

3. Attached hereto is a full, true and correct copy of Ordinance No. 2007-23 so posted.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed the seal of the City of Bluffdale, Utah, Salt Lake County, at 4:30 p.m. this 6th day of September, 2007.



  
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Teddie K. Bell, City Recorder

**ORDINANCE NO. 2007-0023**

**AN ORDINANCE AMENDING TITLE 11 OF THE BLUFFDALE CITY CODE, THE SUBDIVISION ORDINANCE, PERTAINING TO PHASING, COMPLETION OF SUBDIVISION IMPROVEMENTS, PERFORMANCE GUARANTEE REQUIREMENTS, AND OTHER MISCELLANEOUS REVISIONS.**

**WHEREAS** the Bluffdale City Development Review Committee, consisting of representatives from the Community Development Department, Engineering Department, Public Works Department, and Emergency Services Department, has initiated an amendment of Title 11, the Bluffdale City Subdivision Ordinance, pertaining to phasing, completion of subdivision improvements, performance guarantee requirements, and other miscellaneous revisions; and

**WHEREAS** the Planning Commission held a public hearing, has reviewed the application, and made a recommendation to the City Council concerning the proposed change to Title 11, the Bluffdale City Subdivision Ordinance, and the City Council has found the proposed amendments to be consistent with the City General Plan; and

**WHEREAS** the proposed text amendment set forth herein has been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Subdivision Ordinance;

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

**Section 1. Amendment of Various Chapters of Title 11, the Bluffdale City Subdivision Ordinance.** Title 11, the Bluffdale City Subdivision Ordinance, is hereby amended as set forth in **Exhibit A**, attached hereto.

**Section 2. Occupancy Permits for Previously-issued Building Permits.** Notwithstanding contrary provisions in section 11.35 of the Subdivision Ordinance, certificates of occupancy may be issued for buildings that have been issued a building permit prior to adoption of this ordinance.

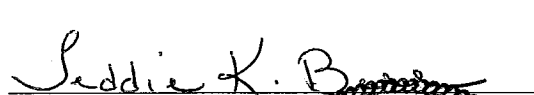
**Section 3. Severability.** If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable.

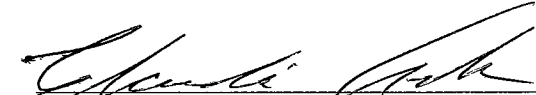
**Section 4. Effective Date.** This Ordinance shall take effect upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY,  
STATE OF UTAH, THIS 28th DAY OF AUGUST, 2007.**

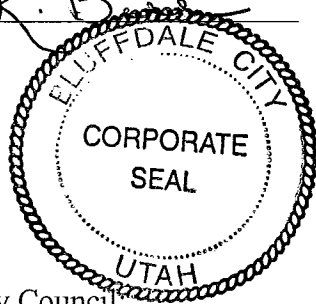
**BLUFFDALE CITY**

ATTEST:

  
Recorder

  
Mayor

[SEAL]



Voting by the City Council:

	"AYE"	"NAY"
Councilmember Briggs	<u>  x  </u>	<u>          </u>
Councilmember Kelley	<u>  x  </u>	<u>          </u>
Councilmember Lord	<u>  x  </u>	<u>          </u>
Councilmember Maxwell	<u>          </u>	<u>  x  </u>
Councilmember Speed	<u>  x  </u>	<u>          </u>

**EXHIBIT A**

**REVISED TEXT OF VARIOUS CHAPTERS WITHIN TITLE 11,  
BLUFFDALE CITY SUBDIVISION ORDINANCE**

# Proposed Subdivision Ordinance Changes

## **11.8.7 Notice Requirements**

Notice of hearings before the Planning Commission and City Council concerning amendments to this Title shall be provided in accordance with this Section. Notice of amendments to this Title shall be given at least ten (10) days before the date set for the hearing in accordance with state law. All notice required under this Section shall be given as follows:

### **11.8.7.1 Posted Notice**

The staff or Planning Commission Chair shall post, or cause to be posted, notice of the proposed amendments to this Title in at least three (3) public places within the City. At least one posted notice shall be located at a public place other than the City building, such as the Post Office. The notice shall state that an application for an amendment to Title 11, Subdivision Ordinance, has been filed, give general information about the proposed amendment, and indicate that detailed information concerning the proposed amendment is available from the City. The notice shall state the time, place and date set for a public hearing.

### **11.8.7.2 Proof Of Notice**

Proof that notice was given pursuant to Section 11.8.7.1 above is prima facie evidence that notice was properly given. If notice given under authority of this Section is not challenged, as provided for under State law, within thirty (30) days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper.

## 11.9 Vacation, Alteration or Amendment of Subdivision Plats

### **11.9.1 Vacation, Alteration or Amendment of Subdivision Plats**

Any proposed vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat shall be in accordance with State law.

### **11.9.2 Lot Line Adjustments**

Any proposed lot line adjustment or exchange of title between any lot within a subdivision or other parcel shall be in accordance with State law. The Community Development Director or City Planner may act as the land use authority in approving lot line adjustments and exchanges of title.

### **11.11.3 Preliminary Plat & Construction Plans**

Following review of the Concept Plat and after receiving staff comments, the applicant shall prepare a Preliminary Plat and Construction Plans in accordance with Section 11.28 herein. The Planning Commission shall hold a public hearing, review the preliminary plat as to compliance with the subdivision ordinance, and shall forward a recommendation to the City Council to approve, approve with conditions, or deny approval of the Preliminary Plat

After receiving a recommendation from the Planning Commission, the City Council shall consider the Planning Commission's recommendation and may approve, amend and approve, approve with conditions, remand the

subdivision back to the Planning Commission for further review, or deny the application for Preliminary Plat approval. The City Council, at its discretion, may approve the Preliminary and Final Plats concurrently if forwarded by the Planning Commission as a concurrent preliminary and final plat. *(amended 5/2/2004 Ordinance 2004-12)*

#### **11.11.4 Final Plat**

Following approval of the Preliminary Plat by the City Council, the applicant may prepare the Final Plat in accordance with Section 11.29 herein. The Planning Commission shall review the final plat for completeness and forward a recommendation to the City Council to approve, approve with conditions, or deny approval of the Final Plat. The City Council may approve, amend and approve, approve with conditions, remand the subdivision back to the Planning Commission for further review, or deny the application for Final Plat approval. The City Council, at their discretion, may approve the Preliminary and Final Plats concurrently. *(amended 5/2/2004 Ordinance 2004-12)*

#### **11.11.5 Phasing Plan Required**

All subdivisions with more than ten (10) lots or units shall include a phasing plan which specifies the timing of public improvements and residential construction. No phase may contain more than thirty-five (35) lots unless approved by the Development Review Committee (DRC) consisting of staff from the Engineering, Public Works, Emergency Services, and Community Development Departments. A phasing plan shall include:

1. The number of units or parcels to be developed in each phase and the timing of each phase.
2. The timing of construction of public improvements and subdivision amenities to serve each phase.
3. The relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided.

If the subdivision is in an area covered by an approved Planned Residential Development that has a phasing plan, the phasing plans shall be consistent. An applicant may request a revision of the phasing plan which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

#### **11.12.1 Public Notice**

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

Notice of hearings before the Planning Commission and City Council concerning subdivision plat approval amendments to this Title and shall be provided in accordance with this Section. Notice shall be given at least ten (10) days before the date set for the hearing. Notice of amendment or vacation of subdivision plats, when required, shall be given in accordance with State law. All notice required under this Section shall be given as follows:

##### **11.12.1.1 Posted Notice**

The staff shall post notice in at least three public places within the City, stating that an application has been filed, a brief summary of the application, and that more detailed information concerning the application is available from the City. At least one posted notice shall be located at a public place other than the City building.

##### **11.12.1.2 Courtesy Notice**

As a courtesy to property owners, the applicant shall provide the City with stamped and pre-addressed envelopes for each owner of record of each parcel located entirely or partly within one thousand (1000) feet from any boundary of the property subject to the application, including any owners of property in unincorporated Salt Lake County, together with a mailing list for those owners. The addresses shall be as shown on the most recently available Salt Lake County tax assessment rolls. The courtesy notice shall state that an application has been filed, the nature of the application or action, and the time, place and date set for a public hearing on the matter.

## ***11.21 Water Facilities***

- 11.21.1 Existing Systems
- 11.21.2 Pressurized Irrigation
- 11.21.3 Ownership of Facilities
- 11.21.4 Fire Hydrants

Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water supply capable of providing domestic water use and fire protection. All improvements whether on or off site which provide direct benefit to the subdivision shall be constructed and paid for by the applicant. No approval of a Final Plat will be issued until sufficient water for the proposed project has been provided.

### ***11.21.1 Existing Systems***

Where a public water main is accessible, the applicant shall install adequate water facilities (including fire hydrants) subject to all relevant City and State specifications. All water mains shall be at least eight (8) inches in diameter. Water main extensions and water facilities improvements shall be approved by the City Engineer and City Council. If a new water main line is required to service the new development, the applicant will be required to replace the insufficient water main line with a water line of sufficient size and connect existing users to the new water line.

### ***11.21.2 Pressurized Irrigation***

All new subdivisions are required to install a piped irrigation system in accordance with all relevant City specifications. All water lines for the system shall be at least eight (8) inches in diameter. All facilities shall be approved by the City Engineer.

### ***11.21.3 Ownership of Facilities***

Prior to approval of the Final Plat, a determination shall be made by the City Council about the location and extent of facilities to be maintained by the City. Private facilities will be required to be so noted on the Final Plat and will be the responsibility of the applicant or owners of the development.

### ***11.21.4 Fire Hydrants***

Fire hydrants shall be required in all subdivisions. Fire hydrants shall be inspected and approved by the Fire Chief prior to installation by the applicant. All existing hydrants within one thousand (1000) feet of the proposed subdivision and all proposed hydrants shall be indicated on the plat. The hydrants shall be located no more than five hundred (500) feet apart and shall be approved by the Fire Chief and City Engineer. In some instances, the City and may determine that due to wild land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. Additionally, hydrants in industrial and commercial areas shall be no more than three hundred (300) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the plat. Fire hydrants located on cul-de-sacs shall be installed at the direction of the Fire Chief and City Engineer. All dead-end lines located in cul-de-sacs shall have hydrants located at the end of the line for flushing purposes. The location of all fire hydrants and all water storage and supply improvements shall be shown on the Preliminary Plat.

All fire hydrants shall be located off-set four (4) feet from a property line to eliminate interference from fences or other items that may be placed on the property line. The final location of the hydrant shall be approved by the Fire Chief.

All fire hydrants need to be red, original factory finish, unless otherwise approved by the Fire Chief.

## ***11.29 Final Plat***

- 11.29.1 Revisions
- 11.29.2 Features to be Shown on Final Plat
- 11.29.3 Planning Commission Review of Final Plat
- 11.29.4 City Council Approval of Final Plat
- 11.29.5 Dedications
- 11.29.6 Proof of Utility Service
- 11.29.7 Outstanding Obligations
- 11.29.8 Signing and Recording of Final Plat

Following the approval of the Preliminary Plat, the applicant may proceed in the approval process by filing an application for a Final Plat. The Final Plat shall be prepared by a registered land surveyor or engineer licensed by the State of Utah and certified on the plat. The Final Plat shall be prepared on reproducible mylar at the same scale and contain the same information as the Preliminary Plat, except for any conditions, changes or additions indicated in the approval of the Preliminary Plat. The Preliminary Plat may be used as the Final Plat if it meets these requirements and is revised in accordance with the Preliminary Plat approval. These requirements are minimum and other information may be required by the City Council, Planning Commission, or staff as the need dictates. The applicant shall provide the City with three (3) full size copies of the Final Plat with one of the copies being produced on reproducible mylar. The applicant shall also supply the City with sufficient reduced eleven by seventeen (11 x 17) copies of the Final Plat for each City Council member, Planning Commissioner and relevant City staff members. Additionally, the City desires to have a disk copy of any Final Plat prepared on a computer in a format approved by the City Engineer. The number of copies needed will be determined following review of the Concept Plat.

### ***11.29.1 Revisions***

All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the Final Plat that was not present on the Preliminary Plat or a requirement of approval by the City Council, it is the applicant's responsibility to inform the Planning Commission and City Council of the changes. Failure to inform the Planning Commission or City Council of revisions not present on the Preliminary Plat or a requirement of approval may result in revocation of any or all approvals.

### ***11.29.2 Features to be Shown on Final Plat***

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Title, the Planning Commission, City Council or staff on the Final Plat whether included in this list or not. Failure to show any feature required by this Title, the Planning Commission, City Council or staff may result in denial of the plat.

The Final Plat shall comply in all respects with the Preliminary Plat, as approved. The Final Plat shall be submitted to the City at least four (4) weeks prior to the regular meeting of the City Council at which the project will be addressed.

The Final Plat shall, at a minimum, show the following:

1 All the requirements of the Preliminary Plat as approved or amended and approved. If approved by the City Engineer, or required by the County Recorder, certain details placed on the Preliminary Plat for review purposes may be eliminated from the Final Plat.

2 No approval of a Final Plat will be issued until sufficient secondary water for the proposed project has been provided.

3 All monuments erected, corners, and other points established in the field in their proper places. The monuments shall meet specifications of the Salt Lake County Surveyor.

4 A summary statement of the proposed subdivision including total project acreage, total area of each lot or parcel, the total number of units, acreage of open space, sizes and lengths of utility piping, and lane miles of road.

#### **11.29.3 Planning Commission Review of Final Plat**

The Planning Commission shall review the Final Plat to ensure that all conditions of the staff, Planning Commission, and City Council have been satisfied, to ensure compliance with the Preliminary Plat approval and conditions, if any, and to verify all other requirements of this Title. Staff will also include information pertaining to the Final Plat review by the City Council. After its review, the Planning Commission shall forward a recommendation to the City Council to approve, approve with conditions, or deny approval of the Final Plat. Although the City Council is not required to hold a public hearing, it may receive comment on the Final Plat from any Planning Commission member or member of the public at the regularly scheduled meeting of the City Council.

#### **11.29.4 City Council Approval of Final Plat**

The City Council shall review the Final Plat to ensure that all conditions of the staff, Planning Commission, and City Council have been satisfied, to ensure compliance with the Preliminary Plat approval and conditions, if any, and to verify all other requirements of this Title. After review of the Final Plat and consideration of any testimony or exhibits presented at the public hearing of the Preliminary Plat before the Planning Commission, the City Council shall approve, amend and approve, approve with conditions, or deny approval of the Final Plat.

The City Council shall not approve any Final Plat until all review fees have been paid in full according to the fee schedule.

#### **11.30.1 Completion of Improvements**

Before the Final Plat is signed by the Mayor, all applicants shall be required to complete any and all improvements required for development or provide a performance guarantee according to section 11.30.2 herein. The applicant shall dedicate all applicable public improvements to the City, including any water right transfers, conservation easements or dedications of public lands to Land Trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

#### **11.30.2 Performance Guarantees**

The City Council shall require the applicant to post an acceptable guarantee prior to final recording of the Final Plat, an amount estimated by the City Engineer sufficient to secure to the municipality the satisfactory construction, installation, and dedication of all required improvements. The amount of the guarantee shall be in an amount or value equal to one hundred and twenty (120) percent of the estimated cost of the required improvements as determined by the City Engineer.

The posting of guarantees are established for the benefit of and to insure to the public at large, and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth by the City Attorney.

All required subdivision improvements shall be completed within two years of Final Plat approval. The guarantee shall be approved by the City Council with surety and conditions satisfactory to them. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

In the event the applicant's ability to post an acceptable guarantee is dependent upon prior recordation of the Final Plat due to requirements of the Interstate Land Sales Act or other Federal law, the City Council may authorize plat approval and recordation upon receipt from the applicant of an executed and acknowledged agreement signed by all owners of fee, leasehold, contract and security interests in the subject property, in the form of a restrictive covenant that the applicant will not sell, lease or otherwise convey any lot, parcel or portion of a lot of the subject property unless the applicant shall first as a condition precedent thereto, satisfy the foregoing requirements of this Title as applicable. The agreement shall be in a form acceptable to the City and shall specifically provide that the encumbrance created shall be deemed to be a covenant running with the land, binding on applicant's successors and assigns, to install or guarantee installation of all required improvements, and to pay all costs, including attorney's fees, which the City may incur in enforcing the terms and provisions of the agreement. Further, the agreement shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the guarantee requirements have not been complied with within a specified time determined by the City Council on the date of recordation of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the applicant or his successors with the provisions of this Title and the agreement.

#### ***11.32.1 General Procedure and Fees***

The City Engineer or designee shall provide inspection of required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the City fee schedule, pay to the City an inspection fee. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the Design Guidelines and Standard Specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be jointly liable for completing the improvements according to specifications.

### ***11.34 Maintenance of Improvements***

#### 11.34.1 Prior to Completion

#### 11.34.2 Warranty After Acceptance and Dedication

##### ***11.34.1 Prior to Completion***

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of the improvements by the City.

##### ***11.34.2 Warranty after Acceptance and Dedication***

The applicant shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount equal to 10% of the original performance guarantee and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of two (2) years after the date of their acceptance by the City and dedication to the City.

### ***11.35 Issuance of Building Permits and Certificates of Occupancy***

Where a performance guarantee has been required for a subdivision, no certificate of occupancy, temporary or final, for any building in the subdivision shall be issued prior to the completion of the improvements and dedication to the City, as required in the City Council final approval of the subdivision plat.

No building permits may be issued for lots in a subdivision until all public improvements required by the City Council for the plat have been fully completed, dedicated to, and accepted by the City.

Streets shall be completely finished, except for valid weather related delays. In that case, the extent of street improvements shall be adequate for vehicular access by the prospective occupant and by emergency equipment, prior to the issuance of any occupancy permit. The developer shall, at the time of the dedication, submit in escrow or an acceptable letter of credit to the City a sum determined by the City Engineer for the necessary final improvement of the street. In no case shall more than fifty (50) percent of the units be granted an occupancy permit until the required improvements are installed, inspected and approved by the City Engineer.