

CITY OF BLUFFDALE, UTAH

Ordinance No. 2008-06

AN ORDINANCE AMENDING TITLE 11 OF THE BLUFFDALE CITY CODE, THE SUBDIVISION ORDINANCE, PERTAINING TO COMPLETION OF SUBDIVISION IMPROVEMENTS AND AMENITIES, AS-BUILT DRAWINGS, AND INSPECTION FEES.

WHEREAS members of the City Council and City staff have initiated an amendment of Title 11, the Bluffdale City Subdivision Ordinance, pertaining to completion of subdivision improvements and amenities, as-built drawings, and inspection fees; and

WHEREAS the Planning Commission held a public hearing, has reviewed the application, and has 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's 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 and public notice given 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 Chapter 11.30 of the Bluffdale City Subdivision Ordinance. Chapter 11.30 of the Bluffdale City Subdivision Ordinance, is hereby amended as follows:

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, in an amount estimated by the City Engineer sufficient to secure to the municipality the satisfactory construction, installation, and dedication of all required improvements, and payment of applicable engineering, inspection, and administrative fees. The amount of the guarantee shall be in an amount or value equal to one hundred and twenty (120) percent of the estimated cost of the required improvements and amenities as determined by the City Engineer. Included in the performance guarantee shall be an amount equal to ten (10) percent of the estimated construction cost as contingency or retainage (including engineering, inspection, and administrative fees) and an amount equal to ten (10) percent of the estimated construction cost for the warranty for durability referred to in Section 11.34.2 of this Title.

Section 2. Amendment of Chapter 11.32 of the Bluffdale City Subdivision Ordinance.
Chapter 11.32 of the Bluffdale City Subdivision Ordinance, is hereby amended as follows:

11.32.2 Release or Reduction of Performance Guarantee

Subject to the maintenance provisions contained in this Title, the City will not accept dedication of required improvements or amenities, or release or reduce a performance guarantee, until the City Engineer has submitted a certificate stating that all required improvements and amenities have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plats drawings of the subdivision indicating location, dimensions, materials, improvements and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with the approved construction plans for the subdivision. The "as-built" plans must comply with Section 11.32.2.2, As-built Drawings, and must be submitted at least two (2) weeks prior to any reduction in the performance guarantee. Further, a title insurance policy shall be furnished to the City Attorney and City Engineer indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

...

11.32.2.2 As-built Drawings

'As-builts' shall be submitted in hard copy (one (1) 24"x36" paper copy) and electronically (one (1) compact disc with AutoCad drawings and GIS shape files). Electronic files shall include AutoCad drawings with all accompanying cross reference files bound to the base drawing and compatible with AutoCad version 2004 or newer. Shape files shall include separate shape files for each utility including Culinary Water, Secondary Water, Storm Drain, Sewer, Roads and Parks that are compatible with ArcView version 9.1.

'As-built' drawings shall be based on survey information provided by the Developer's engineer or surveyor. The shape files shall include detailed information based upon survey points for:

- Fire Hydrants
- Water Valves
- Water Meter Boxes
- Pump House Corners
- Water Blow-offs/Drain Structures
- Air Release Structures
- Pipe Corners

- Roadway Centerline
- Structure Corners
- Storm Drain Manholes
- Storm Drain Inlets
- Storm Drain Detention/Retention Structures
- Sewer Manholes
- Sewer Structures
- Park Boundaries
- Recreational Facilities General Locations

Section 3. Amendment of Chapter 11.34 of the Bluffdale City Subdivision

Ordinance. Chapter 11.34 of the Bluffdale City Subdivision Ordinance, is hereby amended as follows:

11.34.2 Warranty after Acceptance and Dedication

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

Section 4. Amendment of Chapter 11.35 of the Bluffdale City Subdivision

Ordinance. Chapter 11.35 of the Bluffdale City Subdivision Ordinance, is hereby amended as follows:

11.35 Issuance of Building Permits and Certificates of Occupancy

No building permits may be issued for lots in a subdivision until all public improvements and amenities required by the City Council for the plat have been fully completed, dedicated to, and accepted by the City or other appropriate entity unless otherwise approved by the Development Review Committee (comprising of representatives from the City's departments) if it is determined that construction would damage or destroy required improvements or amenities.

Notwithstanding the foregoing, the Development Review Committee may allow building permits to be issued for model homes for up to five percent (5%) of the buildings in an individual plat or up to five percent (5%) of the buildings in a neighborhood of a mixed use project in a Mixed Use zoning district. Model homes shall be located as shown on a model home location plan and all necessary improvements including off-street parking of two stalls per model home must be completed within the model home area before the model home building permits may be issued.

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

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.

Section 5. 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 26th DAY OF FEBRUARY, 2008.

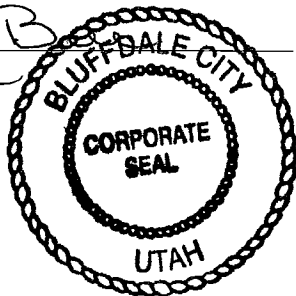
BLUFFDALE CITY

ATTEST:

Seddie K. B...
Recorder

Charles ...
Mayor

[SEAL]



Voting by the City Council:

	"AYE"	"NAY"
Councilmember Chisholm	— x —	_____
Councilmember Flanigan	— x —	_____
Councilmember Kartchner	— x —	_____
Councilmember Lord	— x —	_____
Councilmember Maxwell	— x —	_____