

Subdivision Ordinance

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11.1 Title

These standards and regulations may be known, cited and referred to as the Development Standards and Subdivision Regulations, or the Subdivision Ordinance of Bluffdale City, Utah.

11.2 Introduction

11.2.1 Burden of Proof

11.2.2 Assumption of Validity

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

Proposed public improvements shall conform to the General Plan, Streets Master Plan, Official Zoning Map, Design Guidelines and Standard Specifications and the capital budget and infrastructure improvement program of Bluffdale City. It is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the currently adopted Uniform Building and Housing Codes, the Zoning Ordinance and other development ordinances of the City, the General Plan, Official Zoning Map, and capital budget and infrastructure improvement program as they are adopted and may be amended.

11.2.1 Burden of Proof

For all proceedings in regard to development approval under this Title or amendments to this Title, the burden of proof showing satisfaction of all requirements shall rest with the applicant or authorized agent of the proposed development or amendment. The requirements and standards set forth herein are the minimum acceptable standards for development applications within Bluffdale City.

11.2.2 Assumption of Validity

The City will assume that all information provided is accurate and valid. If any information provided to the

City is found to be outdated, false, or in any way misleading, the application for development approval may be denied or revoked by the City Council regardless of previous approvals. If it can be shown that the applicant or authorized agent knowingly submitted false or misleading information during the approval process, the City Council may charge the applicant or authorized agent with a Class C misdemeanor offense.

11.3 Purpose for Standards and Regulations

The Development Standards and Subdivision Regulations are adopted for the following purposes:

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

10. To provide open spaces through efficient design and layout of the land using appropriate development layout and flexible width and area of lots, while preserving the overall density of land as established in the Zoning Ordinance.

11.4 Authority

By authority of ordinance and in accordance with § 10-9-801 et. seq. of the Utah Code, Annotated (1953, as amended) and any other applicable federal, state, county or municipal laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for the subdivision of land within the corporate limits of Bluffdale City.

By the same authority, the City Council does also hereby exercise the power and authority to disapprove development on any land in Bluffdale City if the plat has been recorded in the office of the County Recorder without prior approval by the City Council.

11.5 Jurisdiction

These development standards and subdivision regulations shall apply to all subdivisions of land in accordance with § 10-9-103 [r] (i) and (ii) of the Utah Code as quoted hereafter. “A subdivision means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.”

“Subdivision includes (A) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and (B) divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.”

No land shall be subdivided within Bluffdale City until the applicant or agent submits a Concept Plat of the project to staff, obtains written approval of the Preliminary Plat by the City Council following a recommendation of the Planning Commission, approval of the Final Plat by the City Council, and the approved plat is filed and recorded in the office of the County Recorder.

No building permit or certificate of occupancy will be

issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations or approved under prior subdivision ordinance. After the effective date of this Ordinance, all applications for subdivision approval, or other approval required by this Ordinance, shall be considered and approved or denied as provided herein. All applications for subdivision approval, or other approval required by this Ordinance and in process prior to the effective date of this Ordinance, shall be considered and approved or denied under the Ordinances of the City then in effect. No excavation of land or construction of any public or private improvements shall occur except in conformity with the applicable City regulations.

No owner, or agent, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a Final Plat has been approved by the City Council in accordance with the provisions of these regulations, and filed in the office of the County Recorder. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted.

Any person, firm, or corporation who fails to comply with, or violates, any of these provisions shall be guilty of a Class C misdemeanor. Appropriate actions and proceedings may be taken in law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct, or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

11.6 Interpretation, Conflict, and Severability

- 11.6.1 Interpretation
- 11.6.2 Conflict With Other Provisions
- 11.6.3 Severability

11.6.1 Interpretation

These regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. The burden of proof shall, in all proceedings pursuant to this Title, rest with the proponent of an application for development approval. Any dispute arising from the administration of this Title shall be forwarded to the City Council for resolution.

11.6.2 Conflict With Other Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation,

statute, or provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or impose higher standards shall control.

Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of an easement, covenant, or private agreement or restriction impose duties and obligations more restrictive than these regulations, then the private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City is under no obligation to enforce private covenants.

11.6.3 Severability

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

11.7 Saving Provision, Relationship to Previous Ordinance

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

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

11.8 Amendments to This Title

- 11.8.1 Amendments
- 11.8.2 Petition for Amendment
- 11.8.3 Hearings Before the Planning Commission
- 11.8.4 Action by Planning Commission
- 11.8.5 Hearing before City Council
- 11.8.6 Joint Hearings
- 11.8.7 Notice Requirements

For the purpose of protecting the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the development standards and subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in accordance with § 10-9-803 of the Utah Code. The following amendment process is intended to be consistent with those provisions.

This Ordinance should be constantly reviewed and improved upon to stay viable and useful to the City. Any amendment to this Ordinance or the zone map should be consistent with the direction of the General Plan. All amendments will be completed in the following manner:

11.8.1 Amendments

Amendments to the provisions of this Ordinance may be initiated by the Planning Commission, City Council, an applicant for development approval, member of the general public, or City staff. Amendments to this Title may require an amendment to the General Plan as well. If a petition would require changes to the General Plan, it should be so noted on the petition and the changes should be made concurrently.

11.8.2 Petition for Amendment

A petition to amend this Title shall be filed with the City in a letter or on a form prescribed for that purpose. The form or letter shall contain a statement of the petitioner's interest in the amendment. The petition shall indicate the proposed amendment and indicate the reasoning for the change. A fee will be established for acting on a petition for an amendment that will be included in the City Fee Resolution in effect at the time.

11.8.3 Hearings before the Planning Commission

The Planning Commission shall hold a public hearing on all petitions for an amendment to this Title and receive comments from citizens or property owners affected by the change. Notice of all amendment hearings before the Planning Commission shall be given as set forth in Section 11.8.7 of this Title. The notice shall state generally the nature of the proposed amendment, the Section of the Title affected, and the time, place, and date

of the public hearing. The notice shall also state that more detailed information is available for public inspection at the City. All information shall be available prior to publication of the notice of public hearing.

11.8.4 Action by Planning Commission

Following the public hearing, the Planning Commission shall prepare a formal recommendation to be presented to the City Council regarding the petition.

11.8.5 Hearing before City Council

The City Council shall hold a public hearing on the recommendation of the Planning Commission for all petitions for an amendment to this Title. Notice of all amendment hearings before the City Council shall be given as set forth in Section 11.8.7 of this Title. Following the public hearing, the City Council shall approve, deny, or modify and approve the recommendation of the Planning Commission.

11.8.6 Joint Hearings

At the option of the City Council, the hearings before the Planning Commission and the City Council may be consolidated into a single hearing, provided however, that separate votes shall be taken by the Planning Commission and City Council. The Planning Commission vote shall be taken first followed by a vote of the City Council on the recommendation of the Planning Commission. Notice for any joint hearing shall comply with the notice requirements set forth in Section 11.8.7 of this Title. The City Council shall approve, deny, or modify and approve the recommendation of the Planning Commission.

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. *(amended Ord. 2007-23, 8-28-07)*

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. *(amended Ord. 2007-23, 8-28-07)*

11.8.7.3 Proof Of Notice

Proof that notice was given pursuant to either Section 11.8.7.1 or 11.8.7.2 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. *(amended Ord. 2007-23, 8-28-07)*

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. *(amended Ord. 2007-23, 8-28-07)*

11.10 Planned Multi-Family Development (PMD)

- 11.10.1 Development Description
- 11.10.2 Approval Process
- 11.10.3 Base Density
- 11.10.4 Open Space
- 11.10.5 Density Bonus
- 11.10.6 Density Bonus Amenities
- 11.10.7 Total Project Density
- 11.10.8 Relationship of PMD to This Title and Other

Development Ordinances of Bluffdale City
 11.10. 9 Coordination of PMD Application with
 Development Approval
 11.10.10 Phasing

In an effort to promote the highest quality multi-family developments possible, the Bluffdale City Council has enacted a process known as the Planned Multi-Family Development (PMD) process as set forth in this Chapter. When approval of a Planned Multi-Family Development (PMD) is proposed and prior to any contract being made for the sale of any part thereof, and before any permit for the erection of a structure in a proposed Planned Multi-Family Development shall be granted, the owner, or authorized agent, shall apply for and secure approval of the proposed Planned Multi-Family Development in accordance with this Chapter. The PMD Ordinance is intended to be in addition to the requirements of this Title, not to take the place of these regulations.

A Planned Multi-Family Development may be allowed at the discretion of the City Council following a recommendation of the Planning Commission only in the R-MF, Multi-Family Residential Zone. An application for approval of a PMD shall be considered a rezone application by the City and is a request by the applicant for additional density and flexibility than that allowed by right in the R-MF, Multi-Family Residential Zone. An applicant will not be denied the right to develop property in the traditional manner by satisfying all of the requirements of Title 12, Zoning Ordinance and all other sections of this Ordinance. It is the sole responsibility and burden of the applicant to convince the Planning Commission and City Council that the proposed alternative development layout is preferable to a multi-family development approved in accordance with Title 12, Zoning Ordinance and all other requirements of this Ordinance. Denial of a PMD shall not result in a takings claim against the City because no applicant shall be denied the right to develop property by satisfying all of the requirements of Title 11 and all other sections of this Ordinance. The City Council need not provide detailed findings or reasons for denial of a PMD in light of their decision being clearly legislative and an assumption that denial of a PMD is in the best interest of the citizens of Bluffdale City as a whole.

The intention of this Chapter is to allow and encourage a flexible, efficient and imaginative development pattern. Planned Multi-Family Developments can:

1. Provide flexible development options where a standard development layout is not practical or desirable due to physical constraints.
2. Promote attractive architectural design, provide open spaces, and ensure efficient delivery of

services.

3. Promote usable public and private recreation areas, parks, trails and open space with assurance of maintenance.
4. Reduce development costs and ongoing maintenance costs. Provide low and moderate income housing in a pleasing and compatible manner.

Any development which satisfies the requirements of this Chapter may be considered for approval regardless of whether the requirements of Title 12, Zoning Ordinance, are satisfied. In the case of conflicting requirements of this Chapter and Title 12, Zoning Ordinance, for matters of density, this Chapter shall dictate.

11.10.1 Development Description

A Planned Multi-Family Development (PMD) is a multi-family housing development that has incorporated additional amenities which are desirable to Bluffdale City in exchange for increased density. Projects are planned to achieve a coordinated, functional and unified development pattern. A PMD allows greater flexibility in project layout while assuring that the character of the underlying district is maintained and the requirements of the Design Guidelines and Standard Specifications are satisfied. Applicants are eligible for a density bonus based on provision of additional amenities in the development. Planned Multi-Family Developments are allowed only in the R-MF, Multi-Family Residential Zone of Bluffdale City.

11.10.2 Approval Process

The requirements of this Section are supplementary to the other requirements of this Title. Therefore, an application for a Planned Multi-Family Development will be reviewed and approved or denied in accordance with Section 11.11, and other relevant sections herein.

11.10.3 Base Density

The Base Density for each Planned Multi-Family Development is equal to ten (10) units per acre.

An applicant may present a flexible project layout for consideration by the City based on the Base Density described above. However, applicants may be eligible for a density bonus as described in Section 11.10.5.

11.10.4 Open Space

Each Planned Multi-Family Development is required to contain at least ten (10) percent open space which may contain recreation activity areas, picnic pavilions, gazebos, water features, playgrounds, left in native vegetation or landscaped areas. The open space may be held in common, administered by a homeowners association, dedicated to the City upon acceptance by the

City Council, or used to provide amenities in the development. The ten (10) percent open space requirement may be used as part of the requirement to obtain a density bonus for open space under the provisions of Section 11.10.6 herein. Maintenance of the open space is the responsibility of the owner of the development, if held in single ownership, or a homeowners association, if the dwelling units are sold separately, unless dedicated to the City and accepted by the City Council.

11.10.5 Density Bonus

An applicant for a Planned Multi-Family Development is eligible for a density bonus based on additional amenities provided in the project approval. Density in excess of the Base Density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below. Each amenity is assigned a potential density bonus figured as a percentage increase in dwelling units. A density bonus shall not exceed twenty-five (25) percent above the Base Density, unless approved for low and moderate income housing in accordance with Section 11.10.6.10 herein.

11.10.6 Density Bonus Amenities

An applicant for a Planned Multi-Family Development may include one or more of the following amenities in the design of the development and be considered for a density bonus in accordance with this Section. Each amenity is followed by a percentage increase in Total Project Density for providing the amenity. The maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the Base Density, unless approved for low and moderate income housing in accordance with Section 11.10.6.10 herein. If an applicant were to provide all of the density bonus amenities in a single project, the total would exceed a twenty-five (25) percent increase in dwelling units. Regardless, the maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the Base Density, unless approved for low and moderate income housing in accordance with Section 11.10.6.10 herein.

The density increases listed represent the maximum allowed, and the City Council is entitled to approve less than the maximum amount listed.

11.10.6.1 Active Recreation

Active Recreational Facilities which are provided for residents of the Planned Multi-Family Development or the citizens of Bluffdale City are entitled to a density

bonus. Active recreation areas may include swimming pools, sports courts, spas, and other similar areas. Developments that provide active recreation areas are eligible for up to a **ten (10) percent density increase**.

11.10.6.2 Attached Garage

Developments which contain an attached, enclosed garage for each dwelling unit in the project which satisfies the off street parking requirements of this Title and Title 12, Zoning Ordinance, are eligible for up to a **five (5) percent density increase**.

11.10.6.3 Design Theme

Developments which incorporate design elements into the project consistent with an architectural style or motif, together with acceptable materials encouraged by the Planning Commission or City Council in a manner compatible with surrounding or planned development, are eligible for up to a **five (5) percent density increase**.

11.10.6.4 Environmental Preservation

Developments that are designed to preserve or protect sensitive environmental areas such as existing trees, floodplains, steep slopes, wetlands, or high ground water table areas are eligible for up to a **ten (10) percent density increase**.

11.10.6.5 Park Dedication

Dedication to and acceptance by Bluffdale City of land proposed for use as a public park, trail, or other recreational use which is equal to, or greater than ten (10) percent of the area of the development is eligible for up to a **ten (10) percent density increase**. The land used for park dedication is in addition to the ten (10) percent minimum open space requirement. Bluffdale City will not accept dedication of a park less than one half acre in size.

11.10.6.6 Roof Materials

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

11.10.6.7 Special Features

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

11.10.6.8 Theme Lighting

Developments which incorporate a lighting theme into the project such as lamp posts, lighting along walkways, entrance way lighting, and exterior building lighting in addition to the normal street lighting requirements of this Title are eligible for up to a **two (2) percent density**

increase.

Ordinance or not.

11.10.6.9 Enclosed Storage Areas

Developments that incorporate common enclosed storage areas for recreational vehicles, or inside storage for landscape maintenance equipment, bicycles, toys, or other personal goods are eligible for up to a **two (2) percent density increase**.

11.10.6.10 Low and Moderate Income Housing

Developments that provide low or moderate income housing as defined in 10-9-307 (2) (a) of the Utah Code Annotated, 1953, as amended, are eligible for a density bonus. Projects providing such housing can receive up to a twenty-five (25) percent density bonus for that portion of the project that provides low and moderate income housing. In no case shall the total density bonus exceed a total of twenty (25) percent in any project. The City Council may limit the number of low and moderate income housing units in any project.

In order to approve any density bonus for low and moderate income housing in accordance with this Section, the applicant must be able to provide assurance acceptable to the City that the low and moderate income housing will be provided in perpetuity.

11.10.7 Total Project Density

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

11.10.8 Relationship of PMD to This Title and Other Development Ordinances of Bluffdale City

This Chapter is intended to be supplementary to the other provisions of this Title. Unless specifically indicated in this Chapter, all requirements of this Title and any and all other development ordinances of Bluffdale City must be satisfied with the following exceptions:

1. The setback requirements are waived for all structures within the Planned Multi-Family Development except those that border the development.
2. The density of the development shall be equal to the Total Project Density in accordance with Section 11.10.7 whether consistent with Title 12, Zoning

11.10.9 Coordination of PMD Application with Subdivision Approval

It is the intent of these regulations that project review be carried out simultaneously with the review of Planned Multi-Family Developments. The City Council may require that all projects on contiguously owned larger than ten (10) acres or more than one hundred (100) residential units be processed as a Planned Multi-Family Development. If approved by the City, a Planned Residential Development with mixed uses will not be considered a spot zoning.

11.10.9.1 PMD Submission and Approval Requirements

An application shall be submitted to the City for any Planned Multi-Family Development on forms available from the City. Additionally, all Planned Multi-Family Development projects will be required to submit applications and provide all information required by the Concept Plat, Preliminary Plat and Final Plat as set forth herein. After a meeting with the staff or, if deemed appropriate, the Planning Commission, the applicant may prepare and submit an application for Preliminary Plat approval.

11.10.10 Phasing

All projects with more than four (4) separate structures shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must be submitted to the Planning Commission at or before the submission of the Preliminary Plat.

The phasing plan shall include the number of units to be developed in each phase, the approximate timing of each phase, the timing on construction of public improvements and amenities to serve each phase whether on or off site. A developer may request a revision of the phasing plan which may be necessary due to conditions such as changing market conditions, inclement weather or other factors.

11.11 Approval and Appeals Processes

- 11.11.1 Application and Review Fees
- 11.11.2 Concept Plat
- 11.11.3 Preliminary Plat and Construction Plans
- 11.11.4 Final Plat
- 11.11.5 Phasing Plan Required
- 11.11.6 Written Findings Required
- 11.11.7 Pre-Construction Meeting
- 11.11.8 Appeals Process
- 11.11.9 Appeal of City Council Decisions

11.11.10 Termination of Projects

No building permit(s) shall be issued for any subdivision without Final Plat approval. Subdivisions, including Planned Residential Developments, are initially reviewed by staff and the Planning Commission. Final Plat approval for subdivisions must be granted by the City Council. No planning review shall occur until all applicable planning application fees have been paid, and no Final Plat approval by the City Council shall be effective until all other fees assessed by this Title or other ordinance, including applicable staff review and engineering fees have been paid. Upon issuance of Final Plat approval, application may be made for building permit issuance under the provisions of the Uniform Building Code.

11.11.1 Application and Review Fees

Prior to commencing review of any proposed subdivision, all application and review fees must be paid in full by the applicant in accordance with the adopted fee schedule found in the Zoning Ordinance on record in the office of the City Recorder.

11.11.2 Concept Plat

All applicants for subdivision approval shall first submit to the City a Concept Plat in accordance to Section 11.16 herein. The Concept Plat will be reviewed by staff. There is no approval of a Concept Plat required or given. The Concept Plat gives the applicant and staff an opportunity to discuss the project prior to the preparation of a Preliminary Plat.

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; Ord. 2007-23, 8-28-07*)

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; Ord. 2007-23, 8-28-07*)

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. (*amended Ord. 2007-23, 8-28-07*)

11.11.6 Written Findings Required

The Planning Commission and City Council shall prepare written findings on any application that is denied, amended or approved. These findings shall state the reasons for the action and the provisions of this Title, other City ordinances and guidelines, or applicable state or federal laws or regulations, the proposed conditions or action to be imposed and the reasons why those conditions were necessary.

11.11.7 Pre-Construction Meeting

Following recordation of a Final Plat and prior to any excavation or construction in the new subdivision, the contractor shall arrange to meet with Bluffdale City staff

in a pre-construction meeting. At the meeting the contractor and staff will discuss specific construction standards, timelines, and other relevant information. Failure to arrange a pre-construction meeting may result in a stop work order or Class "C" misdemeanor issued against the property owner.

11.11.8 Appeal of City Council Decisions

The owner of any project, or any person aggrieved by a decision of the City Council may appeal the final action by filing civil action in the district court as provided by State law.

11.11.9 Termination of Projects

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

1. More than three (3) months have passed since the last meeting of staff and the applicant.
2. More than three (3) months have passed since a request for additional information was made by staff, which request has not been complied with or reasons for non-compliance are not stated or indicated by the applicant.
3. The applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest.
4. The applicant has stated intent to abandon the project.
5. The project appears to have been abandoned.

Delays caused entirely by internal delays of the City or any Commission or Board shall not be cause for termination.

11.12 Appearance Before Boards, Commissions and Councils

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 fourteen (14) 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 Public Notice (amended Ord. 2007-23, 8-28-07)

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. (amended Ord. 2007-23, 8-28-07)

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. (*amended Ord. 2007-23, 8-28-07*)

11.13 Vesting of Zoning Rights

11.13.1 Exceptions

Upon payment of the required application fees and submission of a completed application, which includes all information requested by the City staff and Planning Commission in order to complete a reasonable review of the project, an applicant shall be entitled to have the application reviewed and acted upon pursuant to the terms of this Title. Vesting is usually indicated by approval of the Preliminary Plat by the City Council and is subject to the exceptions set forth below. The applicant may take advantage of amendments to this Title that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and require the payment of additional planning review fees and loss of vesting.

For the purposes of this Title, a complete application includes all documentation required by this Title, other relevant laws and ordinances of Bluffdale City, relevant state and federal laws, and any other information deemed necessary by the Planning Commission to complete a thorough review of the proposed project and make a well informed decision. Following review of the Concept Plat, staff will inform the applicant of any additional information required by the staff for their review. The Planning Commission will complete a review of the Preliminary Plat to determine if any additional information is required in order to properly review the Preliminary Plat. The Planning Commission will review the Preliminary Plat and recommend approval, approval with conditions, or denial of the Preliminary Plat. At that time, the City Council will review the Preliminary Plat and make a finding of whether or not the applicant has completed the application process. If the City Council determines that an applicant has completed the application process, the applicant will be deemed vested under the development ordinances in effect on that date.

An applicant may not appeal the need to provide information required by this Title or any other City ordinance, or any state or federal law. However, any applicant may appeal the need to provide any additional information requested by the staff or Planning Commission to the City Council on the next available meeting of the City Council with adequate time to fully discuss the matter.

Non-subdivision related matters, including, but not limited to, site development standards, procedural

requirements and building code requirements will not vest until complete building permit applications have been filed and required fees have been paid. Water and sewer connection availability, costs of water and sewer connection and water development fees, applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit.

11.13.1 Exceptions

Applicants shall not be entitled to project review and approval of applications pursuant to the terms of this Title, when revisions to this Title are pending that would prohibit or further condition the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application.

11.14 Plat Approval

- 11.14.1 Owner's Execution
- 11.14.2 Contents of Plat
- 11.14.3 Submission
- 11.14.4 Recording
- 11.14.5 Effect of Approval

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

11.14.1 Owner's Execution

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

11.14.2 Contents of Plat

The plat must have signature blocks for the Mayor, Planning Commission Chair, City Engineer, City Recorder, City Attorney, Salt Lake County Flood Control (where appropriate), the City/County Health Department, South Valley Sewer District, appropriate utility companies, appropriate canal companies, and the County Recorder. The survey data and accuracy of the plat must be certified by a licensed surveyor and the plat must bear the surveyor's official stamp. The Preliminary and Final Plat must include all information required by this Title, specifically Sections 11.28 and 11.29.

11.14.3 Submission

The submission for plat approval must be accompanied by

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

11.14.4 Recording

Upon granting of final approval by the City, the City Recorder, or designated City staff, shall proceed to record the plat in the office of the County Recorder. No plat shall be recorded until the City Recorder has verified that all fees relative to the project have been paid, including the final engineering bills from the plat approval, if applicable.

11.14.5 Effect of Approval

In approving the plat, the City and its officers and agents are only certifying to substantial compliance with the statute and ordinances regarding the recording of plats and the prior approval of the project as being in compliance with City ordinances. The City does not make any representation concerning the accuracy of the information in the plat drawn by the applicant, nor the value of the project.

11.15 Review and Regulations for Impact on Public Infrastructure

- 11.15.1 Adequate Public Facilities Requirements
- 11.15.2 Infrastructure Review
- 11.15.3 Appeal and Review
- 11.15.4 Transferability
- 11.15.5 Expiration
- 11.15.6 Standards for Review

11.15.1 Adequate Public Facilities Requirements

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

11.15.1.1 Essential Public Facilities

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

1. Culinary water system, including water quality, treatment, transmission and distribution system capacity, source, and storage capacity.
2. Secondary water (pressurized irrigation), including source, storage capacity, transmission and distribution system capacity, where available.
3. Sanitary sewer system, including treatment facilities, outfall lines, lateral and collector lines.
4. Storm drainage facilities, including surface and subsurface transmission, and flood control facilities.
5. Transportation facilities, including streets, roads, highways and intersections.
6. Parks and related recreational facilities.
7. Emergency service facilities.

11.15.1.2 Procedures for Determination of Adequate Public Facilities

Applications for development approval shall include information necessary to demonstrate that adequate public facilities will be available at the specified levels of service (LOS) within a reasonable period of time following the issuance of a development permit for the proposed development. Such a determination may include the timing, phasing and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards set forth herein as may be amended from time to time. The staff, Planning Commission, or City Council may request additional information from the applicant to address the adequacy and availability of public facilities.

11.15.1.3 Level of Service (LOS) Standards

The level of service (LOS) standards by which the adequate public facilities requirement shall be measured are as follows:

1. **Culinary Water System.** Source, treatment, storage, transmission and distribution capacity and sizing to accommodate peak instantaneous flows with a minimum of twenty (20) pounds per square inch (psi) pressure existing in the system at all points.
2. **Secondary Water (Pressurized Irrigation).** Source, storage, transmission and distribution capacity, and sizing to accommodate peak instantaneous flows with a minimum of forty five (45) pounds per square inch (psi) dynamic pressure.
3. **Sanitary Sewer System.** No surcharge shall result in the lines servicing the proposed development by the increased flows anticipated to be generated by the proposed new development.
4. **Storm Drainage and Flood Control Facilities.** Compliance with design standards for storm drainage, including surface and subsurface, and flood control facilities as required by the Bluffdale City

Design Guidelines and Standard Specifications, and the Capital Facilities Program, including the Storm Drainage Master Plan.

5. **Transportation Facilities.** All existing roads adjacent to, or impacted by, the proposed development shall be capable of accommodating the anticipated traffic loads generated by the proposed development for a twenty (20) year design period. The City has adopted a Level of Service "C" for all City roads and streets.
6. **Parks and Related Recreational Facilities.** Parks and related recreational facilities shall be available at the adopted level of service.
7. Emergency Service facilities shall be available at the adopted level of service.

11.15.1.4 Non-Compliance with Adequate Public Facilities Requirement

If it is determined that Adequate Public Facilities will not be available at the specified level of service (LOS) within a reasonable period of time of potential development approval, the City Council may:

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

11.15.2 Infrastructure Review

Although the City endeavors to provide infrastructure that will adequately service subdivisions, developments and structures because of size, type of construction, or lot characteristics may present peculiar or excessive demands on City infrastructure. For these reasons, the developer is responsible to perform an impact analysis in a form and methodology acceptable to the City to determine the possible impacts on infrastructure.

In order for the City to determine whether existing infrastructure is adequate or what additional infrastructure is needed to meet the particular needs of certain developments, sizes of buildings and structures

that are permitted uses in the zone, the following proposed developments, buildings and structures are subject to the review process for impact on existing infrastructure:

1. Commercial or multifamily buildings or structures of Class III, IV or V construction, as defined by the Uniform Building Code, greater than 10,000 square feet.
2. Buildings or structures that are required to have fire sprinkling systems under City ordinance or resolution.
3. Buildings or structures located on lots with an average slope of more than fifteen (15) percent.
4. Industrial or manufacturing facilities that deal with products or processing materials that are or could become explosive, flammable or toxic according to the Uniform Fire Code.
5. Subdivision or Planned Residential Development projects with ten (10) or more dwelling units, or parcels.
6. Development projects that require the extension of any public infrastructure for a distance of one thousand (1000) feet.

11.15.2.1 Scope of Review

For proposed developments, buildings, structures or uses that are permitted or conditional uses in the zone in which the building or structure is proposed, the review shall include the determination of the ability of existing City infrastructure to provide adequate water for culinary, irrigation and fire flow purposes, the proper handling of storm drainage, slope preservation, mitigation of impact on roads by construction and permanent traffic, impact on electrical facilities and ensuring safe access for users and emergency vehicles in accordance with City codes, standards, and all other adopted ordinances. For conditional uses or Planned Residential Developments in the zone in which the development, building, structure or use is proposed, the infrastructure review is a part of the regular conditional use or Planned Residential Development review process specified below and may involve additional regulations.

In addition to the developments listed in Section 11.15.2 above, developments, buildings and structures that are permitted or conditional uses in the zone proposed and not subject to zoning or use review, are subject to review for impact on existing infrastructure according to the standards described in this Section. The following review procedure shall be followed:

1. Upon making an application for development approval or a building permit, the applicant shall supply the City with plans and specifications sufficiently detailed to determine whether the

proposed project, building(s), or structure(s) are subject to further infrastructure review. If, according to the standards found in this Section, any proposed development, building or structure triggers infrastructure impact review, then development approval or approval of a building permit shall not be issued until the impact of the proposed development, building or structure on existing City infrastructure is determined and what, if any, additional infrastructure is necessary.

2. For any application for a building permit that requires infrastructure impact review, the City may request from the applicant any additional studies, plans, surveys, specifications and information necessary to review the infrastructure impacts. The following types of information may be requested by staff to the extent relevant:

11.15.2.1.1 Impact on Drainage:

1. A map of the site showing the existing conditions prior to the demolition of any existing structures, any grading, and any known geologic or natural hazards.
2. Topography with contours shown at intervals of not more than two (2) feet of the site and as the site adjoins contiguous properties.
3. Vegetation type and location, and soil type and load carrying capacity information.
4. One Hundred (100) year flood plain and high ground water areas, known spring and seep areas and ditches or canals.
5. All existing roads and proposed road locations and other circulation features, fences, irrigation ditches, and drainage facilities.
6. Location and size of the nearest storm drain facilities the site could drain to, water lines and sewer lines, where the developer proposes to connect to the existing drains, and proposed drainage, drainage works, detention ponds, retaining walls, and erosion control plans.
7. Site plan of the proposed buildings and structures showing building locations and finished grades.
8. Estimate of storm drainage runoff during a one hundred (100) year, twenty four (24) hour intensity storm.

11.15.2.1.2 Impact on Water, Fire Flows and Sewage:

1. Location and size of the nearest water main and sanitary sewer lines to the project to which the project can drain or be supplied and how the applicant proposes to connect to the systems.
2. Site plan and floor elevations (including building height) of all proposed buildings and structures showing building locations, construction

type and materials.

3. Proposed easements for new utility services or relocated utility services.
4. Fire hydrant locations, building sprinkling plans and water demand for fire flows. Estimated peak culinary and irrigation water demands.
5. Other specific information and technical data and opinions that, in the opinion of staff, are necessary for the meaningful review of the project.
6. Water demand and storage requirements.

11.15.2.1.3 Impact on Slope Retention:

1. Topography existing before construction and proposed finished grades, both on the site and as they relate to adjoining property.
2. Proposed drainage, drainage works, retaining walls, and erosion control plans including proposed landscaping.
3. Detailed construction drawings and supporting documentation of any and all structures sufficient to demonstrate compliance with applicable standards, codes and ordinances; or general architectural concept drawings of proposed buildings showing cuts and fills.
4. Other specific information and scientific data and opinions that, in the opinion of the staff, are necessary for the meaningful review of the project.

11.15.2.1.4 Impact on Streets and Pedestrian Facilities:

1. A site plan which coordinates pedestrian connections, sidewalks, and bike paths if any such pedestrian facilities are shown on the Trails Master Plan or the Streets Master Plan as they are currently adopted.
2. Estimated truck traffic trip numbers for construction traffic.
3. If requested by the City Engineer, the project applicant shall submit reproducible measurable pavement quality testing analyses for each street or roadway that will be utilized by any traffic generated by or relating to the proposed project, including but not limited to construction traffic. Such analyses will be submitted both before permit issuance and before building occupancy and shall use a nationally recognized pavement quality testing machine, system, or program as approved by the City Engineer. Such analyses will be used to determine construction impacts on existing streets at the end of construction so that repairs can be made at the expense of the project proponents to return the pavement to its original quality prior to dedication to the City.

12.15.2.1.5 Impact on Electrical Facilities:

1. A site plan indicating the location of existing

- distribution lines both underground and overhead.
- 2. Capacities of current power facilities that will serve the proposed development. The applicant should indicate both line size and present utilization of the power facilities.
- 3. A site plan indicating all power line easements to and within the proposed development.
- 4. An estimate of the amount of electrical power needed for each proposed unit.

11.15.2.2 Department Action

Within thirty (30) working days from the receipt of the complete application including all requested information for infrastructure impact review, the staff shall review the project and determine whether existing infrastructure is sufficient to adequately serve proposed buildings or structures. If the data is sent to an engineer or other consultant for determination of impacts, the applicant shall pay the costs associated with the professional review.

If the existing infrastructure is adequate to serve the proposed buildings or structures, then development approval or a building permit shall be issued in accordance with the Uniform Building Code and City ordinances. If upon review, existing infrastructure is found to be inadequate to serve any proposed developments, buildings or structures, development approval or the building permit shall be withheld. At the option of the City, the applicant may either:

- 1. Change the type, scale or location of any proposed buildings or structures in such a manner that existing infrastructure may adequately serve the proposed development, buildings or structures.
- 2. Provide, at applicant's expense, the additional infrastructure necessary to adequately serve the proposed buildings or structures according to designs and specifications approved by the City.
- 3. Pay a proportionate share of a City project that would mitigate the impact as detailed by the City Council or staff.
- 4. Upon submission of plans changing the type, scale or location of any or all proposed buildings or structures in such a manner that existing infrastructure is adequate to serve all proposed buildings or structures; or upon submitting plans for additional infrastructure and a letter of credit or escrow agreement to the City for the full cost of the additional infrastructure required as estimated by the City Engineer, development approval or a building permit shall be issued in accordance with City codes and ordinances.

11.15.2.3 Appeal and Review

If the applicant does not agree with the determination of

staff that existing infrastructure is inadequate or with the requirement for additional infrastructure, the applicant may request City Council review. The City Council is empowered to affirm, reverse or modify the determination of staff. All actions regarding infrastructure impacts and requirements of the Planning Commission or staff may be appealed to the City Council.

If the staff has not acted on an application or has not indicated to the applicant what existing infrastructure is inadequate within thirty (30) working days after complete information submission, the application shall be forwarded to the Planning Commission for determination of adequacy of existing infrastructure.

11.15.2.4 Transferability

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

11.15.2.5 Expiration

If a building permit is not obtained within one (1) year from the date of approval, then the infrastructure review and approval process must be repeated prior to issuance of a building permit to determine whether off-site conditions or demands have changed the ability of the system to meet the demands of the project under review. If a building permit expires before actual construction of buildings or structures, the infrastructure review and approval process must be repeated prior to issuance of another building permit. The building permit requirements may be modified to adjust to the new capacity or demand.

11.15.2.6 Standards for Review

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

- 1. The standards for adequate delivery of water are: the Bluffdale City Fire Flow Standards; the Bluffdale City Design Guidelines and Standard Specifications; Construction Specifications and Standard Drawings; and the County and/or State Department of Health Drinking Water Regulations as now constituted and as may be adopted or amended.
- 2. The standards for adequate site drainage are the

Uniform Building Code, as adopted by ordinance, and the Bluffdale City Design Guidelines and Standard Specifications, Construction Specifications and Standard Drawings as now constituted and as may be adopted or amended.

3. The standards for access to the development, buildings or structures are the Uniform Fire Code as adopted by ordinance; the Streets Master Plan or Land Use Map; the Trails Master Plan; the Design Guidelines and Standard Specifications; and Construction Specifications and Standard Drawings as now constituted and as may be adopted or amended.
4. The standards for slope retention are the Uniform Building Code, as adopted by ordinance and the Design Guidelines and Standard Specifications, Construction Specifications and Standard Drawings as now constituted and as may be adopted or amended.

11.16 Concept Plat

11.16.1 Concept Plat Application Procedure and Requirements

11.16.2 Staff Review of Concept Plat

11.16.3 Staff Action on Concept Plat

The Concept Plat provides an opportunity for the applicant and staff to meet and discuss the proposed project in the conceptual stage. The applicant can use the Concept Plat meeting to ask questions of the staff, and receive direction on project layout. At the Concept Plat meeting the staff will inform the applicant what zone the proposed project is located in and what uses are allowed in the zone. The staff may also discuss the procedure for approval of a subdivision plat and the specifications and requirements for layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts, and similar matters, and the availability of existing services. Concurrent review of PRD requirements, if applicable, may also be discussed at this time.

The staff may also advise the applicant, where appropriate, to discuss the proposed subdivision with those agencies who must eventually approve those aspects of the subdivision plat coming within their jurisdiction, including but not limited to, the Fire Department, School District, South Valley Sewer District, Utah Department of Transportation, the Salt Lake Valley Health Department and the various utility service providers.

11.16.1 Concept Plat Application Procedure and

Requirements

Prior to any process or procedure for subdividing land as contained in this Title, an owner of the land or an authorized agent shall submit an application for a Concept Plat. The number of copies of the Concept Plat will be determined at the time of submission of the plan. The Concept Plat shall:

1. Include all contiguous holdings of the owner with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the office of the County Recorder.
2. Be accompanied by a review fee in accordance with the adopted Fee Schedule.
3. Include an address and telephone number of the applicant.
4. Be accompanied by a list of all property owners within one thousand (1,000) feet of the proposed subdivision boundary.
5. Include a general written and graphic representation of the proposed project, all approvals being sought (rezone, subdivision, PRD, variance, etc.), and any other information the applicant believes is necessary to present to the staff or Planning Commission.

11.16.2 Staff Review of Concept Plat

The staff shall consider the Concept Plat and render a report to the Planning Commission concerning the plan. The staff shall transmit the Concept Plat for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, School District, Fire Department, special service districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law, and any other appropriate utility companies. Staff will consider all the reports submitted by the officials and agencies concerning the plan and shall submit a report for proposed action to the Planning Commission for the next available regular meetings.

The scale or complexity of a project or staff workload will dictate the processing period. The staff will advise the applicant when an application is filed as to the projected time frame. If the work load is too great for processing by available staff in a time frame acceptable to the applicant or additional expertise is required, the project review may be sent out to a consulting planner, engineer or architect approved by the City. The developer will typically be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant unless other arrangements or

agreements are approved by the City Council. The use of an outside consultant shall be at the sole discretion of the City Council. The consultant shall work under the direction of, and under contract to, the City Council, but at the applicant's expense.

11.16.3 Staff Action on Concept Plat

There is no approval of a Concept Plat required or given. After reviewing and discussing the Concept Plat and other reports submitted by invited agencies and officials, the staff will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations as a prerequisite to the approval of the Preliminary Plat. The staff, Planning Commission and/or City Council may require additional changes as a result of further study of the subdivision in final form.

11.17 Improvement, Design, and Layout Considerations

- 11.17.1 Plats Straddling Municipal Boundaries, Annexations
- 11.17.2 Monuments
- 11.17.3 Unsuitability
- 11.17.4 Subdivision Name
- 11.17.5 Ridgeline, View Shed, and Hillside Development
- 11.17.6 Open Space
- 11.17.7 Drainage Ways and Irrigation Ditches
- 11.17.8 Trails and Sidewalks
- 11.17.9 Limits of Disturbance/Vegetation Protection
- 11.17.10 Architectural or Design Standards
- 11.17.11 Fire Hydrants
- 11.17.12 Fire Sprinkling
- 11.17.13 Mail Boxes
- 11.17.14 Addressing Required

After an applicant has submitted a Concept Plat and prepared a Preliminary Plat and subsequently the Final Plat, the applicant shall prepare a Preliminary Plat using the criteria in this section as a guide. The Planning Commission will also use this criteria in its consideration of recommending approval or denial of the Preliminary Plat and Final Plat.

In addition to the requirements established herein, subdivision plats shall comply with all applicable statutory provisions, Sensitive Lands Development Ordinance, Uniform Building, Fire and related Codes, the Bluffdale City Design Guidelines and Standard Specifications, the Official Streets Master Plan, the General Plan, the Official Zone Map, the Trails Master Plan, public utilities plans, Capital Improvements Program of the City or any other government agency

having jurisdiction in the development, including all streets, trails, drainage systems, and parks shown on the Official Map or General Plan as adopted or amended for the subdivision, and the rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.

If the owner places restrictions on any of the land contained in the subdivision greater than those required by this Title or any other City regulation or requirement, such restrictions or reference thereto may be required to be indicated on the Final Plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in a form approved by the City Attorney.

11.17.1 Plats Straddling Municipal Boundaries, Annexations

When a subdivision is proposed that includes property under the jurisdiction of another entity, the Planning Commission may recommend annexation of the property involved.

If the area in the County, or other entity, is not annexed, the City and County, or other entity, shall work together in a cooperative arrangement or through an interlocal agreement, if necessary, to insure that the portion of development located in the County, or other entity, is as compatible as possible with the City development regulations and General Plan.

11.17.2 Monuments

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the City Engineer.

Monuments shall be installed in accordance with the Bluffdale City Design Guidelines and Standard Specifications, or requirements of the Salt Lake County Surveyor construction specifications and standard drawings. The monuments shall be located on street right-of-way lines, at street intersections, and angle points of curve within the subdivision. They shall be spaced to be within sight of each other, with the sight lines being contained wholly within the street limits.

All street monuments shall be properly set in the ground by a licensed surveyor and approved by the Salt Lake County Surveyor prior to the release of the performance guarantee as established in accordance with the provisions of this Title.

11.17.3 Unsuitability

If the Planning Commission or City Council finds that a portion or all of the land proposed for subdivision or development unsuitable due to natural

hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridge lines and hilltops, which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or surrounding areas, the land shall not be subdivided or developed.

The development may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approval of the City Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses that do not involve such a danger or severe environmental impact.

Additionally, consideration must be given to soil conditions and ground water existence and may include appropriate setbacks and conservation requirements.

11.17.4 Subdivision Name

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

11.17.5 Ridge Line, View Shed and Hillside Development

Protection of ridges from development which would be visible against the skyline from prominent areas or designated vantage points in Bluffdale City will be maintained. Hillside development which may disturb agriculture may be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize impacts. All applicable subdivision proposals must satisfy the requirements of the, Sensitive Lands Ordinance.

11.17.6 Open Space

Units may be clustered in the most suitable and least sensitive portions of the site with common open space corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners association, unless dedicated and accepted by the City. Open space conservation easements dedicated in perpetuity to a qualified land trust are

encouraged to prevent future development.

If it is determined that landscaping should be required or is appropriate, the applicant shall complete a landscaping plan for the open space area. The landscaping plan shall contain information pertaining to type and size of plants, a maintenance plan, and a design for an irrigation system, if required. At the applicants expense, the City may require the landscaping plan to be reviewed by a competent landscape architect, at the applicant’s expense, for suitability of plant types and sizes.

11.17.7 Drainage Ways and Irrigation Ditches

Existing natural drainage and irrigation ditches or rights-of-ways shall be maintained and stabilized. Notification and approval of irrigation companies for development may be required in certain circumstances as determined by the City if the development impacts irrigation works or access.

11.17.7.1 Stabilization Specifications

The banks of any existing or proposed drainage channel, irrigation ditch, canal, creek, or other water course shall be stabilized in the following manner:

1. The applicant shall conduct, and provide to the City Engineer, a complete engineering study and analysis that determines the proper rip rap design to prevent channel erosion at the maximum volume flow of the watercourse.
2. Provide detailed construction drawings of the area to be stabilized including materials, size, weight, and method of installation.
3. Provide information pertaining to the effect on downstream flows following proposed channel stabilization.
4. Any stabilization shall be approved by the entity having jurisdiction over the waterway or watercourse.

11.17.8 Trails and Sidewalks

Trails and sidewalks shall be provided to allow efficient internal pedestrian and non-motorized circulation as well as links to adjacent trail systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements. Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall circulation plan. In most cases, a homeowners association will be required to maintain the trails. Sidewalks, unless otherwise approved by the City Council, shall be provided on each side of all public streets and shall satisfy the requirements of the Design Guidelines and Standard Specifications.

11.17.9 Limits of Disturbance/Vegetation Protection

A separate plan that addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

11.17.10 Architectural or Design Standards

Architectural or design standards may be required on large projects or developments that could have a significant effect on the character of the surrounding area. These standards will be developed on a case by case basis by the City and applicant. It is intended by this section to create a development that will result in compatible building design and materials within the development and the respective zone. Guidelines should include consistency of roof pitch, roofing materials, exterior materials, colors, porch details, window types and similar provisions. These guidelines should also be compatible with adjacent developments. Buildings should be designed to blend and harmonize with the existing environment.

11.17.11 Fire Hydrants

Fire hydrants shall be inspected and approved by the Fire Chief before being installed by the developer. The hydrants shall be spaced in accordance with the Uniform Fire Code, generally at five hundred (500) foot intervals and the intersections of streets.

11.17.12 Fire Sprinkling

Fire sprinkler systems may be required in projects as determined by the Fire Department. This determination is based upon an analysis of the size and type of structures, vegetation surrounding the structures and location of the project as it relates to response time.

11.17.13 Mail Boxes

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

11.17.14 Addressing Required

The numbers or letters indicating the address of any unit must satisfy the requirements of the adopted building code and shall be clearly visible at all times including night time hours.

11.18 Lot Improvements and Arrangement

- 11.18.1 Square Footage
- 11.18.2 Staggered Front Setbacks
- 11.18.3 Lot Dimensions
- 11.18.4 Double Frontage Lots and Access to Lots
- 11.18.5 Grading, Drainage and Seeding
- 11.18.6 Debris and Waste
- 11.18.7 Fencing
- 11.18.8 Water Bodies and Water Courses
- 11.18.9 Performance Guarantee
- 11.18.10 Utility Easements
- 11.18.11 Lot Area, Frontage and Setbacks

The lot arrangement should attempt to avoid difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Uniform Building and Fire Codes, this Title, and in providing reasonable driveway access to buildings on such lots from an approved street.

In areas that are determined by the Fire Chief to be in high fire danger areas, the building sites shall be located or situated in areas of the development that are less hazardous or are naturally clear of the hazardous vegetation.

If deemed necessary by the Planning Commission, limits of disturbance lines shall be designed which minimize disturbance of existing vegetation. If required, limits of disturbance lines shall be shown on the Final Plat. If required, all construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

11.18.1 Square Footage

Maximum dwelling or unit square footage information may be required. Smaller parcels will be expected to limit building sizes so that homes relate to the parcels upon which they are built. Limited building heights may also be required in visually sensitive areas. Limitations, if required, of square footage and height shall be shown on the Final Plat.

11.18.2 Staggered Front Setbacks

In new subdivisions, front setbacks may be required to be staggered with consideration of existing site conditions. The minimum front setbacks shall be consistent with the zone in which the subdivision is proposed.

11.18.3 Lot Dimensions

Lot dimensions shall comply with the minimum standards for the appropriate zone found in Title 11 of the Bluffdale City Code. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged to allow future subdivision and the opening of future streets

where they would be necessary to serve such potential lots, in compliance with this Title and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum setbacks from both streets.

11.18.4 Double Frontage Lots and Access to Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. An exception to this Section may apply for two family (duplex, twin home) developments so that creative access issues may be addressed.

Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on the arterial or collector street. Where possible, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on arterial or collector streets.

11.18.5 Grading, Drainage and Seeding

11.18.5.1 Final Grading

Topsoil should not be removed from residential lots or used as spoil, but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.

11.18.5.2 Lot Drainage

Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm drainage water from any lot to adjacent lots.

11.18.5.3 Lawn-Grass Seed and Sod

The City Council may impose planting requirements if deemed necessary. If revegetation is required, all lots shall be seeded from the roadside edge of the right-of-way back to a distance of twenty (20) feet behind the principal residence on the lot.

11.18.6 Debris and Waste

Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth,

rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of acceptance of the Subdivision Improvements. Removal of these types of materials shall be required prior to issuance of any Certificate of Occupancy. No such items shall be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

11.18.7 Fencing

Each applicant shall be required to furnish and install fences when the staff, Planning Commission, and/or City Council determine that a hazardous condition may exist. The fences shall be constructed according to standards found in the zoning ordinance and shall be noted as to height and material on the Final Plat. The Fire Chief must approve the fence if the fence is erected within five (5) feet of a fire hydrant. No Certificate of Occupancy shall be issued until the fence improvements have been duly installed.

11.18.8 Water Bodies and Water Courses

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

11.18.9 Performance Guarantee

The performance guarantee shall include an amount to guarantee completion of all necessary public improvements. The City may enforce the provisions of the guarantee where the provisions of this Section or other applicable law, ordinance, or regulation have not been complied with.

11.18.10 Utility Easements

Each lot in a subdivision shall include a ten (10) foot utility easement adjacent to any public road and maintain a ten (10) foot utility easement around the remaining perimeter of the lot.

11.18.11 Lot Area, Frontage and Setbacks

All existing and new structures in a subdivision are required to satisfy the lot area, setback, and frontage requirements of the zone in which they are located, unless otherwise approved as part of a Planned Residential

Development in accordance with Section 11.10 herein.

11.19 Roads and Streets

- 11.19.1 Grading and Improvement Plan
- 11.19.2 Topography and Arrangement
- 11.19.3 Ingress and Egress
- 11.19.4 Blocks
- 11.19.5 Access to Highway, Arterial, or Collector Streets
- 11.19.6 Road Names
- 11.19.7 Road Regulatory Signs
- 11.19.8 Street Lights
- 11.19.9 General Design Standards
- 11.19.10 Road Surfacing and Improvement
- 11.19.11 Excess Right-of-Way
- 11.19.12 Intersections
- 11.19.13 Bridges
- 11.19.14 Road Dedications and Reservations

All road and street layout and design is subject to approval of the City Engineer. All roads and streets in subdivisions shall meet the applicable requirements of the Design Guidelines and Standard Specifications Document available from the City Engineer. All subdivisions shall have access to a public street.

11.19.1 Grading and Improvement Plan

Streets shall be graded and improved in conformance with the Design Guidelines and Standard Specifications and shall be approved as to design and specifications by the City Engineer. All road construction plans are required to be submitted prior to Final Plat approval. Prior to Final Plat approval the City shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.

At present, it is the intention of the City for all subdivision streets to be dedicated public streets. However, if private streets are approved, they must be constructed to meet all requirements of public streets in case the City is required to maintain the streets in the future. The land area for a private street may not be included in or counted towards the minimum area required for a lot. (*Amended 7/25/07, Ord. 2007-22*)

11.19.2 Topography and Arrangement

Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of lot appearance and to discourage through traffic. All streets shall be arranged to obtain as many building sites at, or above, the grades of the streets as possible. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. A combination of steep grades and curves as well as large cut and fill

sections shall be avoided. All cuts and fills shall conform to the requirements found in the Sensitive Lands Development Ordinance, as adopted by the City, regardless of whether the subdivision is located in the Sensitive Lands Overlay Zone or not.

All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan, Streets Master Plan and Zone Map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

A rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission and/or City Council such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

The arrangement of streets shall provide for the continuation of principal streets and utilities such as storm drain lines between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets, with the notation on the Final Plat that land outside the normal street right-of-way shall revert to adjacent owners when the street is continued. The turnabout shall have at least a fifty (50) foot radius. The Planning Commission may limit the length of temporary dead-end streets in accordance with the Design Guidelines and Standard Specifications or at the recommendation of the City Engineer.

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission and/or City Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities. A cul-de-sac turnaround shall be provided at the end of a

permanent dead-end street in accordance with the Design Guidelines and Standard Specifications. At a minimum, the turnabout shall be large enough to accommodate all public safety vehicles and snow removal equipment to complete a three hundred and sixty (360) degree turn. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to one thousand (1000) feet.

11.19.2.1 Cul-De-Sacs

Cul-de-sacs should be limited in use to areas where impacts to emergency service provision, removal of snow, extension of utility services and circulation can be sufficiently mitigated. If these concerns can not be mitigated, the City Engineer may require the applicant to remove the cul-de-sac from the proposed development plan. All cul-de-sacs shall have at least a fifty (50) foot radius of asphalt.

When a cul-de-sac is proposed within one thousand (1000) feet of a church, school, park, or other public facility, pedestrian access should be addressed by a walkway easement, or other acceptable solution.

11.19.2.2 Turn-Arounds

Permanent or temporary dead-end roads must have an approved turn around in place before construction begins. Dead-end roads in excess of one hundred and fifty (150) feet in length shall provide provisions for the turning around of emergency apparatus in accordance with Fire Department specifications.

11.19.3 Ingress and Egress

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

1. Any subdivision, or portion of a subdivision, which can not provide two points of ingress and egress in a practical manner shall be limited to no more than ten (10) residential lots or units.
2. A Subdivision, or portion of a subdivision, which will be served by more than one point of ingress and egress in the future may receive approval for more than ten (10) lots provided that no more than ten (10) units are constructed until a second point of ingress and egress is provided, and so indicated on the Final Plat.
3. Any subdivision providing a temporary second point of ingress and egress shall be subject to the following conditions:
 - a. The second access shall be reviewed and approved in writing by the Fire Chief and City Engineer.
 - b. The second point of access shall provide continuous

- c. The second point of access may cross private property, but must connect the subdivision to an improved public right-of-way.
- d. The second access shall be hard surfaced with at least one and one half (1½) inches of asphalt prior to October 1st of the year construction began. The asphalt must be a minimum of twenty (20) feet in width.

The second point of ingress and egress shall be located in a future right-of-way unless it can be shown that the second point of access in another location is preferable to the satisfaction of the City Engineer and Fire Chief.

Emergency service providers, including the fire chief and police officials, must approve the street design in any subdivision with only one point of ingress and egress.

11.19.4 Blocks

Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, water ways, and for developments containing exclusively two family dwellings. The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed one thousand (1,000) feet nor be less than four hundred (400) feet in length. When practicable, blocks along major arterial and collector streets shall be not less than one thousand (1,000) feet in length. The City Council may require the reservation of an easement through a block to accommodate utilities, drainage facilities, or pedestrian traffic and provide circulation or access to schools, playgrounds, shopping centers, transportation, trails, or other community facilities.

11.19.5 Access to Highway, Arterial or Collector Streets

When a subdivision borders on or contains an existing or proposed highway, arterial or collector, the City Council may require that access to such streets be limited by one of the following means:

1. The subdivision lots back onto the highway, arterial or collector and front onto a parallel local street with no direct access to the primary arterial or collector. Screening shall be provided by a strip of land along the rear property line of such lots.
2. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right

angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway.

11.19.6 Road Names

The applicant shall inform the Planning Commission of the preferred street names for all streets at the time of Preliminary Plat approval. Names shall be sufficiently different in sound and in spelling from other road names in Salt Lake County or Bluffdale City to eliminate confusion. All street names shall be approved by Salt Lake County. A street that is or is planned as a continuation of an existing road shall bear the same name. The north, south, east, and west coordinate system of the City should be maintained where appropriate.

11.19.7 Road Regulatory Signs

The applicant shall erect or post acceptable guarantees ensuring placement of each road and safety sign required in the Design Guidelines and Standard Specifications or by the City Engineer. All road signs shall be installed before release of the development guarantee or issuance of a Certificate of Occupancy for any residence on a new street. Street name signs are to be placed at all intersections within and abutting the subdivision. The type, design and location of the signs are to be approved by the City Engineer. Street signs shall be designed according to the Design Guidelines and Standard Specifications Document.

11.19.8 Street Lights

Installation of streetlights shall be required in accordance with the Design Guidelines and Standard Specifications or as designated and located by the City Engineer and shall be approved by the City Council.

11.19.9 General Design Standards

In order to provide for roads in suitable locations with proper width and improvements to accommodate prospective traffic, afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, coordination of roads to compose a convenient system, and avoid undue hardships to adjoining properties the roads are hereby required to be in compliance with the Design Guidelines and Standard Specifications. All roads shall also be consistent with the Streets Master Plan, or directions from the City Engineer and Fire Chief in the event that the Streets Master Plan does not provide enough direction.

11.19.10 Road Surfacing and Improvement

Prior to road construction, the applicant may be required to complete a soil test of the area proposed for roads to determine whether existing soils are considered adequate and safe for road construction by the City Engineer. If

the soil is considered inappropriate or unsafe, the engineer will indicate what action should occur in order to provide adequate and safe road base. After sewer and water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface roadways to the widths prescribed in the Design Guidelines and Standard Specifications. Pavement design shall be proposed by the applicant and approved by the City Engineer. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

11.19.11 Excess Right-of-Way

Right-of-way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one, unless specifically approved by the City Engineer.

11.19.12 Intersections

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

Proposed new intersections along one side of an existing street shall, where practical, coincide with any intersections on the opposite side of the street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet are not permitted. Where streets intersect major streets, the alignment shall be continuous. Intersections of arterial and collector streets must be at least eight hundred (800) feet apart.

Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

Intersections shall be designed with a flat grade where practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having less

than a two (2) percent slope for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance. The cross-slopes on all streets, including intersections, shall be three (3) percent or less.

11.19.13 Bridges

Bridges of primary benefit to the applicant, as determined by the Planning Commission and City Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission and City Council, will be fixed by special agreement between the City Council and the applicant.

11.19.14 Road Dedications and Reservations

Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half-streets. The City Engineer may authorize a new perimeter street, however the applicant may be required to improve half the street plus ten (10) feet and dedicate the entire required street right-of-way width.

Where a subdivision borders an existing narrow road or when the General Plan, Streets Master Plan or Zone Map indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Frontage roads and streets shall be improved and dedicated at the applicants expense to the full width as required by this Title.

11.19.15 Shared Driveways

- A. Except as otherwise provided herein, no building permit shall be issued for a dwelling located on a lot or parcel accessed by a shared driveway other than a dedicated and improved public street. General standards for public streets and access requirements for access off of an improved public street are provided in Chapter 11.19 of the City Subdivision Ordinance.
- B. The creation of or the issuance of a building permit for a lot or parcel accessed from a

shared driveway may be approved by the City under the following circumstances:

- 1. There exists certain unique circumstances that directly impact the lots or parcel to be accessed by the shared driveway as follows:
 - a. The lots or parcels are isolated from any presently existing public street and will be isolated from any future public streets; and
 - b. The property is bounded by certain physical barriers that isolate the proposed lots or parcels which preclude future expansion and development and deny through access to public streets.

For purposes of this Section, physical barriers may include: existing canals with recorded easements and rights-of-way that prohibit public access and crossing; railroad rights-of-way; terrain that prevents conventional access by public streets; utility easements which prohibit street access and crossing; existing developments of improved real property contiguous to the subject property that prohibits extension of through public streets to or from the lots or parcels; existing or proposed drainage requirements which include storm drain channels, retention/detention ponds, or natural creek beds which prohibit public street access; or limited access roads which prohibit a public street connection.

- c. The creation of or the issuance of a building permit for a lot or parcel accessed by a shared driveway approved by the City shall comply with the following restrictions and limitations:
 - 1. Be located within a Residential R-1Be located within a Residential R-1-43 or Agriculture A-5 zoning district;
 - 2. The shared driveway shall provide access to a maximum of two (2) lots or parcels;
 - 3. The lot or parcel to be accessed off of the shared driveway meets all the standards and requirements under the City Subdivision Ordinance and Zoning Ordinance;
 - 4. Required minimum yard setback requirements shall apply to all buildings fronting, siding or rearing on the shared driveway or private land and shall be measured

from the boundary of any such right-of-way nearest the building;

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5. The shared driveway has a minimum recorded right-of-way width of at least twenty-five (25) feet and all-weather surface of at least twenty (20) feet;
6. The shared driveway shall be improved in compliance with City standards and specifications for the number and intensity of lots or parcels served;
7. The shared driveway shall have a turn around as determined necessary by the Bluffdale City Fire Department;
8. No parking is permitted within the shared driveway;
9. The shared driveway shall only be used to access single family residences;
10. Each adjoining lot or parcel using the shared driveway shall have recorded ownership or right-of-way access to such driveway or private lane by easement or fee title;
11. All dwellings on the lots or parcels shall be within four hundred (400) feet of a fire hydrant approved by the Bluffdale City Fire Department and access to the fire hydrant shall comply with the applicable Fire Codes adopted by the City;
12. The shared driveway abuts and is accessed off of a fully improved and dedicated public street;
13. The shared driveway is not necessary to be dedicated as a public street to accomplish needed and logical street connections, to provide access to properties that may otherwise have no access or limited access to the detriment of the property, or other purpose determined to be necessary and appropriate. *(amended 1/13/2004*

11.20 Drainage and Storm Sewers

- 11.20.1 Accommodation of Upstream Drainage Areas
- 11.20.2 Effect on Downstream Drainage Areas
- 11.20.3 Areas of Poor Drainage
- 11.20.4 Flood Plain Areas
- 11.20.5 Dedication of Drainage Easements

The Planning Commission shall not recommend approval of any Final Plat that does not make adequate provision for storm or flood water runoff channels or catch basins. Plans shall be reviewed for compliance with the Design Guidelines and Standard Specifications and other standards as may be adopted, and shall be adequate to handle a twenty four (24) hour, one hundred (100) year storm event. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with construction plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded, catch basins shall be used to intercept flow. Surface water drainage patterns shall be shown for each and every lot and block.

The applicant may be required, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the Design Guidelines and Standard Specifications.

Underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted under the direction of the City Engineer. If a connection to a public storm sewer will be provided eventually the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.

No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

11.20.1 Accommodation of Upstream Drainage Areas

Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the Design Guidelines and Standard Specifications assuming conditions of a one hundred year storm event. The City Engineer must review and approve the design. If the facility must be enlarged to accommodate upstream development, the City shall contribute the absolute difference between the facility needed for the subdivision and the facility needed for upstream drainage.

11.20.2 Effect on Downstream Drainage Areas

The developer's engineer shall also study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. City storm drainage studies together with such other studies shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the City Council may require the applicant to improve the facility in order to serve the subdivision.

11.20.3 Areas of Poor Drainage

Development in areas of extremely poor drainage will not be allowed.

11.20.4 Flood Plain Areas

The City Council may, upon recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the one hundred year flood plain of any stream or drainage course. These flood plain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the City Council.

11.20.5 Dedication of Drainage Easements

Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction adequate for the purpose. Where possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

Where topography or other conditions make the

inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the Final Plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights-of-way or easements must be secured and indicated on the plat.

The applicant shall dedicate to the City, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, to a distance of fifty (50) feet.

11.21 Water Facilities (amended Ord. 2007-23, 8-28-07)

- 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. (amended Ord. 2007-23, 8-28-07)

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. (amended Ord. 2007-23, 8-28-07)

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. (amended Ord. 2007-23,

8-28-07)

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. (*amended Ord. 2007-23, 8-28-07*)

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. (*amended Ord. 2007-23, 8-28-07*)

11.22 Sewer Facilities

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

11.23 Sidewalks, Curbs, Trails, and Paths

- 11.23.1 Location
- 11.23.2 Improvements
- 11.23.3 Trails and Paths

11.23.1 Location

Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the City Council. In many cases pedestrian paths separate from the road right of way may be preferable.

11.23.2 Improvements

Sidewalks shall be constructed of concrete at least five (5) inches thick and not less than four (4) feet wide, and shall be designed to best facilitate their assumed use and serve the public interest and safety.

11.23.3 Trails and Paths

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with the Trails Master Plan and where otherwise necessary as determined by the City Council. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Trails shall be built to City specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the City Council determines otherwise, in which case cash deposits shall be required.

11.24 Electric Facilities

Applicants for subdivision approval will be referred to the power provider following review of the Concept Plat by the city staff.

11.25 Other Utilities

- 11.25.1 Easements

Utility facilities including but not limited to power, gas, telephone, and cable TV, shall be located underground in new subdivisions when underground location does not violate safety standards of the particular utility and underground location does not impose any potential additional maintenance burden on City streets and water/sewer personnel in the opinion of the City Council.

Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the applicant and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the City Engineer. Casings or conduits shall be installed under all streets at intersections to provide for future utility line installation.

11.25.1 Easements

Each lot in a subdivision shall include a ten (10) foot utility easement adjacent to any public road and maintain a ten (10) foot utility easement around the remaining perimeter of the lot. Proper coordination shall be established by the applicant between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties. Existing lots, previously subdivided or sold in metes and bounds, shall provide a ten (10) foot utility easement adjacent to any public road and maintain a ten (10) foot utility easement around the remaining perimeter of the lot when applying for a building permit.

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least ten (10) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.

Where necessary to ensure proper access and maintenance, easement widths shall be increased as required by the City Engineer.

11.26 Parks, Playgrounds, Recreation Areas, and Other Public Uses

- 11.26.1 Required Park Area
- 11.26.2 Minimum Size of Park and Playground Reservations
- 11.26.3 Recreation Sites
- 11.26.4 Open Space Created by Clustering Not included in Calculations
- 11.26.5 Other Public Uses

The Planning Commission, in its review of each subdivision, shall ensure that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated in the General Plan, requirements of this Title, or other areas where such reservations would be appropriate and the park would benefit the subdivision and its residents. Each reservation shall be of suitable size, dimension,

topography, and general character and have adequate access for the particular purposes of the City. These areas shall be shown on the Final Plat. The developer will also be required to install improvements to the recreation areas which directly benefit the subdivision. These improvements will be built to City specifications.

If it is determined that landscaping should be required or is appropriate, the applicant shall complete a landscaping plan for the open space area. The landscaping plan shall contain information pertaining to type and size of plants, a maintenance plan, and a design for an irrigation system. At the applicants expense, the City may require the landscaping plan to be reviewed by a competent landscape architect for suitability of plant types and sizes.

11.26.1 Required Park Area

Recreation areas shall be consistent with the Master Trails Plan and General Plan unless the applicant desires to construct recreational facilities for the residents of the subdivision. If the applicant is subdividing an area which contains areas designated for public facilities according to the Master Trails Plan or Open Space Element, the applicant may donate land and construct facilities in place of Impact Fees. The Planning Commission shall determine the number of acres to be reserved using the adopted level of service. The Planning Commission may refer such proposed reservations to the City Recreation Director for any recommendations. The developer shall dedicate all such recreation areas and facilities to the City prior to or upon Final Plat approval. If the applicant chooses to provide recreational facilities to the residents of the subdivision, the applicant may be entitled to a credit against the Parks Impact Fee.

11.26.2 Minimum Size of Park and Playground Reservations

In general, land reserved for recreation purposes shall have an area of at least one acre. When the proposed area would create less than one acre, the City Council may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at the time adjacent land is subdivided. In no case shall an area of less than one quarter (1/4) acre be reserved for recreation purposes.

11.26.3 Recreation Sites

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry. The area shall be improved by the applicant to the City standards and include a performance guarantee. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the City Public Works Supervisor for recommendations. All land to be reserved for dedication to the City for park

purposes shall have prior approval of the City Council and shall be shown on the Final Plat.

11.26.4 Open Space Created by Clustering Not Included in Calculations

Any open space created by clustering units shall not be included in the calculations for Impact Fee credits or recreation space required. The provisions of this Section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this Section.

11.26.5 Other Public Uses

Except when an applicant utilizes a Planned Residential Development concept in which land is set aside by the applicant as required by this Title, when a tract to be subdivided includes a school, recreation uses, or other public use the space shall be suitably incorporated by the applicant into the Final Plat.

The Planning Commission shall refer the Preliminary Plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition. Upon receipt of an affirmative report, the Planning Commission shall notify the property owner.

11.27 Preservation of Natural Features and Amenities

Existing features which add natural value or historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible from prominent areas or vantage points. Attractive existing vegetation should also be retained where possible. Vegetation protection will be required during construction so that disturbance is limited. Existing features such as water courses, rivers, irrigation works, wetlands, historic sites, critical meadow lands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The Planning Commission may require the applicant to indicate the general number, size, and location of existing trees and indicate all those marked for retention on the Preliminary Plat. Any project falling within the Sensitive Lands

Development Ordinance may be subject to additional requirements and regulations as outlined therein.

11.28 Preliminary Plat

11.28.1 General

11.28.2 Features to be shown on Preliminary Plat

11.28.3 Construction Plans

11.28.4 Effective Period of Preliminary Approval

11.28.5 Zoning Regulations

Following presentation of a Concept Plat to the staff, the staff will inform the applicant that an application for Preliminary Plat may be submitted and a plan may be prepared.

The staff may also discuss the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. Concurrent review of Planned Residential Development requirements, if applicable may also be discussed at this time.

There is no approval of a Concept Plat required or given. After reviewing and discussing the Concept Plat, staff reports and other reports as submitted by invited agencies and officials, the staff will advise the applicant of the specific changes or additions, if any, required in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the Preliminary Plat. The Planning Commission shall not review any Preliminary Plat prior to the applicant's submission and staff review of a Concept Plat.

These Preliminary Plat requirements are minimum in nature and other information may be required by the staff Planning Commission, City Council, or as the need dictates. If it is anticipated that the Planning Commission or City Council might require significant alterations to the proposed Preliminary Plat, the Planning Commission may recommend and the City Council may approve a Preliminary Plat upon the condition of the plan satisfying all engineering requirements of the City. Such a condition must be satisfied prior to approval of the Final Plat and recordation in the office of the County Recorder.

11.28.1 General

The Preliminary Plat shall be prepared by a licensed land surveyor at a scale of not more than one inch equals one hundred (100) feet. The scale shall be shown graphically for purposes of reduction. The plan may be prepared in

ink, or ink and pencil, and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, typically twenty four by thirty six (24 x 36) inches. It should be noted that the map prepared for the Preliminary Plat may also become the Final Plat and, therefore, should be drawn on reproducible mylar. The applicant shall supply the City with three (3) complete full size copies and sufficient reduced eleven by seventeen (11 x 17) copies of the Preliminary Plat for each City Council member, Planning Commissioner and relevant City staff members. Any change in the number of copies needed will be determined following review of the Concept Plat.

11.28.2 Features to be Shown on Preliminary Plat

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

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

1. The date of the map, approximate true north point, scale in graphic and numeric detail, and name of the subdivision.
2. A vicinity map indicating the location of property with respect to surrounding property and streets, the names of all adjoining property owners or the names of adjoining developments, the location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot tied to at least two section corners, and the legal description of the property complete with Township, Range and Section lines. The vicinity map may be reviewed at the time of submission of the Concept Plat. The vicinity map should indicate how the new infrastructure will tie into existing and future infrastructure. The map shall be at a scale not to exceed one inch equals two hundred (200) feet and shall cover an area no less than one thousand (1,000) feet from any perimeter of the proposed development.
3. The location of existing streets, street lights, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Planning Commission.
4. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways and easements, and proposed street rights-of-way. The location of all existing fire hydrants within one thousand (1,000) feet of the subdivision and all proposed fire hydrants. The City Engineer will require a profile and cross section of all proposed streets.
5. The location, dimensions, and areas of all proposed or existing lots complete with utility easements, lot numbers, proposed addresses (corner lots should include two addresses), square footage of each lot or parcel, and building setback lines. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.
6. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation complete with an acreage tabulation of all open space areas.
7. The name and address of the owner or owners of land to be subdivided, the name and address of the applicant if other than the owner, and the name of the land surveyor.
8. Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines which would enable the Engineer to reproduce the lines upon the ground, and the location of all proposed monuments.
9. Names of all new streets and adjoining streets.
10. Indication of the use of all lots or parcels whether single family, two family, multi family, agricultural, commercial, open space as well as all uses other than those specified that are proposed by the applicant.
11. All information required by the Planning Commission or staff after review of the Concept Plat.
12. Explanation of drainage and site easements, if any.
13. Explanation of reservations and conservation easements, if any.
14. Owners dedication and consent to record as required by applicable State law.
15. Signature blocks for endorsement by the Mayor, Planning Commission, City Engineer, City Recorder, City Attorney, and County Recorder.
16. All utility facilities existing and proposed throughout the subdivision and details for connection to City infrastructure.
17. A plan designating limits of disturbance or building pads and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.
18. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the additional property.
19. Indication of the nearest location of all public and

- private utilities.
- 20. Appropriate contour lines and an indication of all slopes greater than thirty (30) percent.
- 21. A vegetation or revegetation plan as required by this Title.
- 22. The names and addresses of the property owners within one thousand (1,000) feet as shown on the County Recorder's/Assessor's tax files, together with a stamped, addressed envelope for each such owner. A map showing the property to be subdivided and the properties within 1000 feet of the same together with tax identification numbers shall be provided with the list of names and addresses. Complete construction plans containing the information required in Section 11.28.3 herein, and any other information required by the Planning Commission or staff.
- 23. FEMA Flood Plain Boundaries and wetlands.
- 24. Fences, Canals and waterways.

The lack of information under any item specified herein, or improper information supplied by the applicant, may be cause for denial of a Preliminary Plat.

11.28.3 Construction Plans

If it is anticipated that the Planning Commission or City Council might require significant alterations to the proposed construction plans, the Planning Commission may recommend and the City Council may approve the preliminary construction plans upon the condition of the plan satisfying all engineering requirements of the City. Such a condition must be satisfied prior to approval of the Final Plat and recordation in the office of the County Recorder.

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

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 in the construction plans whether included in this list or not. Failure to show any feature required by this Title, the Planning Commission, City Council or staff may result in denial of the plan.

The following features, at a minimum, shall be shown on the Construction Plan:

- 1. Profiles showing existing and proposed elevations

- along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- 2. The Planning Commission may require, upon recommendation by the City Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.
- 3. Plans and profiles showing the locations of sidewalks, drainage easements, irrigation ditches, rights-of-way, manholes, and catch basins, street trees, street lights and signs, the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, fire hydrants, connections to any existing or proposed utility systems, and exact location and size of all water, gas, or other underground utilities or structures. All street monuments shall be indicated on the Construction Plans.
- 4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, swamps, wetlands, buildings, features noted on the Official Zone Map, point of connection to proposed facilities and utilities within the subdivision, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the City Engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such water ways.
- 5. Topography at the same scale as the Preliminary Plat with a contour intervals of two (2) feet, referred to sea-level datum. All datum provided shall be the latest applicable U.S. Geodetic Survey datum and should be so noted on the plat.
- 6. All other specifications, details, and references required by the Design Guidelines and Standard Specifications, Construction Specifications, and Standard Drawings, including a site-grading plan for the entire subdivision.
- 7. Notation of approval by the Owner, City Engineer and all utility providers.
- 8. Title, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.
- 9. A limits of disturbance and revegetation plan.

11.28.3.1 Format

The Construction Plans shall be prepared on a similar medium and be the same size as the Preliminary Plat. The applicant will provide three (3) complete copies of the Construction Plans to the City. The applicant shall also provide two (2) additional copies of the electrical layout and one (1) additional copy of the fire hydrant layout. The Construction Plans should provide signature blocks for and be signed by the Mayor, City Engineer, and the applicant's engineer and surveyor.

The Planning Commission shall not recommend approval of any Preliminary Plat until all review fees have been paid in full according to the fee schedule adopted by the City.

11.28.4 Effective Period of Preliminary Approval

The approval of a Preliminary Plat and Construction Plans shall be effective for a period of one (1) year. Any plat not receiving final approval within one (1) year shall be null and void, and the developer shall be required to resubmit a new application and Preliminary Plat subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect.

11.28.5 Zoning Regulations

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of final approval, except that any Preliminary Plat which has received approval shall be exempt from any subsequent amendments to this Title rendering the plan non-conforming as to bulk or use, provided the final approval is obtained within the one year period. Planned Residential Developments may vary from certain zoning requirements if approved by the City Council.

11.29 Final Plat *(amended Ord. 2007-23, 8-28-07)*

- 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. *(amended Ord. 2007-23, 8-28-07)*

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. *(amended Ord. 2007-23, 8-28-07)*

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. *(amended Ord. 2007-23, 8-28-07)*

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. *(amended Ord. 2007-23, 8-28-07)*

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. *(amended Ord. 2007-23, 8-28-07)*

11.29.5 Dedications

At the time of Final Plat approval, all proposed dedications shall be indicated on or accompanied by the Final Plat and shall be accompanied by a title report for such dedications in a form approved by the City Attorney.

11.29.6 Proof of Utility Service

The Final Plat shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts, if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the City Council upon Preliminary Plat approval. In order to satisfy these provisions, a letter of recognition from the service provider on their letter head shall be provided to the City or a representative shall sign the final plat. These utilities include, but are not limited to, Utah Power and Light, Salt Lake Valley Health Department, County Flood Control (when required), South Valley Sewer District, AT&T Broadband, Qwest, Jordan School District, Questar, and the United States Post Office.

11.29.7 Outstanding Obligations

At the time of Final Plat approval, the applicant shall provide evidence that all property taxes are current and that no other debts or obligations are outstanding and no liens or encumbrances are placed on the property.

11.29.9 Signing and Recording of Final Plat

The Mayor, City Engineer, City Attorney and City Recorder shall endorse approval on the Final Plat.

The Mayor, City Engineer, City Attorney and City Recorder will sign the reproducible mylar original of the Final Plat. The City shall be responsible for recordation of the original mylar plat with the County Recorder within ten (10) days of the date of signature. Simultaneously, with the filing of the plat by the City, a licensed title company employed by the applicant shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.

11.30 Assurance for Completion and Maintenance of Improvements

- 11.30.1 Completion of Improvements
- 11.30.2 Performance Guarantees
- 11.30.3 Temporary Improvements
- 11.30.4 Costs of Improvements
- 11.30.5 Acceptance of Dedication Offers

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. (*amended Ord. 2007-23, 8-28-07*)

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, 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. (*amended Ord. 2008-06, 2-26-08*)

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. (*amended Ord. 2007-23, 8-28-07*)

11.30.3 Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the City Council, Planning Commission, or staff and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable guarantee, in accordance with this Title, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed.

11.30.4 Costs of Improvements

All required improvements shall be completed by the applicant, at their expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

11.30.5 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the City Council when a Final Plat is not prepared.

11.31 Commencement of Excavation and Installation of Improvements

Prior to commencement of excavation and installation of subdivision improvements, the Final Plat of the subdivision shall have received approval from the City Council, assurance for completion and maintenance of improvements shall have been received by the City in accordance with Section 11.30, the Final Plat shall have been recorded in the office of the County Recorder and the applicant shall have held a pre-construction meeting with the City Engineer.

Once the requirements listed above have been satisfied,

the City Engineer shall issue an excavation permit and construction may begin. Commencement of excavation and installation of subdivision improvements prior to completing the requirements of this Section and the issuance of an excavation permit by the City Engineer is grounds for revocation of any or all approvals by the City Council. Continuation of work after revocation of approval by the City Council shall cause appropriate legal action by the City.

No construction shall be allowed to begin until all weather passable access approved by the Fire Chief has been completed. No combustible construction shall be allowed to begin until fire protection in the form of water lines and fire hydrants is complete.

No Certificate of Occupancy, either temporary or final, shall be granted until the required infrastructure has been placed in a subdivision and approved by the appropriate service providers, and the access to the structure has been completed, inspected and approved.

11.32 Inspection of Improvements and Release of Guarantee

11.32.1 General Procedure and Fees

11.32.2 Release or Reduction of Performance Guarantee

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. (*amended Ord. 2007-23, 8-28-07*)

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" 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.

11.32.2.1 Reduction of Performance Guarantee

A performance guarantee may be reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below twenty-five (25) percent retainage of the principal amount until total completion of all improvements.

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
- (amended Ord. 2008-06, 2-26-08)*

11.33 Escrow Deposits or Letters of Credit for Lot Improvements

When, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount to be determined by the City Engineer for the cost of improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.

All required improvements for which escrow or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the developer within six (6) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the developer requiring him to install the improvements. In the event that they are not installed properly in the discretion of the Building Official, the Building Official may request the City Council to authorize the City to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit.

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. *(amended Ord. 2007-23, 8-28-07)*

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, in an amount equal to 10% of the estimated

construction cost and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements and amenities, including all lot improvements on the individual subdivided lots for a period of two (2) years after the date of their acceptance by the City and dedication to the City. *(amended Ord. 2007-23, 8-28-07, Ord. 2008-06, 2-26-08)*

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 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. *(amended Ord. 2007-23, 8-28-07, Ord. 2008-06, 2-26-08)*

11.36 Consumer Protection Legislation and Conflicts of Interest Statutes

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

With respect to a lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the City until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Title.

11.37 Penalties

In accordance with § 10-9-1003 of the Utah Code, any applicant which violates this Title may be charged with a Class C misdemeanor and subject to all fines and imprisonment associated with such penalty.