

Ordinance No. 011-2013

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE AMENDING PROVIDENCE CITY CODE TITLE 11 SUBDIVISION REGULATIONS CHAPTER 3 PLAT PROCEDURES AND REQUIREMENTS: ADDRESSING THE APPROVAL TIME FRAME FOR DEPENDENT SUBDIVISIONS AND A CRITERIA TEST FOR THE INSTALLATION OF CURB, GUTTER, AND SIDEWALK.

WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls . . .” and

WHEREAS Providence City desires to amend Providence City Code Title 11 Subdivision Regulations Chapter 3 as listed in the attached code amendment.

WHEREAS the Providence City Planning Commission took the following action:

- On July 10, 2013, the Providence City Planning Commission held a public hearing to provide an opportunity for anyone interested to comment on amendments to Providence City Code Title 11 Subdivision Regulations, including but not limited to
 - Chapter 3 Plat Procedures and Requirements: addressing the approval time frame for dependent subdivisions and a criteria test for the installation of curb, gutter, and sidewalk.
- During the July 10, 2013 meeting the Planning Commission took the following action:
Item No. 5. The Providence City Planning Commission will consider recommending the Providence City Council approve amendments to Providence City Code Title 11 Subdivision Regulations Chapter 3 Plat Procedures and Requirements addressing timeframes for approval of a dependent subdivision and a criteria test for curb, gutter, and sidewalk.
Motion to recommend to City Council as amended for approval: J Baldwin, second - K Allen
Vote: Yea: R Cecil, K Allen, G Allred, J Baldwin, S Sanders
Nay: None
Excused: None
Abstained: None
- The proposed code amendments are attached.

THEREFORE be it ordained by the Providence City Council

- The attached code amendments shall be approved based on the recommendation of the Providence City Planning Commission.
- This ordinance shall become effective immediately upon passage and posting.

Passed by vote of the Providence City Council this 10 day of September 2013.

Council Vote:

Astle, Dale	(X)Yes	()No	()Excused	()Abstained	()Absent
Bagley, Bill	(X)Yes	()No	()Excused	()Abstained	()Absent
Calderwood, Don	(X)Yes	()No	()Excused	()Abstained	()Absent
Call, Ralph	()Yes	(X)No	()Excused	()Abstained	()Absent
Russell, John	(X)Yes	()No	()Excused	()Abstained	()Absent

1 Signed by Mayor Ronald Liechty this ²⁷ day of September 2013.

2
3 Providence City

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6 Ronald Liechty, Mayor

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8 Attest:

9 
10 Skarlet Bankhead, Recorder



CHAPTER 3

PLAT PROCEDURES AND REQUIREMENTS

SECTION:

- 11-3-0: Dependent Subdivisions (Ordinance Modification 002-00, 01/25/00)
- 11-3-1: Sketch (Concept) Plan
- 11-3-2: Preliminary Plat
- 11-3-3: Final Plat
- 11-3-4: Small Subdivisions
- 11-3-5: Building Lots and Building Permits

11-3-0: **DEPENDENT SUBDIVISIONS:** A subdivision or phase that is dependent upon another subdivision and/or phase for access or public works improvements shall not receive approval, conditional or otherwise, for ~~any phase of plan/plat approval~~ **the final plat** until the Final Plat and construction documents for the independent subdivision or phase are approved, substantial completion inspection performed, and the items listed on the substantial completion inspection punch list are competed. Changes will place the dependent subdivision or phase on hold until all modifications to the independent subdivision are approved. (Ordinance Modification 002-00, 01/25/00)

A. **Exception: If the City Land Use Authority for Subdivisions determines for good cause that any phase of plan/plat approval for the dependent subdivision would be inadequate to protect the public health, safety, and welfare, the dependent subdivision shall not receive approval, conditional or otherwise, for any phase of plan/plat until the Final Plat and construction documents for the independent subdivision or phase are approved, substantial completion inspection performed, and the items listed on the substantial completion inspection punch list are competed. Changes will place the dependent subdivision or phase on hold until all modifications to the independent subdivision are approved.**

11-3-1: **CONCEPT PLAN:** A concept plan shall be submitted to the Development Review Committee (DRC) for review and compliance with the Providence City General Plan, and Title 10 and 11 of the Providence City Code.

A. Complete application: Providence City has thirty (30) days to review an application for completeness. At that time the City will provide a written notice of acceptance or denial to the developer and/or their agent. If the application is denied; professional fees for review may be billed.

1. **In addition to lot and street layout, a concept plan shall show all non-developable sensitive areas and all potentially developable sensitive areas within the boundaries of the development and within one hundred feet (100') of the development.**

B. Expiration:

1. Concept Plan Application. A concept plan application shall expire if it is determined by the City's land use authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions prescribed in City ordinances and/or listed on the DRC review comments; or

2. Approved Concept Plan. An approved concept plan shall expire if a complete preliminary plat application has not been submitted to the City by the developer and/or its agent within one (1) year after DRC approves the concept plan.

3. An expired plan is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

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2 11-3-2: **PRELIMINARY PLAT:** A preliminary plat application will not be accepted by the City without the City's
3 written approval of the concept plan. The following procedure shall be followed in submittal and review of the
4 preliminary plat:

5 A. Preparation: The preliminary plat shall be prepared in accordance with all requirements of the City and
6 shall include all proposed phases.
7

8 B. Contents:

9 1. Drawing Requirements: The title block of the preliminary plat shall include the following:

- 10 a. The proposed name of the development.
11 b. The section, township and range of the development.
12 c. The names, addresses, and contact information of the owners, developer(s), if other than the
13 owners, and surveyors or and designers of the development.
14 d. Scale of drawing and north arrow.

2. Existing Conditions: The preliminary plat shall also show:

- a. The legal description basis of bearing, and total acreage of the proposed development,
certified by a licensed land surveyor.
b. Location, street number and name of existing streets within one hundred feet (100') of the
development and of all previously platted streets or other public ways, railroad and utilities
rights of way, parks and other public open spaces, permanent buildings and structures, and
corporate lines within and adjacent to the tract.
c. The location of all wells, proposed, active and abandoned, springs, and all reservoirs within the
tract and to a distance of at least one hundred feet (100') beyond the development boundaries.
d. Existing sewers, water mains, culverts or other underground facilities within the tract and to a
distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe size,
grades, manholes and accurate location.
e. Existing ditches, canals, natural drainage channels, open waterways, and proposed alignments
or realignments within the tract and to a distance of at least one hundred feet (100') beyond the
tract boundaries; and a letter, from the affected users indicating the plans are acceptable, must
be submitted to the City.
f. Accurate boundary lines certified by a licensed land surveyor and ownership of adjacent
parcels of land. (Subd. Ord., 1-24-1990)
g. By means of an overlay method or directly on the plat, vertical contour intervals of not more
than two feet (2') or one foot (1') on predominantly level land.
h. A vicinity map shall show how the development is situated in its surrounding neighborhoods
extending a minimum of two (2) blocks or more outward from the boundaries of the
development. The vicinity map shall include all major, collector, standard and feeder streets
within the area, both existing streets and those proposed on the Master Plan. (Subd. Ord., 1-24-
1990; amd. Ord., 1-9-1996)

3. Proposed Conditions: The preliminary plat shall also show;

- a. The layout of streets showing location, widths and other dimensions of proposed streets
(designated by actual or proposed names and numbers), crosswalks, alleys and easements.
b. The location for culinary water improvements, waste water improvements, storm drainage
and street lights for all lots proposed within the development.
c. The layout, numbers, hazard setback, and typical dimensions of lots and square footage.
d. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for
use of property owners in the development.

- 1 e. Written statement by the design engineer verifying that all lots have an adequate
2 buildable envelope with regards to hazardous slope, building, water, zoning setbacks,
3 etc.
4 f. Easements for water, sewer, drainage, utility lines and other utilities.
5 g. Typical street cross-sections and preliminary street grades if required.
6 h. Copies of any agreements with adjacent property owners relevant to the proposed
7 development.
8 i. Location, function, ownership and manner of maintenance of common open space not
9 otherwise reserved or dedicated for public use.
10 j. A professionally prepared plat having been prepared on a minimum twenty inch by
11 thirty inch (20" x 30") approved reproducible drafting medium.
12 k. A signature block along the right-hand margin of the preliminary plat, providing for
13 the following certifications or approvals:
14 (1) Prior to City review, an affidavit or certificate of clear title to the effect that
15 the applicant is the owner of, or that he is authorized by the owner in writing
16 to make application for, the land proposed to be subdivided. The affidavit or
17 certificate shall state clearly in which status, a copy of said written
18 authorization from the owner shall be submitted with the preliminary plat. A
19 title report shall also be submitted which indicates in whom the fee simple title
20 to such property is vested and any liens or encumbrances thereon. A statement
21 from the property owner disclosing any options or unrecorded
22 contacts/agreements associated with the property.
23 C. Submittal: Four (4) 20"x30" minimum copies and one (1) 11" x 17" copy of the preliminary plat
24 shall be submitted to the City for review a minimum of seven (7) days prior to the initial City
25 review. The City will complete the first review within thirty (30) days. Each subsequent review is
26 subject to an additional thirty (30) day review period. If all required information is not included,
27 city has the right to refuse the package.
28
29 D. Staff Review: Upon review, the Development Review Committee (DRC) shall provide written
30 comments, conclusions and recommendations to the Land Use Authority. (Subd. Ord., 1-24-
31 1990; amd. Ord., 1-9-1996)
32
33 E. Approval: No preliminary plat shall be approved by the Planning Commission, the City Council,
34 or any other designated Land Use Authority unless it complies with or can be shown that a final
35 plat will be likely to comply with all the provisions set forth in the Providence City Ordinances.
36 No preliminary or final plat shall be approved if a commitment-of-service letter has not been
37 issued for the plat pursuant to Section 8-1-21.
38 1. A preliminary plat is not considered approved until all conditions have been satisfied
39 and the plat has been signed by the City Engineer, Land Use Authority, and the Developer.
40
41 F. Complete application: Providence City has thirty (30) days to review an application for
42 completeness. At that time the City will provide a written notice of acceptance or denial to the
43 developer and/or their agent. If the application is denied, the application fee may be refunded;
44 professional fees for review may be billed. To be considered complete, an application must
45 contain the following:
46 1. a completed Providence City Application Form;
47 2. payment of the application fee;
48 3. the proposed preliminary plat and all required copies;
49 4. a title report shall also be submitted which indicates in whom the fee simple
50 title to such property is vested and any liens or encumbrances thereon;
51 5. a copy of the City's written approval of the concept plan.
52
53 G. Expiration:

1. Preliminary Plat Application. A preliminary plat application shall expire if it is determined by the City's Land Use Authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions identified in City ordinances and/or in DRC review comments; or
2. Approved Preliminary Plat. An approved preliminary plat shall expire if a complete final plat application has not been submitted to the City by the developer and/or its agent within one (1) year after approval of the preliminary plat.
3. An expired plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

11-3-3: **FINAL PLAT:** A final plat application cannot be submitted to the City prior to approval of the preliminary plat. The following information and a complete set of construction drawings shall be submitted for review:

- A. Preparation: The final plat shall be prepared in accordance with all the requirements of the City. The final plat shall be prepared by a land surveyor, licensed in the State. The top of the plat shall be either north or east, whichever accommodates the drawing best.
- B. Description And Delineation:
 1. The final plat shall show:
 - a. The name of the development as approved by the Land Use Authority.
 - b. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.
 - c. An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions in feet and hundredths.
 - d. The street address for each lot. Each street address shall be assigned by the City. The north and west sides of the streets shall be numbered odd and the south and east shall be numbered even.
 - e. True angles and distances to the nearest official US, State, County, or City monuments which shall be accurately described in the plat and shown by the appropriate symbols. All boundary, lot and other geometries (bearings, distances, curve data, etc.) on the final plat posed to an accuracy of not less than one part in five thousand (5,000).
 - f. Radii, internal angles, points or curvatures, tangent bearings and the length of all arcs.
 - g. Survey markers shall be set at all lot corners and shall be shown or noted on the plat.
 - h. The dedication to the City of all improvements which shall include, but shall not be limited to, streets, storm water system, water works, sewer works, etc., included in the proposed development.
 - i. Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common use of all property owners.
 - j. A statement that all expenses involving the necessary improvements or extensions for a culinary water system, sanitary sewer system, gas service, electrical service, telephone service, cable television service, grading and landscaping, storm drainage systems, curbs and gutters, fire hydrants, pavement, sidewalks, signage, street lighting and other improvements shall be paid for by the developer(s).
 - k. All hazard setback(s)
 - l. A statement verifying that all lots have an adequate buildable envelope with regards to hazardous slope, zoning setbacks, etc.
 - m. A statement that the City will not issue any building permit for any lot until minimum improvements, as specified in Section 11-5-2 of this Title are complete.
 - n. Boundary descriptions of the development.
 - o. Standard forms for the following:

- (1) A registered land surveyor's certificate of survey as applicable under State law.
- (2) The owner's signature of dedication.
- (3) A notary public's acknowledgment.
- (4) The City Engineer's certificate of approval.
- (5) The City's authority for the culinary water and the sanitary sewer system's signature
- (6) The County Board of Health's certificate of approval if a septic tank system is used for sewage disposal.
- (7) The Land Use Authority signature of approval.
- (8) The City's signature of approval by the Mayor.
- (9) The City Attorney's certificate of approval.
- (10) A signed statement from each of the utility companies involved stating that they have reviewed the plat, that they approve the plat as it relates to their particular company, that they are in agreement with placing all of their utilities underground within the right-of-way as shown on the plans and are willing to provide the needed service for the development. Also included, if available, in said statements descriptions of any restrictions that will be imposed by the utility companies, any fees that will be assessed by the utility companies to install the utilities and any time tables that the utility companies might use to install their respective utilities.
- (11) The County Recorder's stamp of approval according to requirements prior to final plat approval.

2. The final plat shall also:

- a. Be drawn to a scale of not less than one inch equaling one hundred feet (1" = 100') and shall indicate the base heading of true north.
 - b. Be prepared on a minimum twenty inch by thirty inch (20"x30") paper.
 - c. Show a workmanlike execution in every detail. A poorly drawn or illegible plat is sufficient cause for rejection. (Subd. Ord., 1-24-1990)
 - d. Final approved plat for recording shall be prepared on Mylar.
- C. Development Agreement: The developer shall enter into and sign an agreement with the City, which shall indicate a timetable for completion of the final improvements as listed in the preliminary and final plat. This agreement will be submitted to the City Council for approval. (Ord., 4-9-1996)
- D. Submittal: Four (4) 20"x30" minimum copies and one (1) 11" x 17" copy of the final plat shall be submitted to the City for review a minimum of seven (7) days prior to the initial City review. The City will complete the first review within thirty (30) days. Each subsequent review is subject to an additional thirty (30) day review period. If all required information is not included, city has the right to refuse the package.
- E. Upon review, the Development Review Committee (DRC) shall provide written comments, conclusions, and recommendations to the Land Use Authority.
- F. Approval: The final plat shall be approved by the Land Use Authority. The construction drawings shall be approved by the City staff. The development agreement shall be approved by the City Council. Prior to submitting the final plat for recording, the final plat shall be signed by the developer(s) and utility companies or a letter submitted with the final plat from the utility companies. All security bonds must be in place and the development agreement shall be signed by the developer(s). The City does not consider the final plat to be approved until the construction drawings are signed, the development agreement has been signed and all signatures are on the final plat. At this point, the developer(s) shall submit an electronic copy of the approved final plat and approved construction drawings.

G. Expiration:

1. Final Plat Application. A final plat application shall expire if it is determined by the City's Land Use Authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions identified in City ordinances and/or in DRC review comments.
2. Approved Final Plat. An approved final plat shall be void if it is not recorded within one (1) year of approval of the Development Agreement by the City Council.
3. Approved Final Plat with Phasing. If the final plats are recorded in phases, subsequent final plats must be recorded within five (5) years of the recording of the previous plat. If a development fails to meet this requirement, new concept plan and preliminary plats must be submitted and approved before subsequent final plats can be submitted or approved.
4. An expired plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

11-3-4: **TWO LOT SUBDIVISIONS:** An exception to the requirements of Sections 11-3-1 and 11-3-2 of this Chapter can be made for subdivisions with two (2) lots or less. These two lot subdivisions may be approved in the following two (2) step process:

A. A concept plan shall be submitted to the Development Review Committee (DRC) for review and compliance with the Providence City General Plan, and Title 10 and 11 of the Providence City Code.

1. Expiration:

- a. Concept Plan Application. A concept plan application shall expire if it is determined by the City's Land Use Authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions prescribed in City ordinances and/or in DRC review comments; or
- b. Approved Concept Plan: An approved concept plan shall expire if a complete final plat application has not been submitted to the City by the developer and/or its agent within one (1) one year after DRC approves the concept plan. concept plan approval.
- c. An expired plan is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

B. Final Plat: A final plat of the proposed development prepared in accordance with Section 11-3-3 of this Chapter may be substituted in place of the requirements for preliminary plat submittal. Four (4) 20"x30" minimum copies and one (1) 11" x 17" copy of the final plat shall be submitted to the City for review a minimum of seven (7) days prior to the initial City review. The City will complete the first review within thirty (30) days. Each subsequent review is subject to an additional thirty (30) day review period. If all required information is not included, city has the right to refuse the package.

1. Expiration:

- a. Final Plat Application. A final plat application shall expire if it is determined by the City's Land Use Authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions identified in City ordinances and/or in DRC review comments.
- b. Approved Final Plat. An approved final plat shall be void if
 - (1) it is not recorded within one (1) year of approval of the Development Agreement by the City Council; or
 - (2) within one (1) year of approval of the Development Agreement by the City Council, the developer fails to exercise development rights authorized by the approval of the final plat and/or construction

- drawings.
- c. An expired/void plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.
- C. Development Agreement: The developer shall enter into and sign an agreement with the City, which shall indicate a timetable for completion of the final improvements as listed in the preliminary and final plat. This agreement will be submitted to the City Council for approval. (Ord., 4-9-1996)

11-3-5: **DOWNTOWN AREA DEVELOPMENT – FIVE (5) LOTS OR LESS:** A development located in the Downtown Area, as defined in 10-1-4 of this Code, consisting of five (5) lots or less; shall be subject to the requirements listed in this Chapter except Section 4 Two-Lot Subdivisions.

A. Design Requirements:

1. Inner Block Development Prohibited. Lots must have 95 feet of frontage on a city street that existed prior to September 1, 2006.
2. Right-of-way Improvements.
 - a. Widening or rebuilding of the adjacent city street may be required. Areas disturbed by the extension of infrastructure, such as, but not limited to, water and/or sewer service lines, must be repaired in accordance with the Department of Public Works Standards and Specifications Manual.
 - b. Sidewalk. Sidewalk will be required along the frontage of the development.
~~i. Exception(s): see Section 8 of this Chapter.~~
 - c. Curb & gutter, swales. Refer to the Downtown Area Street Cross Section Booklet
~~i. Exception(s): see Section 8 of this Chapter.~~

11-3-6: All provisions, timelines, expiration dates, etc. listed in this Chapter apply to the developer, their successors, or assigns.

11-3-7: **BUILDING LOTS AND BUILDING PERMITS:** Building lots in the approved development may be sold after the final plat has been recorded. The lots, however, shall have recorded restrictions placed upon them stating that the City will not issue any building permit for any lot until minimum improvements, as specified in Section 11-5-2 of this Title are complete. (Ord. 97-OM016, 8-12-1997)

~~11-3-8: CRITERIA TEST FOR THE INSTALLATION OF CURB, GUTTER, AND SIDEWALK.~~

- ~~A. For developments which are more than 3 lots, standard sidewalk curb, and gutter are required as specified in current ordinances and road specifications.~~
- ~~B. For determination of lots, the original lot with the original house is included in the lot count.~~
- ~~C. For developments which are 3 or less, the following test, to determine if sidewalk, curb, and gutter are required, must be used:~~
- ~~Y N Will there be a measurable increase in pedestrian safety? This is determined by children living on either side of the proposed development. See Note 1.~~
- ~~Y N Are there existing sidewalks to either side of the proposed developed lots or within 75 feet of where the new sidewalk will end?~~
- ~~Y N Will the addition of curb and gutter improve storm drainage control and not cause neighboring property owners water damage or control mitigation?~~
- ~~Y N If property is on a corner lot, will curb, gutter, and sidewalk improve visibility for automotive traffic at the intersection?~~
- ~~Y N Is the proposed sidewalk a potential connector for foot traffic to parks, schools, churches, and other public buildings?~~
- ~~If any answers to the previous questions are yes, then the requirements for curb, gutter, and sidewalk must be complied with.~~
- ~~Note 1: Sidewalks which go nowhere (i.e. a sidewalk in a middle section of a block which has no connector and is not on a corner) are not considered to have a measurable safety improvement.~~

