

ORDINANCE 2012-42

SHORT TITLE:

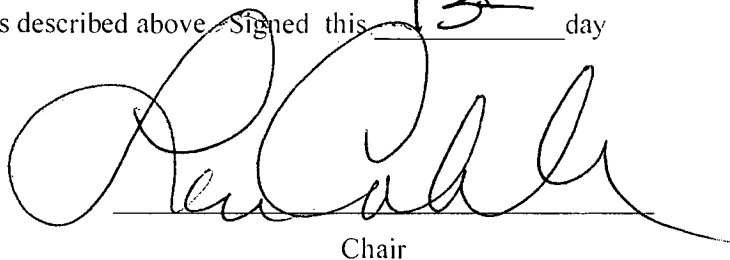
An ordinance amending Sections 14.02.130 (Pending Ordinance Amendments), 15.03.300 (Preliminary Project Plan Submittal Requirements), and 15.03.310 (Final Project Plan Submittal Requirements) of the Provo City Code to modify the submittal requirements.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	LAURA H. CABANILLA			✓			
CW 2	GARY GARRETT			✓			
CD 1	GARY WINTERTON	✓		✓			
CD 2	RICHARD D. HEALEY			✓			
CD 3	HAL MILLER			✓			
CD 4	KAY VAN BUREN			✓			
CD 5	STERLING BECK		✓	✓			
				TOTALS	7	0	0

This ordinance was passed by the Municipal Council of Provo City, on the 13th day of November, 2012 on a roll call vote as described above. Signed this 13th day of November, 2012.

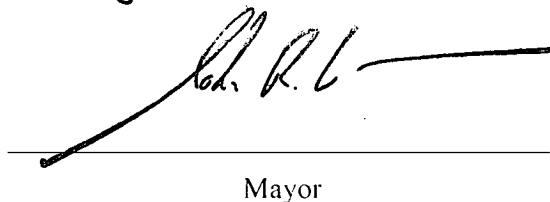


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 15th day of November, 2012.



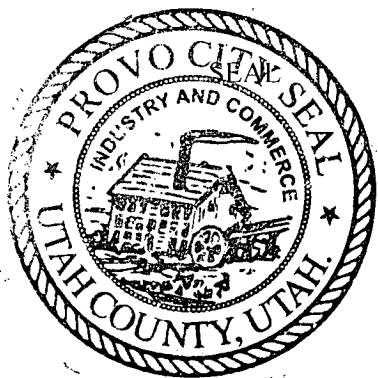
Mayor

ORDINANCE 2011-42

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 21st day of November 2012, with a short summary being published on the 17th day of November 2012, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2012-42.



Signed this 21st day of November 2012.

Janeen Weiss
City Recorder

46 (b) For purposes of this section, Aan application shall be vested, deemed "filed"
47 when all materials required for the application, as set forth in this Title or Title 15,
48 have been submitted.

49 (c) ~~(i)~~ If within one (1) year after an application has been vested ~~filed~~ the
50 applicant has not taken substantial action to pursue an approval, the application
51 shall expire and any vested rights thereunder shall terminate.

52 (d) ~~(ii)~~ For the purpose of this Subsection, "substantial action" means action taken
53 in good faith to diligently pursue any matter necessary to obtain final approval of
54 the application.

55 (2) An application affected by a pending amendment to the zoning map or text of this
56 Title or Title 15 shall be subject to the following requirements:

57 (a) Final action or approval shall not be taken on the application ~~The application~~
58 ~~shall not be acted upon~~ until six (6) months from the date when the pending
59 amendment to the zoning map or text of this Title or Title 15 was first noticed on
60 a Planning Commission or Municipal Council agenda, as the case may be, unless:

61 (i) the applicant voluntarily agrees to amend his application to conform to
62 the requirements of the proposed amendment; or

63 (ii) the proposed amendment is sooner enacted or defeated, as the case
64 may be.

65 (b) If a pending amendment to the zoning map or text of this Title or Title 15 is
66 enacted within six (6) months after being noticed on a Planning Commission or
67 Municipal Council agenda, as the case may be, an affected application which was
68 filed while the amendment was pending shall conform to the enacted amendment.

69 (c) If a pending amendment to the zoning map or text of this Title or Title 15 is
70 not enacted within six (6) months after being noticed on a Planning Commission
71 or Municipal Council agenda, as the case may be, the amendment shall no longer
72 be considered pending and any affected application may be approved without
73 regard to the previously pending amendment.

74 (3) The Community Development Department shall give an applicant affected by a
75 pending amendment to the zoning map or text of this Title or Title 15 written notice that:

76 (a) there is pending legislation;

77 (b) his application may require changes to conform to a zoning map or text
78 amendment which may be enacted; and

79 (c) copies of the pending legislation are available at the Community Development
80 office.

81
82 PART II:

83
84 Section 15.03.300 of the Provo City Code is hereby amended as follows:

85
86 **15.03.300. Preliminary Project Plan Submittal Requirements**

87 (1) Concurrent with any request to rezone or annex property, a preliminary project
88 development plan shall be submitted to the Community Development Department.

89 (a) Any development plan that includes a preliminary subdivision consisting of
90 greater than three (3) acres or more shall comply with this Section and Section
91 15.04.130, Provo City Code.

92 (2) Applicant submits copies of the preliminary project plan with a completed
93 application, required fees and all supporting documents as required. Upon receipt of a
94 complete application with all necessary supporting drawings and documents, the plan
95 shall be distributed to the various City departments for review, comments and approval.
96 After each City department reviews the plan, they shall either request revisions to the
97 submittal or approve the project as submitted. If the plan must be revised, then a revised
98 preliminary project development plan shall be prepared which addresses the matters
99 raised by City staff and then shall be submitted to the Planning Commission along with
100 the rezoning request for approval.

101 (3) A preliminary project plan application shall vest, for purposes of Section 14.02.130,
102 when: A preliminary project plan shall demonstrate compliance with applicable
103 provisions of the Provo City Code. The project plan shall be prepared on twenty four
104 (24) by thirty six (36) inch sheets (10 copies) and eleven (11) by seventeen (17) inch
105 sheets (2 copies) to a standard engineer's scale from one (1) inch equals twenty(20) feet
106 to one (1) inch equals one hundred (100) feet or an or architect's scale where applicable.

107 (a) the developer has signed an application form and submitted it to the City;

108 (b) the developer has paid all application fees as evidenced by a receipt from the
109 City; and

110 (c) the developer has submitted to the City a plan on a disk, in pdf format,
111 showing the proposed development layout, drawn to scale, and the following
112 information:

113 (4) ~~The plan shall contain the following information:~~

114 ~~(a) A complete and accurate legal description of the real property which is the~~
115 ~~subject of development.~~

116 ~~(b) A preliminary title search showing legal ownership of the property. If the~~
117 ~~applicant is not the property owner, the applicant shall also provide written proof~~
118 ~~that the applicant has sufficient legal claim on the property, and each parcel~~
119 ~~therein, to proceed with development plans. Such proof may be in the form of~~
120 ~~options, deeds, or contracts on which the developer shall be entitled to black out~~
121 ~~confidential information such as the amount of consideration paid or periodic~~
122 ~~payment amounts.~~

123 ~~(c) Topographic maps of the entire site, including contour intervals no greater~~
124 ~~than five (5) feet.~~

125 ~~(i)(d)~~ A tabulation of the total acreage of the site and the percentages
126 thereof to be designated for various uses, i.e. parking, residential units,
127 open space, public streets, private streets, landscaping, etc.

128 ~~(ii)(e)~~ Proposed circulation pattern including private driveways, public
129 and private streets, pedestrian paths, location of parking spaces and ingress
130 or egress.

131 ~~(iii)(f)~~ Parks, common open spaces, playgrounds, school sites, and other
132 public or private recreation facilities and improvements proposed within
133 the planned development.

134 ~~(iv)(g)~~ General location of all dwellings and other structures in the
135 planned development, and an indication of proposed population densities
136 and building densities (units per net acre).

137 (h) A general landscaping plan showing what areas are to be landscaped and what
138 types of plants and materials are to be used together with their numbers and sizes.

139 (v)(i) Preliminary elevations or perspectives of all building types proposed
140 within the development including floor plans.

141 (j) Preliminary subdivision plat, if the site is being divided, showing a
142 general layout of all proposed lots.

143 (vii)(k) A workable infrastructure plan for providing necessary streets,
144 water, sewer, storm drainage, and electrical distribution for the entire tract
145 including the point from which said services are to be extended.

146 (l) If applicable, a draft of the declaration of covenants, conditions, and
147 restrictions.

148 (m) If applicable, a phasing plan including a construction timetable for all phases.

149 (n) An existing features site analysis plan which shows the location of severely
150 constraining elements such as steep slopes thirty percent (30%) or greater,
151 wetlands, watercourses, drainage channels, one hundred (100) year flood plains,
152 potential landslide areas, fault lines, rock fall areas, or any other sensitive land
153 area. The site analysis plan shall also show the location of significant features
154 such as but not limited to woodlands, tree lines, open fields or meadows, scenic
155 views, rock outcrops, roads, tracks, underground utilities, power lines, trails, etc.

156 (o) If applicable, a development agreement.

157 (p) For all developments three (3) acres or greater or ten (10) housing units or
158 greater, and as may be required for other developments as reasonably determined
159 by the City Engineer, a preliminary traffic study assessing the factors set forth in
160 Section 15.03.040, Provo City Code, and addressing key traffic issues identified
161 by the Provo City Traffic Engineer. In determining whether to require a traffic
162 study the City Engineer shall consider existing and projected traffic patterns and
163 volume, and whether a traffic study will yield information useful for undertaking
164 review of a proposed project plan or other development plan. Items to be
165 addressed in a traffic study shall include but not be limited to the following:

166 (i) Trip generation rates for the development.

167 (ii) Threshold volumes and percent of threshold for the surrounding street
168 system.

169 (iii) A local area street plan.

170 (q) Developments in the sensitive land areas of the City will conform to the
171 requirements set forth in Chapter 15.05, Provo City Code.

172 (r) Streets within the proposed development will conform to the requirements of
173 Section 15.03.200, Provo City Code.

174 (s) Other information reasonably required to determine whether the proposed
175 project complies with applicable requirements of the Provo City Code.

176 (4) Based on the size, scope or complexity of the development proposal, staff may require
177 any or all of the following additional information in order to obtain preliminary project
178 plan approval:

179 (a) A complete and accurate legal description of the property;

180 (b) A preliminary title search showing legal ownership of the property. If the
181 applicant is not the property owner, the applicant shall also provide written proof

182 that the applicant has sufficient legal claim on the property, and each parcel
183 therein, to proceed with development plans;
184 (c) A grading plan of the entire site with contour intervals no greater than two (2)
185 feet, and identifying natural slopes of thirty percent (30%) or greater;
186 (d) A preliminary site plan including locations of street improvements (i.e.
187 driveways, curb, gutter and sidewalks) and existing and proposed utilities
188 including connections;
189 (e) A preliminary subdivision plat, if required by the City Engineer, showing a
190 general layout of all proposed lots;
191 (f) Landscaping plans showing the types and sizes of plants and materials to be
192 used;
193 (g) A draft of the covenants, conditions and restrictions;
194 (h) A phasing plan with a construction timetable for all phases;
195 (i) A preliminary traffic study as directed by the City Engineer;
196 (j) Any other information that is deemed pertinent to the project.
197 (5) A preliminary project plan application will be considered expired twelve (12) months
198 from the date of when the application was vested unless a decision by the Planning
199 Commission has been rendered. An applicant, or applicant's agent, may request one (1)
200 ninety (90) day continuance if the request is made in writing to the Planning Division
201 within twelve (12) months of the application date.

202
203 PART III:

204
205 Section 15.03.310 of the Provo City Code is hereby amended as follows:

206
207 **15.03.310 Final Project Plan Submittal Requirements.**

208 (1) No building or structure shall be erected or substantially altered and no non-structural
209 improvements shall be made to open land unless a final project plan is approved by the Planning
210 Commission. If the proposed project includes an industrial, commercial, institutional, or
211 multiple-family residential building, structure or use (including groupings of more than one (1)
212 two-family residential structure), the project plan shall include necessary duplicate maps and
213 drawings which demonstrate compliance with applicable provisions of the Provo City Code.
214 ~~Said project plan shall be prepared on twenty four (24) by thirty six (36) inch sheets (10 copies)~~
215 ~~and eleven (11) by seventeen (17) inch sheets (2 copies) to a standard engineer's or architect's~~
216 ~~scale.~~

217 (2) ~~An applicant shall submit copies of the final plan with a completed application,~~
218 ~~required fees, engineer or surveyor's computer generated information disk and all~~
219 ~~required supporting documents.~~ A final project plan application shall vest, for purposes
220 of Section 14.02.130, when:

221 (a) the developer has signed an application form and submitted it to the City;

222 (b) the developer has paid all application fees as evidenced by a receipt from the
223 City; and

224 (c) (3) the developer has submitted to the City a A final project plan on a disk in
225 pdf format shall contain including the following information:

226 (i) (a) Site plan information, including:

227 (i) legal description of the property;

228 (A)(ii) dimensions of existing and proposed property lines;
229 (B)(iii) distance from buildings to property lines;
230 (C)(iv) square footage of existing and proposed structures;
231 (D)(v) use of existing and proposed structures;
232 (vi) location of all fire hydrants within five hundred (500) feet or fire
233 suppression methods where applicable;
234 (E)(vii) trash storage container location, size, and how enclosed;
235 (viii) eight (8) foot public utility easements along all property lines
236 where applicable;
237 (ix) location of existing easements or rights-of-way;
238 (x) location of power, telephone, and cable facilities, including poles,
239 anchors, transformers, and connection pedestals;
240 (xi) areas devoted to public or open space use;
241 (xii) a proposed density range for each phase/lot (one to four (1-4) units
242 per acre, four to ten (4-10) units per acre, ten to twenty (10-20) units per
243 acre, twenty to thirty (20-30) units per acre, or thirty to forty four (30-44)
244 units per acre); and
245 (xiii) an existing features site analysis plan which shows the following: the
246 location of severely constraining elements such as steep slopes twenty five
247 percent (25%) or greater, wetlands, watercourses, drainage channels, one
248 hundred (100) year flood plains, potential landslide areas, fault lines, rock
249 fall areas, or any other sensitive land area. The site analysis plan shall also
250 show: the locations of significant features such as woodlands, tree lines,
251 open fields or meadows, scenic views, rock outcrops, roads, power lines,
252 and trails.
253 (ii)(b) Parking plan information, including:
254 (A)(i) parking space count;
255 (B)(ii) parking space dimensions, including back up area;
256 (C)(iii) ingress and egress;
257 (D)(iv) parking for persons with disabilities; and
258 (E)(v) location of supporting columns in subgrade parking.
259 (c) Landscaping plan information, including:
260 (i) location of landscaped area, showing existing and proposed
261 landscaping as set forth in Chapter 15.20, Provo City Code;
262 (ii) types and sizes of existing and proposed landscaping materials;
263 (iii) percent of landscaping;
264 (iv) location and type of proposed and existing walls, hedges or fences;
265 and
266 (v) proposed and existing sprinkler/irrigation system.
267 (iii)(d) Building design plan information, including:
268 (A)(i) exterior elevations of proposed buildings, indicating roofing
269 materials, type of construction, exterior materials and colors;
270 (B)(ii) conceptual sign plans;
271 (C)(iii) total square footage for all floors, including rough floor
272 plans; and

- 273 (D)(iv) note all existing buildings proposed for use or for
274 demolition;
- 275 (e) Traffic flow plan information, including:
- 276 (i) A final traffic report addressing key traffic issues as determined by the
277 Provo City Traffic Engineer will be required for all developments three (3)
278 acres or greater or ten (10) housing units or greater as required by the City
279 Engineer as set forth in Section 15.03.040, Provo City Code. Those items
280 to be addressed shall include but not be limited to the following:
- 281 (A) Trip generation rate for the development.
- 282 (B) Threshold volumes and percent of threshold for the
283 surrounding street system.
- 284 (C) Local area street plan.
- 285 (ii) Direction of traffic flow through project.
- 286 (iii) Location and width of proposed and existing ingress and egress.
- 287 (iv) Evidence of Utah Department of Transportation access approval (if
288 applicable).
- 289 (v) Proposed street layout and design, including street cross section
290 showing thickness of materials, widths of curb, gutter, sidewalk, and
291 rights of way.
- 292 (f) Utility plan information, including:
- 293 (i) location and size of existing and proposed water, sewer mains, laterals,
294 power lines and utilities, gas lines and utilities, telephone utilities and
295 connections; and
- 296 (ii) a utility site plan for layout and design of new electrical facilities.
- 297 (g) Drainage plan information, including:
- 298 (i) location of existing and proposed storm drain structures;
- 299 (ii) proposed drainage system;
- 300 (iii) location of irrigation pipes, ditches, canals, waterways and detention
301 basins; and
- 302 (iv) detailed drainage plans with calculations based on a twenty five (25)
303 year storm event, including total impervious surface area, drainage flows
304 from roofs or parking structures. Sump details, storm sewer profiles and
305 construction drawings shall be submitted in conjunction with a final
306 project plan but shall not be required for a preliminary project plan.
- 307 (h) Grading plan information, including:
- 308 (i) detailed grading plans showing topography at no greater than two (2)
309 foot contour intervals, retaining walls, and methods used to drain surface
310 water away from structures and adjoining properties; and
- 311 (ii) driveway locations showing two percent (2%) minimum grade up from
312 street to structure.
- 313 (i) Proof of single ownership or control of the subject property by title report,
314 deeds, etc.
- 315 (j) Market study, or cost/benefit study if required by the Community Development
316 Director.
- 317 (k) Phasing plan, if the project is to be built in phases.
- 318 (l) Final subdivision plat when determined applicable.

- 319 ~~(m) Development agreement where applicable.~~
320 ~~(n) Other information or studies prepared or submitted by the applicant to aid the~~
321 ~~Planning Commission in its deliberations.~~
322 ~~(o) Other information reasonably required to determine whether the proposed~~
323 ~~project complies with applicable requirements of the Provo City Code.~~
324 (3) Based on the size, scope or complexity of the development staff may require the
325 following additional information:
326 (a) A legal description of the property;
327 (b) Location of all fire hydrants within five hundred (500) feet or fire suppression
328 methods;
329 (c) Locations of existing and proposed easements or rights-of-way;
330 (d) Location of power, telephone and cable facilities;
331 (e) Proposed density range for each phase;
332 (f) An existing features site analysis plan including steep slopes, wetlands,
333 watercourses, drainage channels, one hundred (100) year floodplains, potential
334 landslide areas, fault lines, rock fall areas, woodlands, tree lines, open fields or
335 meadows, scenic views, outcrops, roads, power lines and trails;
336 (g) Landscaping plans
337 (h) Detailed site plan, including:
338 (i) Proposed street and driveway layout;
339 (ii) Location of curb, gutter and sidewalks;
340 (iii) Utility plan, including location and size of existing and proposed main
341 lines and services;
342 (i) Subdivision plat, if required by the City Engineer, including all necessary
343 information;
344 (jh) Traffic studyflow plans;
345 (ki) Drainage plans and a Storm Water Pollution Prevention Plan (SWPP);
346 (lj) A Grading plans of the entire site with contour intervals no greater than one
347 (1) foot, and identifying natural slopes of thirty percent (30%) or greater, and
348 identifying quantities of borrowed or excess material;
349 (mk) Proof of single ownership or control of the subject property by title report,
350 deeds, etc.;
351 (nl) Market study or cost/benefit study;
352 ~~(om) Phasing plan;~~
353 ~~(pn) Any other information required to ensure aid the Planning Commission in its~~
354 ~~deliberations or to aid in determination that the proposed project complies with~~
355 ~~applicable requirements of the Provo City Code and Standards and Specifications~~
356 ~~adopted by the City.~~
357 (4) A Final Project Plan application will be considered expired twelve (12) months from
358 the date of when the application was vested unless a decision from the Planning
359 Commission has been rendered. An applicant, or applicant's agent, may request one (1)
360 (ninety) 90 day continuance if the request is made in writing to the Planning Division
361 within twelve (12) months of the application date.
362 ~~(5)~~ (4) Prior to consideration of a project plan for any development of three (3) or more
363 residential units or any nonresidential project, the Design Review Committee shall review
364 the project plan pursuant to Sections 14.04A.020 and 14.34.280, Provo City Code.

365 ~~(6)~~ (5) An approved project plan which has not proceeded to actual construction within
366 twelve (12) months, as evidenced by the issuance of a building permit, shall expire and
367 be of no further force or effect unless such time period is extended pursuant to the terms
368 of this Subsection.

369 (a) Subject to the criteria in Subsection (b) below, the twelve (12) month time
370 period referred to above may be extended for twelve (12) months by the Planning
371 Commission.

372 (i) In no case shall the time period be extended for more than twelve (12)
373 months from the original expiration date. A project plan approval shall
374 expire and shall become null and void if a building permit for the project
375 plan is not issued within twenty four (24) months from the original
376 effective date of the project plan approval.

377 (ii) An application for an extension of time shall be submitted prior to the
378 original twelve (12) month expiration date.

379 (b) In order to approve an extension of time, the Planning Commission shall find,
380 based on substantial evidence placed in the record, that:

381 (i) Substantial progress is being made toward obtaining site plan approval
382 or a building permit, as the case may be;

383 (ii) No building permit has been issued for the project plan due to reasons
384 beyond the control of the applicant;

385 (iii) The project plan conditions of approval are still viable based on
386 currently applicable requirements of the Provo City Code; and

387 (iv) No ordinance changes have occurred or are being considered that may
388 affect the activity or project authorized by the project plan approval.

389 ~~(7)~~ (6) This Section shall not apply to project plans governed by the following provisions:

390 (a) detailed project plan requirements for manufactured home parks set forth in
391 Section 14.15.170, Provo City Code;

392 (b) detailed project plan requirements for the Planned Industrial Commercial
393 (PIC) zone set forth in Section 14.29.140, Provo City Code; and

394 (c) detailed project plan requirements for the Research and Business Park (R&BP)
395 zone set forth in Section 14.44.110, Provo City Code.

396
397 PART IV:

398
399 A. If a provision of this Ordinance 2012-__ conflicts with a provision of a previously
400 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the
401 provision in this ordinance shall prevail.

402
403 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to
404 be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,
405 the remainder of the ordinance shall not be affected thereby.

406
407 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
408 updated to reflect the provisions enacted by this ordinance.

409

410 D. This ordinance shall take effect immediately after being posted or published as
411 required by law.

412

413 END OF ORDINANCE.

PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH } SS.
Utah County }

LEGAL NOTICES

PROVO CITY CORPORATION OFFICE OF THE RECORDER ORDINANCE 2012-42

Notice is hereby given that in the regular Municipal Council Meeting of November 13, 2012, the Provo Municipal Council passed Ordinance 2012-42. This is an ordinance amending Sections 14.02.130 (Pending Ordinance Amendments), 15.03.300 (Preliminary Project Plan Submittal Requirements), and 15.03.310 (Final Project Plan Submittal Requirements) of the Provo City Code to modify the submittal requirements.

/s/Janene M. Weiss
City Recorder

Legal Notice 392593 Published in The Daily Herald November 17, 2012.

I, Lisa Llewelyn, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, 392593- ORDINANCE 2012-42, and which is a copy, was published in said newspaper, the first publication having been made on the 17th day of November, 2012, and the last on the 17th day of November, 2012; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

Same was also published online at utahlegals.com, according to Section 45-1-101, Utah Code Annotated beginning on the first date of publication and for 30 days thereafter.

Lisa Llewelyn

Subscribed and sworn before me this 17th day of November, 2012.

Debbie L. Chandler

Notary Public

Residence: Spanish Fork, Utah

My commission expires 06/05/2013



Notary Public
DEBBIE L. CHANDLER
Commission Number 579021
My Commission Expires
June 5, 2013
State of Utah