

ORDINANCE 2012-43

SHORT TITLE:

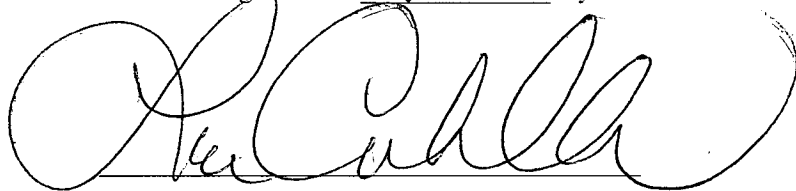
An ordinance amending Section 15.04.130 (Preliminary Plan) and Section 15.04.140 (Final Plan) of the Provo City Code to modify submittal requirements.

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 13<sup>th</sup> day of November, 2012 on a roll call vote as described above. Signed this 13<sup>th</sup> day of November, 2012.

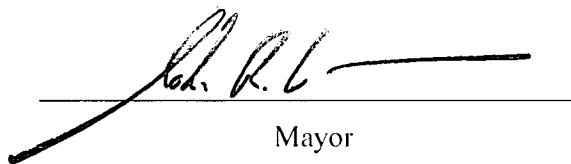


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 15<sup>th</sup> day of November, 2012.



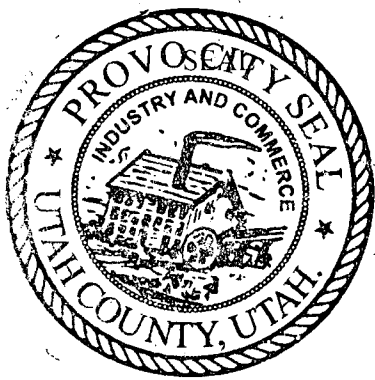
Mayor

ORDINANCE 2011-43

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 21<sup>st</sup> day of November 2012, with a short summary being published on the 17<sup>th</sup> 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 2012-43.



Signed this 21<sup>st</sup> day of November 2012.

Jennifer Heiss  
City Recorder

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ORDINANCE 2012-43.

AN ORDINANCE AMENDING SECTION 15.04.130 (PRELIMINARY PLAN)  
AND SECTION 15.04.140 (FINAL PLAN) OF THE PROVO CITY CODE TO  
MODIFY THE SUBMITTAL REQUIREMENTS. (12-00120A)

WHEREAS, it is proposed that Section 15.04.130 (Preliminary Plan) and Section  
15.04.140 (Final Plan) be amended to modify the submittal requirements; and

WHEREAS, on September 12, 2012, the Planning Commission held a duly noticed  
public hearing to consider the proposal and after such hearing the Planning Commission  
recommended to the Municipal Council the ordinance be amended as proposed; and

WHEREAS, on October 16, 2012 and November 13, 2012, the Municipal Council held  
duly noticed public hearings to receive public comments and ascertain the facts regarding this  
matter, which facts and comments are found in the hearing records; and

WHEREAS, all persons for and against the proposed ordinance amendment were given  
an opportunity to be heard; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and  
comments presented to the Municipal Council, the Council finds (i) the Planning and Zoning  
Title of Provo City should be amended on the basis recommended by the Planning Commission  
and (ii) the ordinance amendment, as set forth below, reasonably furthers the health, safety and  
general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as  
follows:

PART I:

Section 15.04.130 of the Provo City Code is hereby amended as follows:

**15.04.130. Preliminary Plan.**

(1) A preliminary plan shall be furnished for all proposed developments consisting of three (3)  
acres or greater or ten (10) lots or greater, and shall consist of :

(2) A preliminary plan application shall vest, for purposes of Section 14.02.130, when:

- a. The developer has signed an application form and submitted it to the City;
- b. The developer has paid all application fees as evidenced by a receipt from the City;  
and
- c. The developer has submitted to the City a plan, on a disk in pdf format, showing the  
proposed development layout, drawn to scale, and the following information:

(1) A plan showing the proposed development layout, drawn at a scale of one (1) inch  
equals fifty (50) feet, one (1) inch equals sixty (60) feet or one (1) inch equals one-  
hundred (100) feet which shall show:

- (i) (a) north point, scale and date;

- 47 (ii) ~~(b)~~ the names and addresses of the property owner, developer, the engineer,  
48 and/or surveyor of the development, and the owners of the land immediately  
49 adjoining the land to be subdivided;  
50 (iii) ~~(c)~~ proposed name of the development;  
51 (iv) ~~(d)~~ the location of the development as forming a part of the larger tract or  
52 parcel where the plan submitted covers only a part of the Developer's tract and a  
53 vicinity drawing at a readable scale;  
54 ~~(e) the boundary lines of the tract to be subdivided in heavy lines;~~  
55 ~~(f) legal description, and information sufficient to accurately locate property~~  
56 ~~shown on the plan, with reference to survey markers, monuments, or section~~  
57 ~~corners;~~  
58 ~~(g) the location, width and other dimensions of the existing or platted streets, and~~  
59 ~~buildings within the tract;~~  
60 ~~(h) the location, width and other dimensions of the proposed streets, lots, alleys,~~  
61 ~~easements, parks and other open spaces (primary and secondary conservation~~  
62 ~~areas) with proper labeling of spaces to be dedicated to the public;~~  
63 ~~(i) existing sanitary sewers, storm drains, street lights, water supply mains, natural~~  
64 ~~gas lines, telephone lines, television cable locations, electric power lines,~~  
65 ~~easements, and irrigation ditches and other waterways within the tract and within~~  
66 ~~one hundred (100) feet of the boundary of the proposed development;~~  
67 ~~(j) buildable area shown on each lot by crosshatching or other approved method,~~  
68 ~~and labeled or noted as buildable area as per setbacks/easements; and~~  
69 ~~(k) all wetlands and/or subsurface drainage systems if applicable, shall be shown~~  
70 ~~on the preliminary plan.~~

71 (3) Based on the size, scope or complexity of the development proposal, staff may require  
72 any or all of the following additional information in order to obtain Preliminary Plan  
73 approval:

- 74 (a) the legal description, and information sufficient to accurately locate property  
75 shown on the plan, with reference to survey markers, monuments, or section  
76 corners;  
77 (b) the location, width and other dimensions of the existing or platted streets, and  
78 buildings within the tract;  
79 (c) the location, width and other dimensions of the proposed streets, lots, alleys,  
80 easements, parks and other open spaces (primary and secondary conservation  
81 areas) with proper labeling of spaces to be dedicated to the public;  
82 (d) Existing and proposed sanitary sewers, storm drains, street lights, water  
83 supply mains, natural gas lines, telephone lines, television cable locations, electric  
84 power lines, easements and irrigation ditches and other waterways within the tract  
85 and within one hundred (100) feet of the boundary of the proposed development;  
86 (e) all wetlands and/or subsurface drainage systems;  
87 (f) preliminary engineering drawings including:  
88 (i) typical cross-sections  
89 (ii) sidewalks, curbs and gutters;  
90 (iii) plans and/or written statements indicating width, type and size of  
91 proposed:  
92 (a) on-site and off-site water mains,

- 93 (b) sanitary sewers,  
94 (c) drainage facilities, including sizes of all pipe and calculations,  
95 (d) water valves,  
96 (e) sewer manholes,  
97 (g) fire hydrants,  
98 (g) preliminary grading plans showing areas of proposed cut and fill including:  
99 (i) existing and proposed contours;  
100 (ii) and/or identify natural slopes of ~~with~~ thirty percent (30%) or greater  
101 natural slope;  
102 (iii) quantities of borrowed or excess material  
103 (h) a vegetation plan showing existing vegetation to remain and the size, type and  
104 location of vegetation to be replaced;  
105 (i) a storm water pollution prevention ~~erosion control~~ plan;  
106 (j) a summary statement indicating the following:  
107 (i) total area within the development;  
108 (ii) total area of each lot;  
109 (iii) total number of proposed dwelling units;  
110 (k) letter of agreement from the owner of any irrigation ditch, canal or other such  
111 waterway passing through the proposed development;  
112 (l) estimated total peak water demand on the City water system expressed in  
113 gallons per day and estimated peak hourly demand with fire flow requirements  
114 shown in gallons per minute;  
115 (m) estimated total peak sewer flow to be treated by the City treatment facilities  
116 expressed in gallons per day;  
117 (n) estimated maximum flow (one hundred (100) year storm) through any natural  
118 courses lying within the area to be developed;  
119 (o) a utility maintenance agreement for all private utility systems.  
120 (2) Preliminary engineering drawings, including typical cross sections, and plans and/or  
121 written statements regarding width, type and size of proposed off-site and on-site water  
122 mains; sanitary sewers; drainage facilities including sizes of all pipe; and other proposed  
123 improvements, such as sidewalks curbs and gutters, parks, drainage with calculations,  
124 water valves, sewer manholes, and fire hydrants, water valves, sewer manholes. The  
125 proposed location of all of the aforementioned improvements must be shown on the  
126 preliminary plan. Joint location of utility facilities is encouraged so that the provision of  
127 utility easements may be kept to a minimum. The preliminary plan shall include all  
128 applicable drawings except for final construction drawings. A utility maintenance  
129 agreement will be required for all private streets and utilities (NOTE: private streets are  
130 only allowed in a PD—performance development. The Water Resources Department  
131 recommends and prefers public utility systems over private systems.)  
132 (3) Preliminary grading plans, showing existing grades with dashed line contours and  
133 proposed grades superimposed with solid line contours. Such plans in all hillside area  
134 developments shall also indicate:  
135 (a) areas with thirty percent (30%) or greater natural slope by cross hatching; and  
136 (b) the location of proposed cuts and fills.  
137 (4) A vegetation plan showing existing vegetation to remain and the size, type and  
138 location of vegetation to be replaced.

139 ~~(5) An erosion control plan when required by the City Engineer as a result of preliminary~~  
140 ~~plat review.~~

141 ~~(6) A preliminary drainage plan by which the developer proposes to handle twenty five~~  
142 ~~(25) year storm water drainage for the development.~~

143 ~~(7) For all developments proposed through which an irrigation ditch, canal or other such~~  
144 ~~waterway passes, the developer shall obtain a letter of agreement from the owner of said~~  
145 ~~ditch, canal or waterway specifying any required improvements or possible relocation.~~

146 ~~(8) Summary statement containing the following:~~

147 ~~(a) total area within the development;~~

148 ~~(b) total area of each lot;~~

149 ~~(c) total number of proposed dwelling units;~~

150 ~~(d) estimated total peak water demand on the City water system expressed in~~  
151 ~~gallons per day;~~

152 ~~(e) estimated total peak sewer flow to be treated by City treatment facilities~~  
153 ~~expressed in gallons per day;~~

154 ~~(f) estimated maximum flow (one hundred (100) year storm) through any natural~~  
155 ~~courses lying within the area to be subdivided; and~~

156 ~~(g) provide utility maintenance agreement for all private utility systems.~~

157 (4) A preliminary plan application will be considered expired twelve (12) months from  
158 the date of when the application was vested unless a decision by the Planning  
159 Commission has been rendered. An applicant, or applicant's agent, may request one (1)  
160 ninety 90 day continuance if the request is made in writing to the Planning Division  
161 within twelve (12) months of the application date.

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163 **PART II:**

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165 Section 15.04.140 of the Provo City Code is hereby amended as follows:

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167 **15.04.140. Final Plan.**

168 (1) A final plan shall be prepared for all developments unless a final plat is necessary.

169 (2) A final plan application shall vest, for purposes of Section 14.02.130, when:

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

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

173 (c) the developer has submitted to the City final drawings, on a disk in pdf format.

174 The final drawings or plans shall include contain the following:

175 Said plan shall consist of a sheet of approved Mylar having outside or trim line  
176 dimensions of twenty four (24) by thirty six (36) inches. The border line of the plan shall  
177 be drawn in heavy lines, leaving a margin of at least one and one half (1½) inches on the  
178 lefthand side of the sheet for binding, and at least one half (½) inch on the other three (3)  
179 sides of the sheet. The plan shall be so drawn that the top of the sheet faces either north or  
180 east, whichever accommodates the drawings better. All lines, dimensions and markings  
181 shall be made on the Mylar with approved waterproof black "India Drawing Ink," or  
182 equivalent. The actual map shall be made with a minimum scale of one (1) inch equals  
183 forty (40) feet. Details and the workmanship on finished drawings shall be neat, clean cut

184 and readable. The prepared form adopted by Utah County is preferred. A poorly drawn or  
185 illegible plan is sufficient cause for rejection.

186 (2) The developer shall also furnish the City with one (1) copy of a CAD (Computer  
187 Generated Data) Disc, ten (10) paper prints and two (2) Mylar prints of the final plan and  
188 four (4) paper prints of the improvement drawings, with the application.

189 (3) The final drawings or plans shall contain the following information:

190 (i) (a) development name and the general location of the development;

191 (ii) (b) a north point and scale on the drawing and the date;

192 (iii) (c) accurately drawn boundaries, showing the proper bearings and  
193 distances, properly tied to public survey monuments. These lines should  
194 be heavier than street and lot lines to clearly define said subdivision  
195 boundaries;

196 (iv) (d) the names, width, lengths, bearings, and curve data on center lines  
197 of proposed public or private streets, alleys or easements; also the  
198 boundaries, bearings and dimensions of all portions within the  
199 development, as intended to be dedicated to the use of the public; the  
200 lines, dimensions, bearings, and numbers of all lots; blocks and parks  
201 reserved for any reason within the development. All lots and blocks shall  
202 be numbered consecutively under a definite system. All proposed streets  
203 shall be named or numbered in accordance and in conformity with the  
204 street naming and numbering system of the City;

205 (v) (e) drawings showing plan layout, profile, and detailed design for  
206 sewer lines systems, water lines systems, storm drain systems and street  
207 lights;

208 (vi) (f) plan, profile and typical cross section drawings of all streets,  
209 bridges, culverts and other drainage structures;

210 (vii) (g) final grading and drainage plan indicating the finished grade by  
211 solid line contours superimposed on dashed line contours indicating the  
212 existing topography for the area of the final plan plat. The plan shall  
213 identify natural slopes which exceed thirty percent (30%) or greater slope  
214 and include quantities of borrowed or excess material. Such contours shall  
215 be at least two (2) foot intervals for predominant ground slope within the  
216 tract between level and five percent (5%) grade, and five (5) foot intervals  
217 for predominant ground slopes within the tract over five percent (5%)  
218 grade;

219 (h) the location of existing water courses;

220 (i) the description and locations of all monuments set and established by Utah  
221 County or the United States Government that are adjacent or near proposed  
222 development;

223 (viii) (j) a final plat in the standard plat forms approved by the Planning  
224 Commission lettered for the following:

225 (i) description of land to be included in development;

226 (ii) registered professional engineer and/or land surveyor's  
227 "certificate of survey;"

228 (iii) owners' dedication;

229 (iv) notary public's acknowledgment;

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- (v) Community Development Director's certificate of approval;
- (vi) City Engineer's certificate of approval; and
- (vii) the Mayor's certificate of acceptance attested by the City Recorder.

Two copies of the final plat on a twenty-four (24) inch by thirty-six (36) inch mylar shall be submitted as part of the final plan approval.

- ~~(k) the final plan shall conform to the preliminary plan except in those instances where modifications have been requested by the Planning Commission;~~
- ~~(l) the final plan shall include a Mylar twenty four (24) inch by thirty six (36) inch overall improvement drawing and one (1) copy of a CAD (Computer Generated Data) Disc containing said improvement drawing, to be submitted as part of the final plat showing the following:~~

(3) An improvement plan, if applicable, shall be submitted, and include to the following:

- (a) ~~(i)~~ all sewer mains and manholes including sizes of lines and appurtenant infrastructures;
- (b) ~~(ii)~~ all water mains, valves and fire hydrants including sizes of lines and appurtenant infrastructures;
- (c) ~~(iii)~~ all storm drains, irrigation ditches, canals and other waterways, along with any required improvements;
- (d) ~~(iv)~~ The location of all curb, gutter, sidewalk, and other street improvements to be constructed as part of the development requirements;
- (e) ~~(v)~~ all fences, barriers or landscaping as required by the Planning Commission;
- (f) ~~(vi)~~ all special improvements required by the Planning Commission as conditions of development approval; and
- (g) ~~(vii)~~ the location of all gas, phone, television and electrical service lines.
- (h) All improvement plans shall be reviewed, stamped and signed by a Professional Engineer.

(4) (4) All final plans which are part of a previously approved preliminary plan shall reference such preliminary plan on all final plans which pertaining thereto.

(5) The final plan shall conform to the preliminary plan except in those instances where modifications have been requested by the Planning Commission.

(6) A final plan application will be considered expired twelve (12) months from the date of when the application was vested unless a decision by the Planning Commission is rendered. An applicant, or applicant's agent, may request one (1) ninety 90 day continuance if the request is made in writing to the Planning Division within twelve (12) months of the application date.

PART III:

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



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

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

280

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

283

284 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 2012-43

Notice is hereby given that in the regular Municipal Council Meeting of November 13, 2012, the Provo Municipal Council passed Ordinance 2012-43. This is an ordinance amending Section 15.04.130 (Preliminary Plan) and Section 15.04.140 (Final Plan) of the Provo City Code to modify submittal requirements.

/s/Janene M. Weiss  
City Recorder

Legal Notice 392595 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, 392595- ORDINANCE 2012-43, 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

