

Ordinance 2014-32

SHORT TITLE:

An ordinance amending Title 15 (Land Use and Development) of the Provo City Code to clarify certain provisions.

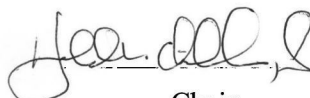
PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL			✓			
CW 2	GARY GARRETT		✓	✓			
CD 1	GARY WINTERTON			✓			
CD 2	KIM SANTIAGO	✓		✓			
CD 3	HAL MILLER			✓			
CD 4	KAY VAN BUREN			✓			
CD 5	STEPHEN HALES					excused	
				TOTALS	6	0	1

This ordinance was passed by the Municipal Council of Provo City, on the 2nd day of December, 2014 on a roll


call vote as described above. Signed this 4th day of December, 2014.


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 10th day of December 2014.


Mayor

ORDINANCE 2014-32

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 10th day of December 2014, with a short summary being published on the 6th day of December 2014, 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 2014-32.



Signed this 10th day of December 2014.

Janeen Stinson
City Recorder

ORDINANCE 2014-32

AN ORDINANCE AMENDING TITLE 15 (LAND USE AND DEVELOPMENT) OF THE PROVO CITY CODE TO CLARIFY CERTAIN PROVISIONS. CITY-WIDE IMPACT. (14-0005OA)

WHEREAS, it is proposed that amendments be made to Title 15 (Land Use and Development) of the Provo City Code to clarify certain provisions; and

WHEREAS, the Planning Commission originally recommended approval of certain Title 15 and Consolidated Fee Schedule amendments on April 23, 2014; and

WHEREAS, the proposed amendments to the consolidated fee schedule were updated as part of the budget resolution in June, 2014; and

WHEREAS, additional changes were made to the proposed amendments to Title 15 by the Engineering Division and the item was brought back to the Planning Commission for review; and

WHEREAS, the Planning Commission requested some minor wording changes and further clarification of the street standards and continued the item; and

WHEREAS, on October 8, 2014 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 that the proposed amendments be approved as set forth below; and

WHEREAS, on December 2, 2014 the Municipal Council held a duly noticed public hearing to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and

WHEREAS, after considering the Planning Commission’s recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Title 15 (Land Use and Development) should be amended on the basis recommended by the Planning Commission and (ii) this action, 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:

Title 15 (Land Use and Development) of the Provo City Code is hereby amended as follows:

**TITLE 15
LAND USE AND DEVELOPMENT**

...

15.03.010. Definitions-Words, Terms, Phrases Defined.

48 (1) For purposes of this Title:

49 (a) Any gender includes the other gender.

50 (b) "Shall" is mandatory; "may" is permissive.

51 (c) The singular number includes the plural, and the plural the singular.

52 (d) Words used in the present tense include the past and future tense, and vice versa.

53 (e) Words and phrases used in this Title and not specifically defined shall be construed

54 according to the context and ordinary usage of the language.

55 (f) Unless otherwise specified, the terms "hereof," "herein," and similar terms refer to this Title

56 as a whole.

57 (2) In the construction of this Title, the following words and phrases shall be as defined as set forth in this

58 Section unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply.

59 Words and phrases not defined herein, but defined in Title 14, Provo City Code, shall have the meanings set

60 forth in Title 14.

61 **"Alley"** (see Street definitions).

62 **"Average Daily Traffic" (ADT)** means the maximum rate, typically measured in terms of vehicles per hour or

63 average daily traffic, at which vehicles can be expected to traverse a point or uniform section of lane or

64 roadway during a given period under prevailing roadway, traffic, and control conditions.

65 **"Borrow"** means earth material acquired for use in grading on a site.

66 **"Buildable area"** means that portion of a lot or parcel which is eligible to place a building or structure and

67 complies with the setbacks and other regulations of the zone where the property is located.

68 **"Building Permit"** means any permit required for new construction and additions pursuant to Section

69 14.01.060, Provo City Code.

70 **"Capital facilities plan"** means a plan prepared separately or as part of a general plan which ~~meets the~~

71 ~~requirements of the Impact Fees Act and which~~ identifies:

72 (a) demands placed upon existing public facilities **currently and as projected in the future for all**

73 **transportation modes** ~~by new development activity~~; and

74 (b) ~~the proposed means by which Provo City will meet those demands~~ **new facilities projected to**

75 **meet the future transportation needs of the city.**

76 **"Civil Engineer"** means a Professional Engineer registered in the State of Utah to practice in the field of civil

77 engineering work.

78 **"Collective driveway"** means a driveway, at least twelve (12) feet in width, serving not more than two (2) lots,

79 or two (2) residential dwelling units, or twenty (20) feet in width serving not more than ~~two (2)~~ **four (4)** lots and

80 four (4) single residential dwelling units and not exceeding one hundred twenty (120) feet in length.

81 **"Conservation easement"** means an easement, covenant, restriction, or condition in a deed, will, or other
82 instrument signed by or on behalf of the record owner of the underlying real property for the purpose of
83 preserving and maintaining land or water areas predominantly in a natural, scenic or open condition, or for
84 recreational, agricultural, cultural, wildlife habitat or other use or condition consistent with the protection of open
85 land.

86 **"Conventional Subdivision"** means a subdivision which has no open space as authorized in this Title.

87 **"Cut"** means an excavation.

88 **"Developable land"** means land under thirty percent (30%) slope which is capable of being improved, subject
89 to the Sensitive Lands Ordinance and other requirements within this Title, with landscaping, buildings, or
90 parking. Land designated as sensitive lands or primary conservation areas shall not be considered developable
91 land.

92 **"Developer"** means the individual, partnership, limited liability company, association, or corporation, or other
93 legal entity developing land or causing it to be developed.

94 **"Development"** or **"Development activity"** means any of the following:

95 (a) Any construction or expansion of a building, structure, or use.

96 (b) Any change in the use of a building or structure.

97 (c) Any man-made change to improved or unimproved land, including but not limited to, mining,
98 dredging, filling, grading, paving, excavation or drilling operations.

99 (d) Any change in the use of land that creates additional demand and need for capital facilities.

100 (e) The total area of a lot or parcel of land on which a building permit is to be issued or the total
101 area of property being improved.

102 (f) The land being developed and/or subdivided.

103 (g) The act, process or result of developing.

104 (h) When the context so requires, a project plan as set forth in Section [15.03.300](#), Provo City
105 Code.

106 **"Development approval"** means any written authorization from Provo City allowing commencement of
107 development activity.

108 **"Driveway"** means a paved area with a minimum pavement section of four (4) inches (in thickness) concrete
109 or two (2) inches of asphalt on top of a four (4) inch compacted base, used for ingress or egress of vehicles,
110 and allowing access from a street to one (1) building, structure, or facility.

111 **"Easement"** means the right to use a quantity of land set aside over which a liberty, privilege or advantage in
112 land, existing distinct from the ownership of the land, is granted to the public or to some particular person, party
113 or part of the public.

114 **"Excavation"** means the mechanical removal of earth material.

115 **"Flood Plain Setback"** means a non-buildable area of one hundred (100) feet measured from the high point of
116 the bank of the Provo River as set forth in Section 14.33, Provo City Code.

117 **"Fill"** means a deposit of earth material by artificial means.

118 **"Final approval"** means the signing of a final plat by the Mayor.

119 **"Final plat"** means a map or chart of a land division with accompanying supplementary documents, which has
120 been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots, and other
121 divisions can be identified.

122 **"Foot-candle"** means a measure of light falling on a given surface. One (1) foot-candle is equal to the amount
123 of light generated by one (1) candle shining on a square foot surface one (1) foot away.

124 **"French drain"** means a sump or trench filled with crushed rock or gravel intended to receive storm water
125 discharge.

126 **"General Plan"** means a document adopted by the City that describes general policies for proposed future
127 development for the land within the municipality, as set forth in the Utah Code.

128 **"Geotechnical Engineer"** means a Civil Engineer registered in the State of Utah with training and experience
129 in soil engineering.

130 **"Glare"** means light that causes annoyance, discomfort or loss in visual performance and ability.

131 **"Grading"** means any excavating, cutting or filling or combination thereof.

132 **"Grading plans"** means a topographic development plan prepared by a registered Civil Engineer showing
133 contours for before and after grading which do not exceed one (1) foot intervals.

134 **"Hazardous conditions"** means flood plain area, sensitive land, and land with a high water table which if
135 disturbed is likely to be detrimental to life or property.

136 **"High water table area"** means that portion of Provo City encompassed in the following description: Beginning
137 at a point on the southeast corner of the Billings Annexation, which point is on the west boundary of South
138 State Street northerly to the intersection of 1140 South Street; thence westerly along 1140 South Street to the
139 Southern Pacific Railroad tracks; thence northwesterly along said railroad tracks to the Provo River and 500
140 North Street; thence east along 500 North Street to the intersection of 970 West Street; thence north along 970
141 West to 800 North; thence easterly along 800 North to 800 West Street, north along 800 West Street to 900
142 North Street; thence east along 900 North Street to the eastern boundary of Exchange Park; thence northerly
143 along the east boundary of Exchange Park to Columbia Lane; thence northeasterly to the intersection of State
144 Street and Moon River Avenue; thence northerly along Moon River Avenue to 300 West Street; thence north
145 along 300 West Street to 1625 North Street; thence east along 1625 North Street to 200 West Street; thence
146 northerly along 200 West Street to 2230 North Street; thence east along 2230 North to University Avenue;

147 northerly along University Avenue to the intersection of 800 North in Orem; thence westerly along 800 North in
148 Orem, Utah, to the base of the hill and the Provo Bench Canal; thence southerly along the Provo Bench Canal
149 and the west corporate limits of Provo City to the intersection of the Orem Center Street extension and
150 Carterville Road; thence southerly along Carterville Road to 1720 North Street; thence southwesterly along the
151 base of the "Grandview Hill" to the intersection of 820 North and 1375 West; thence southerly to the Lake
152 Bottom Canal; thence westerly and northwesterly along the Lake Bottom Canal to the Orem City corporate
153 limits; thence west to Utah Lake; thence southerly and westerly along the Utah Lake shore to Interstate 15;
154 thence southeasterly along I-15 to the northern limits of Springville City; thence east along the Springville City
155 limits to the west boundary of the Billings annexation to Provo City; thence southerly along the west boundary
156 of the Billings Annexation to the south boundary of said annexation; thence east to the point of beginning.

157 **"Hillside area"** means any lot or parcel with an average slope greater than ten percent (10%).

158 **"Impact fee"** means a payment of money imposed upon development activity as a condition of development
159 approval. "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hook up fee, a fee
160 for project improvements, or other reasonable permit or application fee.

161 **"Impact fee facilities plan"** means a plan prepared separately or as part of a general plan which meets the
162 requirements of the Impact Fees Act and which identifies:

163 (a) demands placed upon existing public facilities by new development activity; and

164 (b) a proposed means by which Provo City will meet those demands.

165 **"International Building Code"** means the building code applicable to Provo City as provided in Section
166 9.52.010, Provo City Code.

167 **"Irrigation ditch"** means any system of canals or ditches originally constructed for irrigation use and
168 maintained primarily for that use.

169 **"Large scale development"** means any of the following:

170 (a) All performance developments.

171 (b) Subdivisions consisting of three (3) acres or more or ten (10) lots or more.

172 (c) Project plans with twenty (20) multiple family units, commercial/industrial developments with
173 three (3) acres or more.

174 **"Lumen"** means a measure of light energy generated by a light source.

175 **"Metes and Bounds"** means a description of a lot or parcel of land by bearings and distances.

176 **"Natural features"** means non-man-made land characteristics, including drainage swales, wetlands, rock
177 outcroppings, streams, and concentrated native stands of large shrubs or trees.

178 **"Natural state"** means that portion of any lot or parcel which cannot be subjected to grading, removal of
179 vegetation or building development.

180 **"Off-site facilities"** means facilities outside of the boundaries of the development which are designed and
181 located to serve the needs of the subdivision or adjacent properties; usually lying between a development and
182 existing facilities.

183 **"On-site facilities"** means facilities installed within or on the perimeter of the subdivision or development site.

184 **"Open space"** means primary and secondary conservation areas and other land conserved or set aside from
185 development such as but not limited to public or private parks, trails, landscaped buffers, wetlands, meadows,
186 forested areas, pastures, farm fields and other lands forming part of the ecologically connected matrix of
187 natural areas significant due to wildlife habitat, water quality protection and other reasons.

188 **"Open Space Subdivision"** means a subdivision where open space is created pursuant to the requirements of
189 this Title and which results from the reduction of minimum lot sizes otherwise required by Title [14](#) within a
190 subdivision.

191 **"Over-size facilities"** means facilities with added capacity designed to serve other property, in addition to the
192 land within the boundaries of a development or development site.

193 **"Parking lot"** means an open area, other than a street or alley, used for the parking of more than four (4)
194 automobiles whether for free, or for compensation.

195 **"Parking lot aisle"** means the traveled way by which cars enter and depart parking spaces. Aisle width
196 standards are set forth in Section [14.37.100](#), Provo City Code. Parking aisles shall not be considered streets for
197 purposes of this Title.

198 **"Parkway"** means a strip of real property between a curb adjacent to the paved portion of a street or road and
199 a sidewalk running more or less parallel to thereto.

200 **"Phasing"** means to complete a development with multiple stages in a logical order.

201 **"Preliminary Approval"** means a recommendation for approval from the Planning Commission.

202 **"Preliminary Plat"** means a map or chart of a proposed land division with accompanying supplementary
203 documents.

204 **"Primary Conservation Area"** means wetlands, except wetlands that may be lawfully mitigated, lands with a
205 one hundred (100) year flood plain, slopes exceeding ~~twenty-five percent (25%)~~ **thirty percent (30%)**, and soils
206 subject to slumping.

207 **"Project improvements"** means site improvements and facilities planned and designed to provide service for
208 development resulting from a development activity; and necessary for the use and convenience of the
209 occupants or users of development resulting from a development activity. Project improvements does not mean
210 system improvements.

211 **"Proportionate share"** means the cost of public facility improvements that are roughly proportional and
212 reasonably related to the service demands and needs of any development activity.

213 **"Public accessway"** means a minimum ten (10) foot wide paved right-of-way providing safe, convenient and
214 direct access for pedestrians and bicyclists to and from nearby residential areas, transit stops, neighborhood
215 activity areas and other commercial and industrial areas or a twenty (20) foot wide paved right-of-way for the
216 same purpose if usage by vehicular traffic is anticipated.

217 **"Public facilities"** means any or all of the following capital facilities that have a life expectancy of ten (10) or
218 more years and are owned or operated by or on behalf of Provo City:

219 (a) water rights and water supply, treatment and distribution facilities;

220 (b) waste water collection and treatment facilities;

221 (c) storm water, drainage, and flood control facilities;

222 (d) municipal power facilities;

223 (e) roadway facilities;

224 (f) parks, recreation facilities, open space, and trails; and

225 (g) public safety facilities.

226 **"Public safety facility"** means a building constructed or leased to house police, fire, or other public safety
227 entities. "Public safety facility" does not mean a jail, prison, or other place of involuntary incarceration.

228 **"Removal"** means killing vegetation by any means, including but not limited to spraying, complete extraction,
229 or cutting.

230 **"Riprap"** means an assemblage of broken stones or boulders erected on ground for use as a foundation to
231 prevent erosion.

232 **"Roadway facilities"** means streets or roads that have been designated on an officially adopted subdivision
233 plat, roadway plan, or general plan of the City, together with all necessary appurtenances. "Roadway facilities"
234 includes associated improvements to federal or state roadways only when the associated improvements are
235 necessitated by the new development and are not funded by the state or federal government. "Roadway
236 facilities" does not mean federal or state roadways.

237 **"Rough grade"** means the stage at which the elevation of land is within eight (8) inches of the elevation shown
238 on an approved final plat.

239 **"Second access"** means providing an additional point of access for ingress and egress to a development as
240 determined by the City Engineer.

241 **"Secondary conservation area"** means lands that are conserved to meet the open space requirements set
242 forth in Section 15.04.050 of this Title.

243 **"Sensitive Lands"** means any land area whose destruction or disturbance could immediately affect the life of
244 the community by either:

245 (a) creating hazardous conditions such as flooding and landslides;

- 246 (b) destroying important public resources such as water supplies and the water quality of lakes
247 and rivers; or
248 (c) wasting important productive lands and renewable resources.

249 **"Site"** means any lot or parcel of land.

250 **"Street"** means any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the
251 movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown
252 upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between
253 street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutter, sidewalks,
254 parking areas, and other areas within the right-of-way. For the purpose of this Title, streets shall be classified
255 as defined in subsections (a) through (i):

256 (a) **"Major Highway"** means a major regional highway including an expressway, freeway or
257 interstate highway designed to carry vehicular traffic:

- 258 (i) into, out of, or through the regional area (inter-region) and
259 (ii) from one political subdivision of the region to another, or from an interregional highway
260 (intra-regional).

261 (b) **"Major"** or **"Arterial Street"** means that part of the street system serving as the principal
262 network for through traffic flow via routes that connect areas of principal traffic generation and
263 important highways entering the City as indicated on the Major and Local Street Plan Map in the
264 General Plan.

265 (c) **"Collector Street"** means the distributor and collector streets servicing traffic between
266 arterial and local streets as indicated on the Major and Local Street Plan Map in the General
267 Plan. These are streets used mainly for traffic movements within residential, commercial, and
268 industrial areas and do not provide direct access to one-family residential unit or lot.

269 (d) **"Local"** or **"Minor Street"** means a street used primarily for direct access to residential,
270 commercial, industrial, or other abutting property. Local streets should not include streets
271 carrying through traffic. Long local streets should generally be divided into short sections by
272 collector street systems.

273 (e) **"Alley"** means a public or private street designed to serve as access to the side or rear of
274 properties whose principal frontage is on some other street.

275 (f) **"Cul-de-sac"** means a short dead-end street terminating in a vehicular turnaround area.

276 (g) **"Half Street"** means a street parallel and contiguous to a property line which temporarily
277 has a lesser right-of-way width and lesser improvements than is normally required for minor or
278 major streets.

279 (h) **"Service"** or **"Frontage Road"** means a street or road paralleling and abutting major streets
280 to provide access to adjacent property so that each adjacent lot will not have direct access to
281 the major street.

282 (i) **"Stub Street"** means a street or road extending from within a subdivision boundary and
283 terminating with no permanent vehicular turnaround to permit adjacent parcels of land to be
284 developed later with an adjacent connecting street system.

285 **"Street Right-of-Way"** means that portion of land dedicated to public use for street and utility purposes.

286 **"Subdivider"** (see "Developer").

287 **"Subdivision"** means any land that is divided, resubdivided or proposed to be divided into two (2) or more lots,
288 parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale,
289 lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

290 (a) **"Subdivision"** includes:

291 (i) the division or development of land whether by deed, metes and bounds description,
292 devise and testacy, lease, map, plat, or other recorded instrument; and,

293 (ii) divisions of land for all residential and nonresidential uses, including all land used or to
294 be used for commercial, agricultural, and industrial purposes; and

295 (iii) the combining of existing lots or parcels or portions thereof into one (1) or more lots or
296 parcels of land, except as set forth in Subsection (b) below.

297 (b) **"Subdivision"** does not include:

298 (i) a bona fide division or partition of agricultural land for the purpose of joining one of the
299 resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
300 neither the resulting combined parcel nor the parcel remaining from the division or partition
301 violates any provision of Title 14, Provo City Code;

302 (ii) a recorded agreement between owners of adjoining properties adjusting their mutual
303 boundary if:

304 (A) no new lot is created, and

305 (B) the adjustment does not result in a violation of Title 14, Provo City Code; or

306 (iii) a recorded document, executed by the owner of record, revising the legal description
307 of more than one (1) contiguous parcel of property into one (1) legal description
308 encompassing all such parcels of property; and

309 (iv) the joining of a subdivided parcel of property to another parcel of property that has not
310 been subdivided does not constitute a "subdivision" as to the unsubdivided parcel of
311 property or subject the unsubdivided parcel to the subdivision requirements of this Title.

312 **"Subsurface drainage"** means any system of pipes, canals, ditches, moats, and the like that intercepts
313 ground water and carries it to Provo River or Utah Lake.

314 **"Surface drainage"** means water run-off caused as a result of precipitation or irrigation.

315 **"System improvements"** means existing public facilities designed to provide services to service areas within
316 the community at large; and future public facilities identified in a capital facilities plan intended to provide
317 services to service areas within the community at large. "System improvements" does not mean project
318 improvements.

319 **"Unit of measure"** means that basic gauging unit which can be quantified for measuring impact of
320 development on the public facilities in question, and provides a fair and equitable method of assessing the
321 demands for expanded public facilities, or the inflow/outflow of people, products, or waste, depending on the
322 particular type of public facility; and may include, but shall not be limited to, the following measuring methods:

- 323 (a) plumbing fixture units
- 324 (b) gallons per day
- 325 (c) water meter size, in inches
- 326 (d) number of equivalent dwelling units (EDU's)

327 **"Vicinity Plan"** means a map or chart showing the relationship of streets and lands within a proposed
328 subdivision to the streets and lands in the surrounding area.

329 **"Wetlands"** means lands that are generally inundated or saturated by surface or ground water at a frequency
330 or duration to support, and that under normal circumstances do support, a prevalence of vegetation typically
331 adapted for life in saturated soil conditions.

332 **"Written analysis"** means documentation of impact fee calculations which identifies the impact on system
333 improvements required by the development activity; demonstrates how those impacts on system improvements
334 are reasonably related to the development activity; and estimates the proportionate share of the costs of
335 impacts on system improvements that are reasonably related to the new development activity. (R&R 1999-34, Am
336 2000-48, Am 2002-17, Am 2003-26, Am 2005-09, Am 2006-50)

337
338 ...

339
340 **15.03.035. Grading**

341 (1) For the purposes of this Section, grading shall be defined as any work including filling, cutting, excavation or
342 relocation of material which affects the contour, slope, elevation or drainage features of a parcel of property, or
343 which involves more than fifty (50) yards of material. Landscape modifications to an individual property
344 involving less than fifty (50) cubic yards of material and which do not affect the contour or slope of a property

345 shall be exempt from the requirements of this Section. No grading, **cutting**, filling, or excavation as previously
346 defined shall be accomplished without first having obtained a grading permit from the City Engineer pursuant to
347 the provisions of this Section. A grading permit may be obtained at the Office of the Provo City Engineer after
348 completion of an application for permit complying with any and all permit requirements.

349 (2) No grading, **cutting**, filling, or excavation of any kind shall be accomplished without first having obtained a
350 grading permit from the City Engineer pursuant to the provisions of this Section. A grading permit may be
351 obtained at the Office of the Provo City Engineer after completion of an application for permit complying with
352 any and all permit requirements.

353 (a) Any grading operation exceeding ten (10) months shall require a new grading permit. If a
354 new grading permit is not granted, all of the conditions of the original grading permit shall be
355 completed no later than twelve (12) months from the original date of issue.

356 (b) All grading permits which involve over twenty-five thousand (25,000) cubic yards of material
357 or are not associated with an approved project plan will be required to submit a request for an
358 Administrative Review prior to consideration or issuance of a grading permit.

359 (c) All approved development projects, which produce excess excavated material that is to be
360 removed from the project site, shall provide a grading plan for the property where the material
361 will be placed, if said property is within the Provo City limits. An acknowledgment letter from the
362 owner of record of the recipient property shall be required with the grading permit.

363 (d) All materials processed upon the project site for reuse shall be subject to the provisions of
364 this Section and shall require approval through the development review process.

365 (e) All preliminary street and site grading shall be completed prior to the installation of utilities.

366 (f) Fills in areas intended as structural foundations, including roadways, shall be compacted to
367 at least ninety-five percent (95%) of AASHTO (American Association of State Highway
368 Transportation Officials) T180 density. All other fills shall be compacted to at least ninety
369 percent (90%) of AASHTO T 180 density. Compaction test reports verifying compliance with this
370 provision shall be submitted to the City Engineer.

371 (g) Material processing not associated with an approved development plan or capital project will
372 not be issued a grading permit. An applicant may appeal the decision of the City Engineer
373 through a request for Administrative Review.

374 (h) All cut and fill slopes, and other areas as determined by the City Engineer, shall be reseeded
375 and/or planted with vegetation. A guarantee bond for this work shall be submitted and remain in
376 place until all work has been completed and final inspection made.

377 (i) No person shall be permitted to grade, cut, excavate, fill, or to erect any structure on slopes
378 or undisturbed areas that exceed a slope greater than thirty percent (30%) as determined by the
379 City Engineer.

380 (ij) Cleanup of the grading site shall be the responsibility of the party to whom the permit is
381 issued. Measures shall be in place to prevent tracking of material on to adjacent public and
382 private streets or neighboring properties. Any materials which are tracked outside of the project
383 site shall be immediately cleaned up. If the cleanup is not satisfactory completed, the City may
384 have this work done by city crews or private contractor and the cost for the work be billed to the
385 party to whom the permit was issued.

386 (jk) Cut and fill slopes shall be constructed to eliminate sharp angles of intersection with the
387 existing terrain and shall be rounded and contoured as necessary to blend with adjacent
388 property to the maximum extent possible. Where a cut or fill slope occurs between two (2) lots,
389 the slope shall normally be made a part of the lot with the lowest elevation.

390 (kl) Sections of the International Building Code regulating excavation and grading shall be
391 complied with, except that decisions described therein to be made by the "building official" may
392 also be made by the City Engineer.

393 (3) Engineered Fill.

394 (a) A permit may be obtained from the City Engineer to use solid waste or other material as "fill"
395 by doing the following:

- 396 (i) by submitting to the City Engineer a grading plan showing the area to be filled and a
397 description of the material which will be used as fill; and,
398 (ii) by using only "engineered fill" as defined herein.

399 (b) For the purposes of this Section, "engineered fill" means:

- 400 (i) soil and rocks and related materials which are substantially free from asphalt, wood,
401 roots, bark, tree limbs, grass clippings or any other material which decomposes or
402 compresses; and,
403 (ii) material having have such characteristics of composition, size and shape that it will
404 compact readily to a firm, stable base. (Broken concrete in a size of less than twelve (12)
405 inches square may be considered engineered fill); and,
406 (iii) material which is nontoxic and not hazardous waste.

407 (c) It shall be unlawful to do any of the following:

- 408 (i) To make a false statement to obtain a permit pursuant to this Section.

409 (ii) To obtain a permit pursuant to the provisions of this Section and thereafter fill (or cause
410 the filling of) any place in a location or manner not described in the grading plan.

411 (iii) To use (or cause the use of) materials as fill which are not described in the grading
412 plan.

413 (4) Permit Requirements.

414 (a) All grading permits shall be subject to any and all conditions of the permit required by the
415 City Engineer including the following:

416 (i) The work shall be completed by a licensed qualified contractor.

417 (ii) Payment of all required permit fees and bonds prior to the commencement of any work.

418 (iii) Compliance with other special conditions required by the City Engineer.

419 (b) Permit fees are included in the Provo City Consolidated Fee Schedule.

420 (c) Failure to comply with the terms of the permit will constitute a default of the permit and the
421 permit will be considered null and void upon written notification from the City Engineer. (Enacted
422 2011-09)

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426 **15.03.200. Street Standards.**

427 The type and arrangement of roadways peripheral to and abutting any development shall be in compliance with
428 the major and local street plans for the area of the development. Developments which are located on or next to
429 a collector or arterial street shall be designed and developed so the public street continues through the project
430 in a logical, safe design. Developments which are located at the end of stubbed local public streets may be
431 required to extend the street through the development based on the proposed circulation needs of the area.

432 The Planning Commission, upon recommendation of the Planning and Engineering staff, shall determine if the
433 street should be extended as a through street or as a cul-de-sac during the preliminary approval.

434 (1) Arterial and collector streets shall conform to the major street plan wherever a development falls in an area
435 for which an arterial and collector street plan has been adopted. For ~~territory areas~~ where such street plan has
436 not been completed when the preliminary plan of the subdivision is submitted to the Planning Commission,
437 street dedications shall be provided as follows:

438 (a) Local street right-of-way shall have a minimum width of fifty-six (56) feet, except where
439 private property owner's association include planting areas and sidewalks as part of their
440 common area.

441 (b) Collector street right-of-way shall have a width of seventy two (72) feet.

442 (c) Arterial street right-of-way shall have a minimum width of eighty-four (84) feet or one
443 hundred twenty (120) feet as determined by future projected traffic volumes.

444 (d) Minimum width of asphalt wherever curb and gutters are installed (lip to lip of curb) shall be
445 as follows:

446 (i) For local streets (public and private): twenty-four (24) feet where future projected ADT
447 is less than 500 ADT and on-street parking is prohibited, thirty-two (32) ~~twenty-eight (28)~~
448 feet where future projected traffic is less than 500 ADT and on-street parking is not
449 prohibited, or thirty-eight (38) feet where future projected traffic volume is 500 ADT or
450 greater.

451 (ii) For collector streets: fifty-four (54) feet.

452 (iii) For arterial streets: sixty-six (66) feet or ninety (90) feet as determined by the City
453 Engineer for future projected traffic volumes.

454 (2) To promote connectivity of the street system for efficient circulation, cul-de-sacs shall be used only where
455 physical conditions or land ownership configurations exist which make other designs undesirable and where
456 local area street plans do not require through circulation. When used, cul-de-sacs streets shall be extended in a
457 manner that reduces the length of public access ways to be constructed between the end of the cul-de-sac and
458 the destination of such access way. Each cul-de-sac shall have a minimum right-of-way of fifty (50) feet and a
459 radius of fifty (50) feet of right of way for the cul-de-sac bulb, except where a private property owner's
460 association includes planting areas and sidewalks as part of its common area. A cul-de-sac street shall have an
461 asphalt-meet the pavement width of ~~twenty-eight (28) feet standard as per Title 15.03.200(1)(d)(i)~~ and a cul-de-
462 sac bulb shall have asphalt pavement of not less than forty-one (41) feet in radius. The maximum length of a
463 cul-de-sac street shall not exceed five hundred (500) feet, unless:

464 (a) Physical conditions necessitate providing a longer cul-de-sac, due to the inability to provide
465 any other means of access. Such conditions may include, but are not limited to, topography,
466 natural resource areas such as wetlands, ponds, streams, rivers, lakes; or

467 (b) Buildings or other existing developments block any other access to the site, which would
468 result in landlocked property, or an extremely inefficient development pattern. A cul-de-sac
469 street which exceeds five hundred (500) feet shall include an intermediate turn around near the
470 mid-point of the street as approved by the City Engineer. In no case shall a cul-de-sac street
471 length exceed one thousand (1,000) feet.

472 (3) Where access is desired to the side or rear of abutting properties, an alley may be provided. Alleys shall
473 have a minimum width of twenty-four (24) feet of asphalt or concrete pavement measured from face lip of curb
474 to face lip of curb. The design grade and alignment design of an alley shall conform to local street standards,

475 except that the centerline radius may be reduced where appropriate, as determined by the City Engineer. Curb
476 and gutter or other acceptable drainage design features shall be required to control pavement drainage.
477 Minimum pavement thickness shall conform to the same standards required for local streets. Parking shall not
478 be allowed on alleys. Alleys shall not be made a part of a lot.

479 (4) On **collector and** local streets, four (4) way intersections ~~shall~~ **may** be designed with a roundabout according
480 to Provo City standard drawings **and the major and local street plan as approved by the City Engineer**. Streets
481 ~~will~~ **shall** intersect each other as near as possible at right angles. Minor streets shall approach arterial or
482 collector streets at an angle of ~~not less than~~ ninety (90) ~~degrees~~ plus/minus ten (10) degrees. Offsets between
483 intersections from ten (10) feet to one hundred twenty (120) feet, **measured from street center line to street**
484 **center line**, shall be prohibited.

485 (5) Minimum street grades shall be four tenths (.4) of one percent (1%). The maximum street grade shall be
486 twelve percent (12%) for local streets and eight percent (8%) for arterial and collector streets.

487 (6) Where the street lines within a block deflect from each other, there should be a connecting curve. The
488 radius of the curve for the center shall be not less than ~~four five~~ hundred ~~fifteen (415)~~ **ten (510)** feet for arterial
489 streets, ~~two three~~ hundred ~~seventy five (275)~~ **thirty-five (335)** feet for collector streets, and ~~one two~~ hundred
490 ~~sixty five (165)~~ **(200)** feet for the local streets. Local streets shall be designed with horizontal and vertical
491 curves. **(Refer to AASHTO – A Policy on Geometric Design of Highways and Streets)**

492 (7) Curbs at all intersections of collector and arterial streets shall be rounded with curves having a minimum lip
493 of curb radius of ~~thirty five (35)~~ **thirty (30)** feet. ~~Curbs at local~~ **Local** street intersections shall be rounded with a
494 curve having a minimum lip of curb radius of fifteen (15) feet. **(Refer to Provo City Standard Details. Any**
495 **exceptions shall be approved by the City Engineer.)**

496 (8) Specifications for the design of street sub-base, base, hard surfacing, curb and gutters, sidewalks and the
497 treatment of drainage courses shall comply with standard specifications as adopted by the City and
498 administered by the City Engineer. All improvements within a public right-of-way shall conform to the standard
499 drawings and specifications approved by the Engineering ~~Department~~ **Division**.

500 (9) New street names shall not duplicate those already existing. A street, **that is** obviously a continuation of
501 another already in existence, shall bear the same name. The numerical system of street designations shall be
502 maintained and extended where possible. Streets that curve, loop, horseshoe or meander should be given an
503 alphabetical name. **(See Chapter 15.13 for Street Naming.)**

504 (10) Street signs shall be installed where required by the City Engineer. A **street sign** fee as shown on the
505 Consolidated Fee Schedule adopted by the Municipal Council shall be paid to the Engineering ~~Department~~
506 **Division** prior to final plat approval. The City shall assume the responsibility for installation and maintenance of
507 street signs once the fee has been paid.

508 (11) All public streets shall be dedicated for public use. The full ~~width~~ **right-of-way** of all streets (as described in
509 **Chapter 15.03.200(1)** above) within a development shall be dedicated and the roadway paved. Developments
510 on one (1) side only of the proposed local street shall include dedication of not less than thirty-five (35) feet of
511 the street right-of-way, ~~twenty-five (25)~~ **twenty-four (24)** feet of which shall be paved, **as approved by the City**
512 **Engineer**. Full width pavement for local streets shall be required when ADT exceeds two hundred fifty (250)
513 vehicles. Arterial and collector street dedication and pavement width shall be determined on a case-by-case
514 basis depending on projected traffic volumes for the proposed development.

515 (12) The arrangement of streets in new developments shall make provision for the continuation of the existing
516 streets in adjoining areas (or their proper projection where adjoining land is not subdivided) at the same or
517 greater width (but in no case less than the required minimum width).

518 (a) Public right-of-way connections shall be made in a manner that will provide safe and
519 convenient access to an existing or planned arterial/collector street, school, park, employment
520 center, commercial area, or similar neighborhood activity center. The connections may be
521 completed over time in phases as part of a required overall street plan.

522 (b) A public street connection shall be provided to any existing or approved public street right-of-
523 way stub abutting the development, unless it is demonstrated that a connection cannot be made
524 because of the existence of one (1) or more of the following conditions:

525 (i) Physical conditions that preclude development of a public street. Such conditions may
526 include, but are not limited to, topography, natural resource areas or primary and
527 secondary conservation areas such as wetlands, ponds, streams, channels, rivers or
528 lakes.

529 (ii) Buildings or other existing development on adjacent lands, including previously
530 subdivided but vacant lots or parcels, that physically preclude a connection now or in the
531 future.

532 (c) Public right-of-way shall be extended to adjacent undeveloped or partially developed
533 contiguous land (i.e., land that can be further divided by provisions of this Title) in locations
534 which will not prevent the adjoining property from developing consistent with applicable
535 standards, unless it is demonstrated that a connection cannot be made because of one (1) or
536 more of the following conditions:

537 (i) Physical conditions that preclude development of a public street. Such conditions may
538 include, but are not limited to, topography, natural resource areas or primary and
539 secondary conservation areas such as wetlands, ponds, streams, channels, rivers or
540 lakes.

541 (ii) Buildings or other existing development on adjacent lands, including previously
542 subdivided but vacant lots or parcels, that physically preclude a connection now or in the
543 future.

544 (d) Street alignments shall be selected that relate to the natural topography and other natural
545 conditions.

546 (13) Sidewalks shall be six (6) feet in width except where other widths are deemed appropriate by the City
547 Engineer and comply with the latest American Disabilities Act requirements. Planter strips of a minimum seven
548 (7) feet in width shall be used in all street cross sections except where not required by the City Engineer.

549 (14) A development with a single ~~point of street~~ access (ingress and egress), shall have a maximum ~~average~~
550 ~~daily vehicle trip volume~~ ADT not higher than two hundred fifty (250) ~~vehicle~~ trips. ~~Average daily traffic~~ ADT
551 shall be determined by trip generation rates obtained from the City Traffic Engineer. ~~A second street access~~
552 ~~shall be required for projects which exceed the designated trip rate.~~

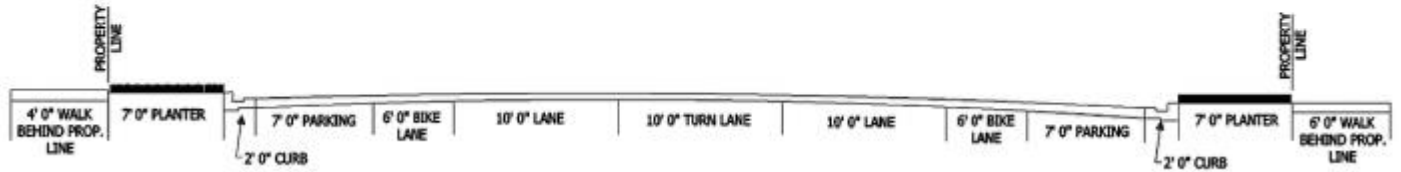
553 (15) Direct driveway access from residential property to collector and arterial streets ~~will~~ ~~shall~~ ~~generally~~ not be
554 permitted ~~unless approved by the City Engineer~~. Access to new residential development shall be provided by
555 local streets. A limited number of driveways to residential property abutting a collector or arterial may be
556 permitted when allowed by the Transportation Master Plan.

557 (16) ~~Refer to Figures 15.03.200(a), 15.03.200(b), and 15.03.200(c) at the end of this Chapter. For typical street~~
558 ~~cross-sections and other street details, refer to the Provo City Standard Details.~~ (R&R 1999-34, Am 2000-43, Am
559 2000-48, Am 2002-17, Am 2003-16, Am 2006-15)

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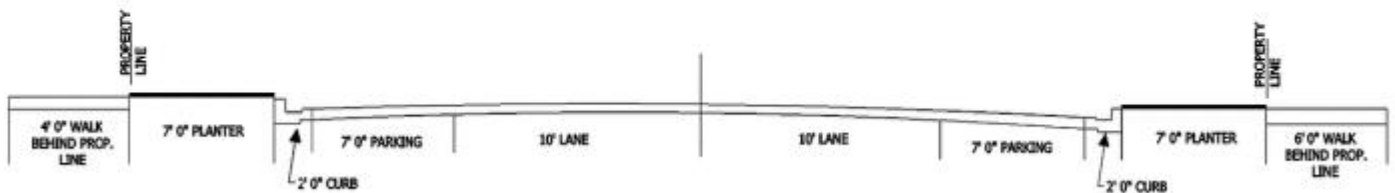
561 ~~Figure 15.03.200(a) Collector Street Standards~~

**COLLECTOR STREET
(72' RIGHT OF WAY--54' PAVEMENT MINIMUM)**



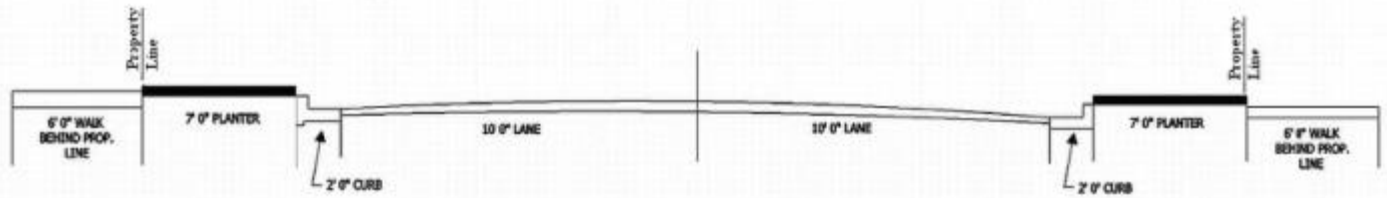
562 ~~Figure 15.03.200(b) Local Street Standards~~

**LOCAL STREET
(56' 0" RIGHT OF WAY--38' 0" PAVEMENT)**



564 ~~Figure 15.03.200(c) Public or Private Street Standards~~

**PUBLIC OR PRIVATE STREET
(50' 0" RIGHT OF WAY--32' 0" PAVEMENT)**



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~~REMOVE ABOVE CROSS-SECTIONS~~
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572 **15.03.205. Reimbursement for Street Improvements.**

573 Any person who expends funds to install street improvements (i.e., curb and gutter, sidewalk, asphalt or
574 concrete pavement, road base, sub-base, and geotextile fabric) associated with an approved development may
575 receive reimbursement of part of that expense as follows:

576 (1) The party installing the street improvements shall enter into a written reimbursement agreement with the
577 City prior to street improvements being installed.

578 (2) The amount of the reimbursement shall be limited to those improvements installed by the developer which:

579 (a) provide a direct benefit to property adjacent to said improvements, and

580 (b) are greater than the roughly proportional share of improvements needed to service the
581 development.

582 (3) If within ten (10) years from the date of the reimbursement agreement, a party develops property adjacent
583 to the street improvements described above, the developer who installed the street improvements shall at the
584 time of completion of the development receive a reimbursement from the City in the amount described in
585 Subsection (4) of this Section. The developer of property adjacent to previously installed street improvements
586 shall pay to the City the amount for said street improvements described in Subsection (4) of this Section. The
587 money paid by the developing party pursuant to this section is separate from and in addition to the payment of
588 any other street related fees. In no event shall the amount of reimbursement exceed the amount actually
589 collected by the City from the developer.

590 (4) The reimbursement payment for street improvements, ~~ie. curb and gutter, sidewalk and pavement (including~~
591 ~~asphalt, concrete, road base, sub-base and geotextile fabric)~~, shall be at the rate ~~of twelve fifteen dollars~~
592 ~~(\$125.00) per lineal foot of curb and gutter, fourteen twenty-four dollars (\$214.00) per lineal foot of sidewalk,~~
593 ~~and two three dollars (\$32.00) per square foot of pavement (including asphalt pavement, road base, sub-base,~~
594 ~~and geotextile fabric) per lineal foot of adjacent property frontage. If concrete pavement has been used for the~~
595 ~~street surface, an additional fee of six dollars (\$6.00) per square foot of pavement shall be required.~~ per lineal
596 foot of frontage as shown on the Consolidated Fee Schedule adopted by the Municipal Council. In addition,
597 Provo City shall collect an additional ~~administrative one dollar (\$1.00) fee per lineal foot of property frontage for~~
598 ~~administrative expenses~~ as shown in the Consolidated Fee Schedule.

599 (5) If Provo City installs street improvements at City expense, the City may receive reimbursement from
600 developing parties pursuant to this Section as though the City were a private party. The agreement described in
601 Subsection (1) of this Section shall not be required for reimbursement to the City.

602 (6) The reimbursement payment described in Subsection (3) of this section shall be paid to the City in its
603 entirety prior to final plat approval. The rate of reimbursement per frontage foot shall be that rate which is in
604 effect at the time of payment. (Enacted 2000-45, Am 2006-50)

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15.03.230. Pavement Cuts/Pavement Surface.

(1) No cuts shall be made in street pavement for at least one (1) year after hard surfacing has been installed unless approved by the City Engineer. The use of flowable backfill shall be used in the street cuts for any cuts before the year has expired.

(2) A one (1) inch surface course of all streets shall be provided within three (3) years after a development has been completed ~~or longer if the majority of the buildings within the development have not been constructed or as approved by the City Engineer.~~ The developer shall ~~pave two and one half (2 1/2) inches of asphalt on all local streets and three and one half (3 1/2) inches of asphalt on all collector or arterial streets when a development is constructed.~~ design and construct all roadways in accordance with Provo City Standards. ~~Wherever the street falls within a high water table area or as determined by the City Engineer, the developer shall place geotechnical fabric under the sub-base material (refer to Provo City Standards).~~ The developer shall provide the City with a fee, ~~as shown in the Consolidated Fee Schedule as adopted by the Municipal Council, in the appropriate amount~~ to pay for the one (1) inch surface course which will follow for each development. ~~The This~~ fee shall be placed into a fund and installation of the surface course shall be coordinated through the Provo City Engineering ~~Department Division~~ in conjunction with its yearly ~~street overlay maintenance~~ program. Fees for the surface course shall be determined by the Engineering ~~Department Division~~ based on its estimated cost for such work to be completed ~~within three (3) years following completion of the initial construction of the subdivision at a future date.~~ (R&R 1999-34, Am 2000-48)

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15.05.050. Procedure to Develop Real Property.

(1) It shall be unlawful to grade, ~~cut~~, fill, or excavate any land or to erect any structure without doing the following:

- (a) Obtaining the acknowledgment of the City Engineer that any letter report (a letter report is described in Section 15.05.080, Provo City Code) or geologic report (a geologic report is described in Section 15.05.090, Provo City Code) required by the City Engineer pursuant to this Chapter, has been received and meets the requirements of Section 15.05.070, Provo City Code. (The giving of this acknowledgment by the City Engineer shall not be an approval of or acquiescence to the content or conclusions of the letter report or geologic report. A letter report

638 or geologic report shall be considered part of the public record and may be copied by any
639 person.)

640 (b) Except as provided in Section 15.05.100, Provo City Code, by grading, **cutting**, filling, or
641 excavating land or erecting a structure only as described in the letter report or geologic report
642 which has been acknowledged by the City Engineer. (A proposal for which a letter report or a
643 geologic report is not required may be implemented as described in the proposal.)

644 (c) By executing and recording the restrictive covenant required by Section 15.05.140, Provo City
645 Code. (This Subsection does not apply if no letter report or geologic report is required.)

646 (2) Obtaining a grading permit from the City Engineer. Submittal of an acceptable erosion control and
647 revegetation plan shall be required before the grading permit is approved.

648 (3) In addition to the provisions of this Chapter, all grading, **cutting**, filling, or excavation of land or erection of
649 any structure shall comply with all other applicable provisions of these Ordinances.

650 (4) Those parts of any proposal to construct improvements such as roads, sewer lines, or water lines, or other
651 improvements which are intended to be placed in public ownership shall be subject to the approval of the City
652 Engineer.

653 (5) Those parts of any proposal to develop real property which jeopardizes the public's health, safety, or
654 welfare or significantly interferes with established long term development plans of Provo City shall be subject to
655 the approval of the City Engineer after consultation with the appropriate City department.

656 (6) No building permits shall be issued until the requirements of this Chapter are met. (R&R 1999-34, Am 2006-50)

657 **15.05.060. Preliminary Determination by City Engineer.**

658 All proposals to grade, **cut**, fill, or excavate land or to erect a structure for human habitation (sometimes
659 referred to herein as the "proposal") shall be referred to the City Engineer who shall make a preliminary
660 determination by reference to the maps and materials maintained in the City's Engineer's office if any of the
661 unsafe physical conditions described in Section 15.05.020, Provo City Code appear to exist in relation to the
662 real property which is included in the proposal. (R&R 1999-34, Am 2006-50)

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666 **15.05.090. Geologic Report.**

667 (1) A geologic report shall include maps and a report containing not less than the following information:

668 (a) The maps shall include:

669 (i) The site location and regional setting of the subject property. The 1992 map series
670 entitled: "Utah County Natural Hazards Overlay Zone," prepared by Robert Robison, shall
671 be used to reference the areas where specific hazard studies may need to be conducted.

672 (ii) A site specific geologic map which illustrates exposure to geological and natural
673 hazards identified in Section 15.05.020(11), Provo City Code, and the geotechnical
674 limitations identified in Section 15.05.020(12), Provo City Code. The map shall illustrate the
675 proposed site modifications relative to geological and natural hazards and/or geotechnical
676 limitations that may impact the site. Any corrective site modification actions necessary to
677 mitigate or avoid hazards or limitations shall be clearly identified on the map.

678 (iii) Maps shall use a scale of one (1) inch equaling one hundred (100) feet, with contour
679 lines at five (5) foot intervals. Existing contours shall be shown by dashed lines and
680 proposed contours shall be shown as solid lines. Boring logs, cross-sections, test trench
681 logs, soil sample descriptions, and test results shall be included.

682 (iv) The City Engineer may require additional maps or additional detail on existing maps as
683 reasonably necessary to evaluate actual or potential geologic hazards.

684 (b) The report shall be prepared in accordance with the guidelines established in the 1987 Utah
685 Geological and Mineral Survey Circular 79, authored by G.E. Christensen, entitled: "Suggested
686 Approaches to Geological Hazard Ordinances in Utah." The report shall include:

687 (i) a description of the proposed grading, **cutting**, filling, excavation, or structure;

688 (ii) an analysis of the effects of the proposed grading, **cutting**, filling, excavation, or
689 erection of a structure in relation to the geologic conditions shown in the geologic maps;

690 (iii) with regard to a structure, an analysis of the manner in which the same, as
691 constructed, will be made reasonably safe for human habitation;

692 (iv) any corrective or remedial action necessary to avoid a violation of Section 15.05.020
693 shall be described and analyzed in detail;

694 (v) a list, including title, author and date, of all prior studies or reports which are relied
695 upon to make this report; and

696 (vi) The City Engineer may require additional information or analysis which are reasonably
697 necessary to evaluate actual or potential geologic hazards. This includes submittal of
698 geologic reports to the State Geologist for review and comment.

699 (2) If the geologic report (maps and report) relates to land having a slope that exceeds ten percent (10%), the
700 development proposal described in the geologic report shall conform to the provisions of Section 15.05.160,

701 Provo City Code.

702 (3) In the case of a proposal to grade, fill, or excavate, which is not directly or indirectly related to a proposal to
703 erect a structure for human habitation, the City Engineer may waive compliance with any requirement of this
704 Section not relevant to the proposed grading, filling, or excavating. (R&R 1999-34, Am 2006-50)

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708 **15.05.120. Appeal from Decision of City Engineer.**

709 Any person dissatisfied with a decision of the City Engineer made under this Chapter, may appeal the same
710 within thirty (30) days thereof to the Board of Appeals created by the International Building Code, which Board
711 is by this Chapter authorized to hear appeals from decisions of the City Engineer, which Board shall affirm or
712 reverse, either in whole or in part. Any person dissatisfied with a decision of the Board of Appeals may appeal
713 that decision within thirty (30) days thereof to any court of competent jurisdiction for an administrative and not a
714 de novo review. (R&R 1999-34, Am 2006-50)

715 **15.05.130. Scope of Application.**

716 No subdivision or other development plat or plan shall be approved without compliance with the provisions of
717 this Chapter. Every proposal to grade, **cut**, fill, or excavate land, and every proposal to erect a structure for
718 human habitation shall be subject to this Chapter, including proposals related to land in subdivisions or any
719 other development plans which may have been approved prior to the adoption of this Ordinance. (R&R 1999-34)

720 **15.05.140. Restrictive Covenant Required.**

721 (1) If a letter report or a geologic report has been submitted to the City Engineer, no subdivision or other
722 development plat or plan shall be approved and no building permit shall be issued for construction of a
723 structure until the owner(s) of the subject real property have signed and delivered to Provo City a restrictive
724 covenant in a form suitable for recording containing not less than the following:

- 725 (a) a complete description of the geologic condition of the subject real property, including
726 references to relevant reports and studies;
- 727 (b) a description of the grading, **cutting**, filling, or excavating or erection of a structure for human
728 habitation approved in the letter report or geologic report which has been acknowledged by the
729 City Engineer, together with the requirements and restrictions imposed thereon; and
- 730 (c) a covenant and agreement enforceable by Provo City, adjoining landowners, and any
731 subsequent owner of the subject real property that only the grading, **cutting**, filling, or excavating
732 or erection of a structure in the acknowledged letter report or geologic report will be constructed
733 or maintained without further compliance with this Chapter, as it may be amended from time to
734 time. (R&R 1999-34)

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15.05.160. Hillside Development Standards.

(1) Grading.

(a) The provisions of this Section shall be in addition to the grading standards set forth in Section 15.030.035.

(b) Any land or parcel having a slope of greater than ten percent (10%) shall be deemed to be land having a "steep slope" within the meaning of this Chapter. No person shall be permitted to grade, cut, excavate, fill, or to erect any structure on undisturbed hillside areas that exceeds a slope greater than thirty percent (30%). Any person proposing to grade, cut, excavate, fill or to erect any structure on any slope or hillside with a slope between ten per cent (10%) and thirty per cent (30%) shall be required to submit a geologic report which meets the standards and requirements of this Chapter. A geologic report may not be required if a geologic report relating to the subject property has, at an earlier date, been accepted and approved by the City Engineer. An applicant may appeal the decision of the City Engineer through a request for Administrative Review.

(c) Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from an area outside the hillside area of Provo City.

(d) Cut and fill slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible. The City will not accept the dedication and maintenance of cut and fill slopes except those within the required street right-of-way. Where a cut or fill slope occurs between two (2) lots, the slope shall normally be made a part of the downhill lot. Cut and fill slopes shall not be allowed to disrupt existing drainage channels.

(e) Sections of the International Building Code regulating excavation and grading shall be complied with.

(f) Exceptions for grading hillside slopes which exceed thirty percent (30%) may be granted for the following:

- (i) Construction of public streets and utilities by Provo City to provide city infrastructure.

767 (ii) Maintenance and reconstruction of public and private utilities where
768 necessary.

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772 **15.11.010. Definitions.**

773 For purposes of this Chapter the following terms, phrases, words and their derivatives shall have the meanings
774 set forth in this Section, unless the context clearly indicates that another meaning is intended. Words used in
775 the present tense may include the future tense, words in the single number may include the plural number,
776 words in the plural number may include the singular. The words "shall" and "will" are mandatory, and "may" is
777 permissive. Words not defined shall be given their common and ordinary meaning.

778 "Applicant" means any person who makes application for a permit.

779 "Business" means any place in Provo City in which there is conducted or carried on principally or exclusively
780 any pursuit or occupation for the purpose of gaining a livelihood.

781 "City" means Provo City, Utah, a municipal corporation of the State of Utah.

782 "City Engineer" means the City Engineer or the City Engineer's designee.

783 "Emergency" means any unforeseen circumstances or occurrence, the existence of which constitutes an
784 immediate danger to persons or property, or which causes interruption of utility or public services.

785 "Engineering Regulations," "Regulations," "Specifications," and/or "Design Standards" mean the latest version
786 of the Engineering Regulations, specifications, design standards or criteria published or adopted by the City
787 Engineer.

788 "Failure" means a work site restoration which fails to meet City Engineer specifications, or which results in a
789 deteriorated or substandard condition within the duration of the warranty period. Failure may be settlement of
790 surfaces, deterioration of materials, or other surface irregularities. Measurement of failure shall be further
791 defined in the engineering regulations.

792 "Infrastructure Provider" means a person providing to another, for the purpose of providing telecommunication
793 services to customers, all or part of the necessary system which uses the right-of-way.

794 "Operator" means any person who provides service over a telecommunications or broadband Internet access
795 system and directly or through one (1) or more affiliates owns a controlling interest in such system, or who
796 otherwise controls or is responsible for the operation of such a system.

797 "Permittee" means any person which has been issued a permit and thereby has agreed to fulfill the
798 requirements of this Chapter.

799 "Person" means and includes any natural person, partnership, firm, association, provider, corporation,
800 company, organization, or entity of any kind.

801 "Pipe Driveway" means a driveway approach which uses a pipe or other means to bridge the gutter.

802 "Property Owner" means person or persons who have legal title to property and/or equitable interest in the
803 property, or the ranking official or agent of a company having legal title to property and/or equitable interest in
804 the property.

805 "Provider" means an operator, infrastructure provider, reseller, system lessee, or public utility company.
806 "Public Utility Company" means any company subject to the jurisdiction of the Utah State Public Service
807 Commission, or any mutual corporation providing gas, electricity, water, telephone, or other utility product or
808 services for use by the general public.

809 "Public Way" means and includes all public rights-of-way and easements, public footpaths, walkways and
810 sidewalks, public streets, public roads, public highways, public alleys, and public drainage ways. ~~It does not,~~
811 ~~however, include utility easements not within public ways of the City.~~

812 "Private Drain Line" means a pipe installed solely for the transmission of water collected or generated on
813 private property such as drainage, spring, or storm water, or condensate into the public drainage system.

814 "Reseller" refers to any person that provides service over a system for which a separate charge is made, where
815 that person does not own or lease the underlying system used for the transmission and does not install any
816 system in the rights-of-way.

817 "Resident" means the person or persons currently making their home at a particular dwelling.

818 "Storm Drain" means a dedicated pipe, conduit, water way, or ditch installed in a right-of-way or easement for
819 the transmission of storm and drainage water. This term does not include private drain lines.

820 "System Lessee" refers to any person that leases a system or a specific portion of a system to provide
821 services.

822 "Telecommunications System" or "System" means all conduits, manholes, poles, antennas, transceivers,
823 amplifiers and all other electronic devices, equipment, wire and appurtenances owned, leased, or used by a
824 provider located in the construction, ownership, operation, use or maintenance of a telecommunications or
825 broadband Internet access system.

826 "Work Site Restoration" means and includes the restoring of the original ground or paved hard surface area to
827 comply with engineering regulations, and includes but is not limited to repair, cleanup, backfilling, compaction,
828 and stabilization, paving and other work necessary to place the site in acceptable condition following the
829 conclusion of the work, or the expiration or revocation of the permit. (R&R 1999-34, R&R 2000-12, Am 2006-
830 50, Am [2013-14](#))
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835 **15.11.050. Permit Fees.**

836 (1) The City shall charge and a permittee shall pay upon issuance of a permit, fees for costs associated with
837 the work performed under the permit as provided in the Consolidated Fee Schedule adopted by the Municipal
838 Council. ~~for utility street cut fees. Such costs~~ Permit fees may include costs for reviewing the project and
839 issuing the permit, inspections of the project, deterioration of the public way or diminution of the useful life of
840 the public way, and other costs to the City associated with the work to be done under the permit. All costs shall
841 be assessed in a non-discriminatory manner.

842 (2) The City Engineer may waive permit fees or penalties or portion thereof provided for in this Chapter, when
843 the City Engineer determines that such permit fee or penalty:

844 (a) pertains to construction or rehabilitation of housing for persons whose income is below the median
845 income level for the City; or

846 (b) pertains to an encroachment on the public way involving a beautification project which furthers
847 specific goals and objectives set forth in the City's strategic plan, master plans, or other official
848 documents, including decorative street lighting, building facade lighting, flower and planter boxes, and
849 landscaping.

850 (c) will be paid by a City department, agency, or affiliated entity.

851 (3) Additional charges to cover the reasonable cost and expenses of any required engineering review,
852 inspection, and work site restoration associated with each undertaking may be charged by the City to each
853 permittee, in addition to the permit fee.

854 (4) The fees paid pursuant to this Chapter shall be set aside and dedicated to repaving, rehabilitating and
855 otherwise improving City streets, easements, roads, rights-of-way, and telecommunications facilities, including
856 providing funding to retain or otherwise employ a rights-of-way manager.

857 (5) The City Engineer shall charge ~~utility Construction cut Permit fees Fees~~ as shown on the Consolidated Fee
858 Schedule adopted by the Municipal Council.

859 (a) ~~When a street is scheduled for rehabilitation during the next year, no fee shall be required.~~

860 ~~(b) If work is done without a permit, a double fee shall be assessed stop order may be given and a fee~~
861 ~~will be assessed, which is four (4) times the total permit fee as per the Consolidated Fee Schedule as~~
862 ~~adopted by the Municipal Council.~~

863 (b) A Provo City approved ~~Flowable~~ flowable fill shall be required on all street ~~cuts unless the street is~~
864 ~~scheduled for rehabilitation~~ with trench widths of thirty (30) inches or less. (R&R 1999-34, R&R 2000-
865 12, Am 2006-15, Am 2006-50)

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869 **15.11.080. Compliance with Specifications, Standards and Traffic-Control Regulations -**
870 **Site Permittee Identification.**

871 (1) The work performed in a public way shall conform to the requirements of engineering regulations, design
872 standards, construction specifications and traffic control regulations of the City, copies of which shall be
873 available from the City Engineer, kept on file in the office of the City Recorder and be open to public inspection
874 during office hours.

875 (a) A Provo City approved ~~Flowable~~ flowable fill shall be required on all street ~~cuts unless the street is~~
876 ~~scheduled for rehabilitation within the next year~~ crossings unless other measures are accepted and
877 approved by the City Engineer.

878 (2) When a job site is left unattended before completion of the work, ~~signage with minimum two (2) inch high~~
879 ~~letters shall be attached to a barricade or otherwise posted at the site~~, traffic control signs and devices which
880 comply with the Manual on Uniform Traffic Control Devices (MUTCD) shall be left in place. In addition, a sign
881 with contact information, indicating the permittee's name, or company name, telephone number, and after
882 hours telephone number, shall be posted at the site.

883 (3) All excavations shall be conducted in a manner resulting in a minimum amount of interference or
884 interruption of street or pedestrian traffic. Inconvenience to residents and businesses fronting on a public way
885 shall be minimized. Suitable, adequate and sufficient barricades and/or other structures ~~will~~ shall be available
886 and used where necessary to prevent accidents involving property or persons. Barricades shall be in place until
887 all of the permittee's equipment ~~is~~ and materials are removed from the site ~~and the excavation has been~~
888 ~~backfilled and proper temporary gravel surface is in place, except where backfilling and resurfacing is to be~~
889 ~~done by the City; in which case the barricades, together with any necessary lights, flares or torches, must~~
890 ~~remain in place until the backfill work is actually commenced by the City.~~ and proper resurfacing is in place.
891 From sunset to sunrise, all barricades and excavations must be clearly outlined ~~by adequate signal lights,~~
892 ~~torches, etc~~ with approved traffic control devices. The City's Police Department and Fire Department shall be
893 notified at least twenty-four (24) hours in advance of any planned excavation requiring street closure or traffic
894 detour. (R&R 1999-34, R&R 2000-12)

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15.11.140. Bond - When Required, Conditions, Warranty.

(1) Except as noted in this Chapter, each applicant, before being issued a permit, shall provide the City with an acceptable security (this may include a corporate surety bond, cash bond or letter of credit, as determined by the City) in the amount of ten thousand dollars (\$10,000.00) to guarantee faithful performance of the work authorized by a permit granted pursuant to this Chapter. The amount of the security required may be increased or decreased at the discretion of the City Engineer whenever it appears that the amount and cost of the work to be performed, and not satisfactorily completed, may vary from the amount of security otherwise required under this Chapter. The form of the security and the entity issuing the security shall be subject to the approval of the City Attorney.

(2) Public utilities franchised by the City shall not be required to file any security if such requirement is expressly waived in the franchise documents.

(3) The security required by this Section shall be conditioned as follows:

(a) That the permittee shall fully comply with the requirements of the City ordinances and regulations, specifications and standards promulgated by the City relative to work in any public way, and respond to the City in damages for failure to conform therewith;

(b) That after work is commenced, the permittee shall proceed with diligence and expedition and shall promptly complete such work and restore the public way to construction specifications so as not to obstruct the public place or travel thereon more than is reasonably necessary;

(c) That the permittee shall guarantee the materials and workmanship for a period of two (2) years from completion of such work, with reasonable wear and tear excepted; and

(d) That unless authorized by the City Engineer on the permit, all paving, resurfacing or replacement of street facilities on ~~major arterial or~~ and collector streets shall be done in conformance with the regulations contained herein within three (3) calendar days, and ~~for local streets~~ within seven (7) calendar days from the time the excavation commences ~~on all other streets~~, except as provided for during excavation in winter or during weather conditions which do not allow paving according to engineering regulations. In winter, a temporary patch shall be provided. In all excavations, restoration or pavement surfaces shall be made immediately after backfilling is completed or concrete is cured. If work is expected to exceed the above duration, the permittee shall submit a detailed construction schedule for approval. The schedule will address means and methods to minimize traffic disruption and complete the construction as soon as reasonably possible. (R&R 1999-34, R&R 2000-12)

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931 **15.11.160. Work Without Permit - Penalty.**

932 (1) A stop order may be issued by the City Engineer directed to any person or persons doing or causing any
933 work to be done in the public way without a permit. The abutting property owner shall be responsible for
934 causing work to be done.

935 (2) Any person found to be doing work in a public way without having obtained a permit, as provided in this
936 Chapter, shall be required to pay a ~~permit penalty~~ fee equal to ~~two (2)~~ four (4) times the ~~normal total~~ permit fee.
937 For ~~replacement work, where a fee is not normally charged, the normal permit fee for new construction shall~~
938 ~~apply~~ work where a fee is not typically required, if a permit is not been obtained, a penalty fee will be assessed
939 as determined by the City Engineer. (R&R 1999-34, R&R 2000-12)

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941 PART II:

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943 A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this
944 ordinance shall prevail.

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

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

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

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955 END OF ORDINANCE.