

Ordinance 2017-50

SHORT TITLE:

An ordinance amending Provo City code to clarify minimum required submittals for project plan reviews. (17-0018OA)

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	✓		
CW 2	GEORGE STEWART	✓		
CD 1	GARY WINTERTON	✓		
CD 2	KIM SANTIAGO	✓		
CD 3	DAVID KNECHT	✓		
CD 4	KAY VAN BUREN	✓		
CD 5	DAVID HARDING	✓		
TOTALS		7	0	

This ordinance was passed by the Municipal Council of Provo City, on the 14th day of November 2017, on a roll call vote as described above. Signed this 22nd of November 2017.

David S. Sewell

Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 30 November 2017.

David S. Sewell

Mayor

Ordinance 2017-50

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 30th day of November 2017 , with a short summary being published on the 18th day of November 2017, 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 2017-50.



Amanda Grunbrack

City Recorder

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ORDINANCE 2017-50.

AN ORDINANCE AMENDING PROVO CITY CODE TO CLARIFY
MINIMUM REQUIRED SUBMITTALS FOR PROJECT PLAN REVIEWS.
CITY-WIDE IMPACT. (17-00180A)

WHEREAS, it is proposed to amend Provo City Code Sections 15.03.300 (Concept Plan Submittal Requirements), 15.03.310 (Final Project Plan Submittal Requirements), and 15.04.130 (Preliminary Subdivision Plan) to clarify minimum required submittals for Project Plan Reviews; and

WHEREAS, the current ordinance has an extensive list of items that “may” be required and to avoid confusion as to what is required this amendment provides further clarification; and

WHEREAS, on November 8, 2017, the Planning Commission held a duly noticed public hearing to consider this proposal, and after such hearing the Planning Commission recommended approval to the Municipal Council by a vote of 6:0; and

WHEREAS, on November 14, 2017, the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts are found in the meeting records; and

WHEREAS, after considering the Planning Commission recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Sections 15.03.300, 15.03.310, and 15.04.130 should be amended as set forth in Exhibit A, and (ii) this action 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:

Provo City Code Sections 15.03.300, 15.03.310, and 15.04.130 are hereby amended as set forth in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.

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D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.

EXHIBIT A

1 **15.03.300. Concept Plan Submittal Requirements.**

2 (1) Concurrent with any request to rezone or annex property, a concept plan application shall be
3 submitted to the Community Development Department.

4 (a) Any development plan that includes a subdivision shall comply with this Section and
5 Chapter 15.04, Provo City Code.

6 (2) A concept plan application shall vest, for purposes of Section 14.02.130, Provo City Code, when:

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

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

9 (c) The developer has submitted to the City a plan in an approved electronic format showing the
10 proposed development layout, drawn to scale, and the following information:

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

14 (ii) Proposed circulation pattern including private driveways, public and private streets,
15 pedestrian paths, location of parking spaces and ingress or egress.

16 (iii) ~~Parks, common open spaces, playgrounds, school sites, and other public or private
17 recreation facilities and improvements proposed within the proposed development.~~A

18 **conceptual integrated development plan meeting the requirements of Provo City Code Section
19 15.04.030.**

20 (iv) General location of all dwellings and other structures in the proposed development, and
21 an indication of proposed population densities and building densities (units per net acre).

22 (v) Preliminary elevations or perspectives of all building types proposed within the
23 development including floor plans.

24 (vi) An ~~workable~~ infrastructure plan for providing necessary streets, water, sewer, storm
25 drainage, and electrical distribution for the entire tract including the point from which said
26 services are to be extended.

27 (3) Based on the size, scope or complexity of the development proposal, staff may **require any other**

28 information necessary to ensure that the proposed project complies with applicable requirements of the
29 Provo City Code and standards and specifications adopted by the City. ~~any or all of the following~~
30 additional information in order to obtain concept plan approval:

- 31 ~~(a) A complete and accurate legal description of the property;~~
- 32 ~~(b) A preliminary title search showing legal ownership of the property. If the applicant is not the~~
33 ~~property owner, the applicant shall also provide written proof that the applicant has sufficient legal~~
34 ~~claim on the property, and each parcel therein, to proceed with development plans;~~
- 35 ~~(c) A grading plan of the entire site with contour intervals no greater than two (2) feet, and~~
36 ~~identifying natural slopes of thirty percent (30%) or greater;~~
- 37 ~~(d) A preliminary subdivision plat, if required by the City Engineer, meeting the requirements of~~
38 ~~Section 15.04.130, Provo City Code;~~
- 39 ~~(e) Landscaping plans showing the types and sizes of plants and materials to be used;~~
- 40 ~~(f) A draft of the covenants, conditions and restrictions;~~
- 41 ~~(g) A phasing plan with a construction timetable for all phases;~~
- 42 ~~(h) A preliminary traffic study as directed by the City Engineer;~~
- 43 ~~(i) Any other information that is deemed pertinent to the project.~~

44 (4) A final project plan, meeting the requirements of Section 15.03.310, Provo City Code, shall be
45 submitted within twelve (12) months of the Planning Commission approval of the concept plan. If a final
46 project plan is not submitted within the required time period, the City may initiate proceedings to rezone
47 the property back to the zone classification that existed on the property prior to the approval.

48 (5) If an applicant seeks to revise a concept plan, the new plan shall be subject to all new sections of the
49 Provo City Code and other new City ordinances in effect at that time.

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51 **15.03.310. Final Project Plan Submittal Requirements.**

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53 (1) No building or structure shall be erected or substantially altered and no nonstructural improvements
54 shall be made to open land unless a final project plan is approved by the Coordinator Review Committee.

54 (2) A final project plan application shall vest, for purposes of Section 14.02.130, Provo City Code, when:

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

56 (b) The developer has paid all application fees as evidenced by a receipt from the City; and
57 (c) The developer has submitted to the City a final project plan in an approved electronic format
58 including the following information:

59 (i) Detailed site plan, including:

- 60 (A) Dimensions of existing and proposed property lines;
- 61 (B) Distance from buildings to property lines;
- 62 (C) Square footage of existing and proposed structures;
- 63 (D) Use of existing and proposed structures;
- 64 (E) Trash storage container location, size, and how enclosed;
- 65 (F) Designations of common open spaces and special use areas;
- 66 (G) Proposed street, sidewalk and driveway layout;
- 67 (H) A tabulation of the total acreage of the site and the percentages thereof to be
68 designated for various uses (e.g., parking, buildings, open space, streets, etc.);
- 69 (I) Any dimensions or notations necessary to exhibit compliance with applicable
70 ordinances.

71 (ii) Parking plan information, including:

- 72 (A) Parking space analysis (proposed and required);
- 73 (B) Parking space dimensions, including back up area;
- 74 (C) Ingress and egress;
- 75 (D) Parking for persons with disabilities; and
- 76 (E) Location of supporting columns in structured parking;

77 (iii) Building design plan information, including:

- 78 (A) Exterior elevations of proposed buildings, indicating roofing materials, type of
79 construction, exterior materials and colors;
- 80 (B) Conceptual sign plans;
- 81 (C) Total square footage for all floors, including rough floor plans; and
- 82 (D) Note all existing buildings proposed for use or for demolition.

83 (iv) Detailed landscaping plans meeting the requirements of Section 15.20.050, Provo City

84 Code.

85 (v) Utility plan, including location and size of existing and proposed main lines and services.

86 (vi) Any information noted as required in the Provo City Public Works Department

87 Development Guidelines referenced in Provo City Code 15.03.020(3)(b)(ii).

88 (3) Based on the size, scope or complexity of the development staff may require any other information
89 required to ensure that the proposed project complies with applicable requirements of the Provo City
90 Code and standards and specifications adopted by the City. ~~the following additional information:~~

91 ~~(a) A certified survey of the property showing any survey conflicts with adjoining properties, any
92 discrepancies between the survey descriptions and existing fence lines, and any overlaps with
93 adjoining property descriptions;~~

94 ~~(b) Location of all fire hydrants within five hundred (500) feet or fire suppression methods;~~

95 ~~(c) Locations of existing and proposed easements or rights-of-way;~~

96 ~~(d) Location of power, telephone and cable facilities;~~

97 ~~(e) Proposed density for each phase;~~

98 ~~(f) An existing features site analysis plan including steep slopes, wetlands, watercourses, drainage
99 channels, one hundred (100) year floodplains, potential landslide areas, fault lines, rock fall areas,
100 woodlands, tree lines, open fields or meadows, scenic views, outcrops, roads, power lines and
101 trails;~~

102 ~~(g) Utility plan, including location and size of existing and proposed main lines and services;~~

103 ~~(h) Fully executed declaration of covenants, conditions, and restrictions, together with open space
104 easements and other bonds, guarantees, or agreements as required herein or as deemed
105 necessary by the Planning Commission and/or the City Attorney to meet the objectives of this
106 Chapter;~~

107 ~~(i) Subdivision plat, if required by the City Engineer, including all necessary information;~~

108 ~~(j) Traffic study;~~

109 ~~(k) Drainage plans and a storm water pollution prevention plan (SWPPP);~~

110 ~~(l) A grading plan of the entire site with contour intervals no greater than one (1) foot, and~~

111 ~~identifying natural slopes of thirty percent (30%) or greater, and identifying quantities of borrowed or~~

112 ~~excess material;~~
113 ~~(m) Proof of single ownership or control of the subject property by title report, deeds, etc.;~~
114 ~~(n) Market study or cost/benefit study;~~
115 ~~(o) Phasing plan and/or schedule for the completion of landscaping, parking, street improvements,~~
116 ~~and other improvements and amenities that are guaranteed by bonds or other securities; and~~
117 ~~(p) Any other information required to ensure that the proposed project complies with applicable~~
118 ~~requirements of the Provo City Code and standards and specifications adopted by the City.~~

119 (4) If during preparation and consideration of a final project plan any sensitive land area is encountered
120 that is not shown on the concept plan submitted under Section 15.03.300, Provo City Code, no
121 development shall be permitted within such area. In such cases, development that was shown on an
122 approved concept plan shall not be approved in any final project plan.

123 (5) Prior to consideration of a final project plan for any development of three (3) or more residential units
124 or any nonresidential project, the Design Review Committee shall review the project plan pursuant to
125 Sections 14.04A.020 and 14.34.280, Provo City Code.

126 **15.04.130. Preliminary Subdivision Plan.**

127 (1) A preliminary subdivision plan shall be furnished for all proposed developments consisting of three (3)
128 acres or greater or ten (10) lots or greater.

129 (2) A preliminary subdivision plan application shall vest, for purposes of Section 14.02.130, Provo City
130 Code, when:

- 131 (a) The developer has signed an application form and submitted it to the City;
- 132 (b) The developer has paid all application fees as evidenced by a receipt from the City; and
- 133 (c) The developer has submitted to the City a plan, in an approved electronic format, showing the
134 proposed development layout, drawn to scale, and the following information:

- 135 (i) ~~North point, scale and date;~~ A complete and accurate legal description;
- 136 (ii) The names and addresses of the property owner, developer, the engineer, and/or surveyor
137 of the development, and the owners of the land immediately adjoining the land to be
138 subdivided;
- 139 (iii) Proposed name of the development;

- 140 (iv) The location of the development as forming a part of the larger tract or parcel where the
141 plan submitted covers only a part of the developer's tract;
- 142 (v) A conceptual integrated development plan meeting the requirements of Section 15.04.030,
143 Provo City Code;
- 144 (vi) A preliminary infrastructure plan for providing necessary streets, water, sewer, storm
145 drainage, and electrical distribution for the entire tract including the point from which said
146 services are to be extended;
- 147 (vii) A summary indicating the total area within the development, total area and dimensions of
148 each lot, and proposed net density of the development.

149 (viii) Any information noted as required in the Provo City Public Works Department
150 Development Guidelines referenced in Provo City Code 15.03.020(3)(b)(ii).

151 (3) Based on the size, scope or complexity of the development proposal, staff may require any other
152 information required to ensure that the proposed project complies with applicable requirements of the
153 Provo City Code and standards and specifications adopted by the City. ~~or all of the following additional~~
154 ~~information in order to obtain preliminary subdivision plan approval:~~

155 ~~(a) The legal description, and information sufficient to accurately locate property shown on the plan,~~
156 ~~with reference to survey markers, monuments, or section corners;~~

157 ~~(b) The location, width and other dimensions of existing and/or proposed streets, lots, buildings,~~
158 ~~alleys, easements, parks and other open spaces (primary and secondary conservation areas) with~~
159 ~~proper labeling of spaces to be dedicated to the public;~~

160 ~~(c) All wetlands and/or subsurface drainage systems;~~

161 ~~(d) Preliminary grading plans showing areas of proposed cut and fill including:~~

162 ~~(i) Existing and proposed contours;~~

163 ~~(ii) Identify natural slopes of thirty percent (30%) or greater;~~

164 ~~(iii) Quantities of borrowed or excess material;~~

165 ~~(e) A vegetation plan showing existing vegetation to remain and the size, type and location of~~
166 ~~vegetation to be replaced;~~

167 ~~(f) A storm water pollution prevention plan;~~

- 168 ~~(g) Letter of agreement from the owner of any irrigation ditch, canal or other such waterway passing~~
169 ~~through the proposed development;~~
- 170 ~~(h) Estimated total peak water demand on the City water system expressed in gallons per day and~~
171 ~~estimated peak hourly demand with fire flow requirements shown in gallons per minute;~~
- 172 ~~(i) Estimated total peak sewer flow to be treated by the City treatment facilities expressed in gallons~~
173 ~~per day;~~
- 174 ~~(j) Estimated maximum flow (one hundred (100) year storm) through any natural courses lying~~
175 ~~within the area to be developed;~~
- 176 ~~(k) A utility maintenance agreement for all private utility systems; and~~
- 177 ~~(l) Any other information that is deemed pertinent to the project.~~

178 (4) A final subdivision plan, meeting the requirements of Section 15.04.140, Provo City Code, shall be
179 submitted within twelve (12) months of the Planning Commission approval of the preliminary subdivision
180 plan. If a final subdivision plan is not submitted within the required time period, the City may initiate
181 proceedings to rezone the property back to the zone classification that existed on the property prior to the
182 approval.

183 (5) If an applicant seeks to revise a preliminary subdivision plan, the new plan shall be subject to all new
184 sections of the Provo City Code and other new City ordinances in effect at that time.