

ORDINANCE #25-2026

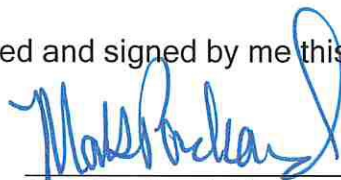
SHORT TITLE: AN ORDINANCE AMENDING SPRINGVILLE DEVELOPMENT CODE TITLE 11 AND SUBDIVISION REGULATIONS AND TITLE 14 TO REFLECT RECODIFICATION OF UTAH STATE CODE LAND USE AND DEVELOPMENT MANAGEMENT ACT TITLE 10 CHAPTER 20, UCA.

PASSAGE BY THE SPRINGVILLE CITY COUNCIL
ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
Karen Ellingson			✓		
Logan Millsap			✓		
Jake Smith		✓	✓		
Mike Snelson	✓		✓		
Mindi Wright					Absent
	TOTALS		4	—	1

This ordinance was passed by the City Council of Springville, Utah, on a roll call vote as described above on August 04, 2026.

Approved and signed by me this 04th day of August 2026



Matt Packard, Mayor

CITY RECORDER'S CERTIFICATE AND ATTESTATION

This ordinance was recorded in the office of the Springville City Recorder on the day of the 04th of August 2026, with a summary being posted to the Utah Public Notice Website, and according to UCA 10-3-711. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance #25-2026.



Signed this 04th day of August, 2026



Kim Crane, City Recorder

ORDINANCE #25-2026

AN ORDINANCE AMENDING SPRINGVILLE DEVELOPMENT CODE TITLE 11 AND SUBDIVISION REGULATIONS AND TITLE 14 TO REFLECT RECODIFICATION OF UTAH STATE CODE LAND USE AND DEVELOPMENT MANAGEMENT ACT TITLE 10 CHAPTER 20, UCA.

Be it ordained by the City Council of Springville, Utah:

WHEREAS, Springville City may amend such provisions of City Code to comply with changes in the Utah State Code and to ensure consistency between the City Code and Utah State Code; and

WHEREAS, the State of Utah recodified the Land Use Development and Management Act, known as LUDMA, in 2025; and

WHEREAS, LUDMA governs land use, development, and subdivision regulations for municipalities in the State of Utah; and

WHEREAS, Titles 11 and 14 of Springville City Code make reference to code sections of LUDMA; and

WHEREAS, in accordance with Utah State Code 10-3-702.1, the Mayor and City Council have considered the impact the proposed ordinance may have on family health, stability, and formation;

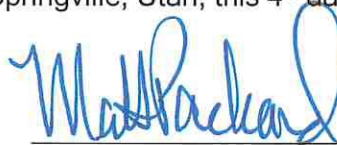
NOW, THEREFORE, BE IT ORDAINED by the City Council of Springville, Utah:

SECTION 1: Titles 11 and 14 of Springville City Code are hereby amended to read as shown in Exhibit A

SECTION 2: This ordinance will become effective one day after publication hereof in the manner required by law.

SECTION 3: This ordinance shall become effective upon adoption by the Springville City Council and publication as required by law.

ADOPTED by the City Council of Springville, Utah, this 4th day of August, 2026.



Matt Packard, Mayor



ATTEST:



Kim Crane, City Recorder

Exhibit A

Titles 11 and 14 of Springville City Code Red Lines

Title 11

DEVELOPMENT CODE

CHAPTER 2

MUNICIPAL PLANNING

Article 1 – GENERAL PLAN AND STREET MAP

11-2-101 General Plan.

In order to accomplish the purposes set forth in this Title and in accordance with the Utah State Municipal Land Use, Development, and Management Act, Section ~~10-9a-4~~, 10-20-4 Utah Code Annotated 1953, the City shall prepare and adopt a comprehensive, long-range General Plan.

Article 3 – BOARD OF ADJUSTMENT AS THE ADMINISTRATIVE LAND USE APPEAL AUTHORITY

11-2-305 Appeals to the Board.

(1) Appeal may be made to the Board of Adjustment by any applicant, other person or entity adversely affected by a decision administering or interpreting the Zoning Ordinance.

(a) The appeal shall be made within ten (10) business days of the action of decision being appealed from by filing a written notice of appeal to the Board of Adjustment with the Community Development Department. The notice shall be submitted with an application or other completed forms provided by the City, and the appellant shall pay a fee in an amount established by resolution of the City Council.

(b) If an appeal is not filed within ten (10) business days, the applicant waives their right to appeal.

(c) Any officer, department, board, or bureau of the City affected by the grant or refusal of a building permit or by any other decisions of the administrative officer in the administration or interpretation of the Zoning Ordinance may appeal any decision of the Board of Adjustment.

(d) The notice of appeal shall specify the grounds for the appeal and associated circumstances. The notice shall allege that there is error in any order, requirements, decision or determination made by an official or officials in the administration or interpretation of the Zoning Ordinance.

(e) The person or entity making the appeal shall have the burden of proving that an error has been made.

(f) All papers constituting the record upon which the action appealed from was made shall be transmitted to the Board of Adjustment.

(g) The Board of Adjustment shall set a hearing of the appeal within a reasonable time from the date the appeal is received. Public notice of the hearing shall be given and the applicant shall be noticed by first class mail at least five (5) days prior to the date of the hearing.

(h) After hearing the appeal, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as the Board determines is correct.

(i) The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Board of Adjustment. Said stay shall exist unless the Planning Commission or Community Development Director certifies to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, the stay would cause imminent peril to life or

property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by District Court on application, notice and due cause shown.

(2) Limitations of Board's Powers – The Board of Adjustment may only make decisions applying the Springville City Zoning Ordinance, requests for variances from the term of land use ordinances and appeals from a fee charged by the City in accordance with Section ~~10-9a-510~~ 10-20-910, Utah Code Annotated 1953. Appeals may not be made and the Board of Adjustment may not consider any Zoning Ordinance amendments, nor any waiver or modifications to the terms or requirements of the Zoning Ordinance.

CHAPTER 5

OVERLAY DISTRICT REGULATIONS

Article 8 – TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) OVERLAY ZONE

11-5-803 TND Overlay Zone Application.

(1) Development Agreement. When a property is zoned with the TND Overlay Zone, the TND Overlay Zone shall not change the underlying zone and become effective until the property owner and City have entered into a development agreement that outlines how the requirements of the TND Overlay Zone apply within the special planning area. The development agreement must include, without limitation, the following:

- (a) An adopted new neighborhood plan;
- (b) A term that does not exceed five (5) years or the minimum number of years allowed by the Utah Municipal Land Use, Development and Management Act, whichever number is lower;
- (c) A provision that allows both parties to choose in writing whether to continue the initial term of the agreement and allow the new neighborhood plan to continue;
- (d) A statement that the developer is not vested in the neighborhood plan and the City Council may change the neighborhood plan at any time after its adoption in order to make appropriate changes to meet the interests of the City as development happens;
- (e) A statement that all Springville City land use regulations apply to the special planning area that are not revised by the new neighborhood plan; and
- (f) An agreement by the developer to abide by all design standards, as required by Section ~~10-9a-534~~ 10-20-618, Utah Code Annotated 1953, and any other Utah Code sections; and
- (g) A timeline for when the developer shall construct and install the civic space, along with penalties for not installing the civic space in accordance with the timeline.

(2) Minimum Area of Zone. The TND Overlay Zone may be applied to any size of development areas.

(3) New Neighborhood Plan.

- (a) No development entitlement exists under the TND Overlay Zone until the adoption of a new neighborhood plan that meets the requirements of this Article.
- (b) The new neighborhood plan shall include those regulations for the development that supplement Springville City's land use regulations for the special planning area.
- (c) All of Springville City's land use regulations that are not revised by the new neighborhood plan shall remain in effect for the special planning area.

(d) A developer is not vested indefinitely in the new neighborhood plan once it is adopted. The City Council may still revise the new neighborhood plan to meet the interests of the City, and the developer shall be required to follow any revisions of the new neighborhood plan.

CHAPTER 6

SUPPLEMENTARY REGULATIONS

Article 1 – PROVISIONS APPLYING TO ALL DISTRICTS

11-6-131 Residential Facilities for Persons with a Disability.

(1) Applicability. This Section shall govern any facility, residence, or other circumstance that constitutes a residential facility for persons with a disability as defined in this Title. The requirements of this Section shall govern and control any contrary provisions of this Code.

(2) Purpose. The purpose of this Chapter is to comply with Sections ~~10-9a-516~~ 10-20-610 and ~~10-9a-520~~, Utah Code Annotated 1953, and avoid discrimination in housing against persons with disabilities as provided in the Utah Fair Housing Act and the Federal Fair Housing Act, as amended, as interpreted by the courts having jurisdiction over Springville City.

(3) Requirements. Subject to the provisions of this Section, and notwithstanding any contrary provision of this Title, a residential facility for persons with a disability shall be a permitted use in any zone where similar residential dwellings that are not residential facilities for persons with a disability are allowed. Each residential facility for persons with a disability shall conform to the following requirements:

(a) The facility shall comply with all applicable building, safety and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable State core standards and licensing requirements, and any standards set forth in any applicable contract with a State agency. The facility shall also comply with the City's land use ordinances applicable to single-family dwellings for the zone in which it is to be located, except as may be modified pursuant to this Chapter.

(b) The following site development standards and parking standards shall be applicable:

(i) Each facility shall be subject to the same minimum site development standards applicable to a dwelling unit in the zone in which the facility is located;

(ii) The minimum number of parking spaces required for the facility shall be the same as the number required for a dwelling with similar occupancy density in the same zone.

(c) No facility shall be made available to an individual whose tenancy would constitute a direct threat or health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the threat or risk to property can be eliminated or significantly reduced by reasonable accommodation.

(d) Prior to occupancy of the facility, the person or entity licensed or certified by the Utah Department of Human Services or the Utah Department of Health to establish and operate the facility shall:

(i) Provide a certified copy of all such required licenses to the City Recorder;

(ii) Obtain a City business license, if required under applicable provisions of this Code;

(iii) Certify, in a sworn affidavit, compliance with the Americans with Disabilities Act; and

(iv) Certify, in a sworn affidavit submitted with the application, that no person will be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions have

demonstrated that such person is or may be a substantial risk or direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions have resulted in or may result in substantial physical damage to the property of others. Such affidavit shall be supplemented and updated not less than one hundred fifty (150) days nor more than one hundred ninety (190) days after the date of issuance or renewal of the business license, and at the time of the application for renewal of the business license.

- (e) The use permitted by this Section is nontransferable and shall terminate if:
 - (i) A facility is devoted to or used as other than a residential facility for persons with a disability;
 - (ii) The license or certification issued by the Utah Department of Human Services, Utah Department of Health or any other applicable agency terminates or is revoked; or
 - (iii) The facility fails to comply with the conditions set forth in this Section.
 - (f) No residential facility for persons with a disability shall exceed eight (8) residents.
 - (g) Each residential facility for persons with a disability shall obtain permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zoning area to similar uses that are not residential facilities for persons with a disability.
- (4) "Reasonable accommodation" means a change in any rule, policy, practice, or service necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. The following words have the following definitions:
- (a) "Reasonable" means that a requested accommodation will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.
 - (b) "Necessary" means that the applicant must show that, but for the accommodation, one (1) or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
 - (c) "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.
- (5) Request for Accommodation. None of the requirements of this Section shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability; provided, however, that an accommodation cannot be granted to waive a material zoning requirement (such as lot coverage, parking, setback or height standards), as reasonably determined by the Community Development Director.
- (a) Any person or entity wanting a reasonable accommodation shall make application therefor to the Community Development Director. Such application shall specifically articulate, in writing, the following:
 - (i) The name, mailing address, and phone number of the applicant;
 - (ii) The nature and extent of the disability;
 - (iii) An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;
 - (iv) The applicant's proposed reasonable accommodation;
 - (v) A statement detailing why such reasonable accommodation is necessary; and
 - (vi) The physical address of the property where the applicant requests the reasonable accommodation.

(b) When considering whether or not to grant a reasonable accommodation, the Community Development Director shall, as applicable, in consultation with the City Administrator and the City Attorney, consider the following factors, among others deemed appropriate and applicable:

- (i) The zoning ordinance applicable to the property;
- (ii) The anticipated parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;
- (iii) The extent to which the accommodation will or will not benefit the persons with a disability;
- (iv) Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the users' lives or ameliorate the effects of the users' disability(ies);
- (v) Whether or not, without the accommodation, similar housing is available in the City for the applicant or group of applicants;
- (vi) The anticipated impact of the requested accommodation on the immediate neighborhood; and
- (vii) The requirements of applicable Federal and State laws and regulations.

(c) A written decision shall be sent to the applicant within sixty (60) days after the application.

(6) Appeal. If a request for a reasonable accommodation is denied, such decision may be appealed to the Board of Adjustment within ten (10) days after such denial.

Article 3 – SIGN REGULATIONS

11-6-314 Nonconforming Signs.

(1) Purpose and Intent – In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy current standards of this Chapter, the City intends to apply firm regulation of existing nonconforming signs with a view to their eventual elimination. This goal shall be achieved by strictly construing limits on change, expansion, alteration, abandonment and restoration of nonconforming signs.

(2) Alterations – Excluding normal maintenance and minor repair, a nonconforming sign shall not be reconstructed, raised, moved, replaced, extended, altered or enlarged unless the changes are specifically in accordance with sections of State law that supersede this Article.

(3) Exemptions – The following alterations shall be exempt from the provisions of this subsection:

- (a) Face changes in a nonconforming sign;
- (b) Copy changes in a nonconforming permanent sign which was originally approved to accommodate changeable copy features; and
- (c) Maintaining or lessening height, width or sign area of a nonconforming sign.

(4) Billboards – The provisions of this Section shall not apply to billboards; however, existing, nonconforming billboards located in Sign District E may be raised to a maximum height of thirty-five feet (35') and changed to electronic message signs. Billboards in all other sign districts shall not be raised in height nor changed to electronic message signs. If State law allows billboard owners to make changes to their billboards differently than what is allowed in this subsection, State law will be followed. Nonconforming billboards shall be terminated in accordance with the provisions of Section ~~10-9a-512~~ 10-20-607, Utah Code Annotated 1953, as amended. In the event that such provisions are repealed, nonconforming billboards shall be subject to the provisions of this Article.

(5) Special Exceptions – Upon application by the sign or business owner, the Board of Adjustment may grant a special exception to allow retention or relocation on the property of a nonconforming sign; provided, that the Board determines that:

- (a) The proposed change to the nonconforming sign is determined to be an acceptable and appropriate alternative to the current standards and ordinances;
- (b) The action will not impose a burden on other property in the City beyond that posed by a conforming sign;
- (c) Approval will provide a forum for free expression or other benefits to the public; and
- (d) Signs located on buildings listed on the National Register of Historic Places are significant to the character of the building.

Unfair competitive disadvantage of businesses in the City whose signs do comply with this Article is not to be construed as a burden to be considered by the Board of Adjustment. Purely economic factors, such as expense of removing or altering a nonconforming sign or of purchasing a conforming sign shall not be considered as a reason for granting a special exception by the Board. The Board may impose reasonable requirements with which the petitioner must comply as a condition of approval of a special exception.

Article 6 – FLOOD DAMAGE PREVENTION ORDINANCE

11-6-625 Appeals and Variances.

(1) The Board of Adjustments shall hear and render a decision on appeals after a floodplain development permit has been denied and on requests for variances from the requirements of this Article.

(2) Appeals. The Board of Adjustment shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement of administration of this Article. All appeals of a decision made by the Floodplain Administrator shall follow the Board of Adjustment appeal process found in Section 11-2-305.

(3) Variances.

(a) Variances may be issued by the Board of Adjustment for new construction, substantial improvements and for other development necessary for the conduct of functionally dependent uses; provided, that:

- (i) The criteria outlined in this Section are met; and
- (ii) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(b) General Variance Provisions.

(i) Variances shall not be issued to reduce the freeboard requirements in this Article for residential and nonresidential structures.

(ii) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the development meets the listed requirements for a variance. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

(iii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(iv) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. The term "substantial improvement" does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

(c) Requirements for a Variance to Be Granted.

(i) All variances must meet the requirements for a variance listed under Section ~~10-9a-702~~ 10-20-1102 of the Utah Code Annotated.

(ii) In addition to the requirements under Section ~~10-9a-702~~ 10-20-1102 of the Utah Code Annotated, variances shall only be issued upon a determination that:

(A) A determination that failure to grant the variance would result in "unreasonable hardship" to the applicant, as that term is defined under Section ~~10-9a-702~~ 10-20-1102 of the Utah Code Annotated;

(B) The variance is the minimum necessary, considering the flood hazard, to afford relief; and

(C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with existing local laws or ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders' health and welfare.

(d) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Upon consideration of the factors noted above and the intent of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article.

(4) Records. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to FEMA and the Utah Division of Water Rights – Stream Alteration Program or any other applicable State agency upon issuing a variance.

(5) Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision to the District Court as allowed under Section ~~10-9a-801~~ 10-20-1109 of the Utah Code Annotated.

CHAPTER 7

ADMINISTRATION

Article 1 – AMENDMENTS TO TITLE AND ZONE MAP

11-7-102 Procedure for Amendments.

(1) All proposed amendments to Title 11 or to the Official Zone Map shall be submitted first to the Planning Commission for its recommendations, which recommendations shall be submitted to the City Council for its consideration.

(2) Any person seeking an amendment to those Chapters or to the Official Zone Map shall submit to the Planning Commission a written petition designating the change desired and the reasons therefor and shall pay a filing fee in the amount set forth by a resolution of the City Council. All petitions for a zoning change shall include a vicinity map, drawn to scale and showing the names and addresses of the owners of adjacent property, and a legal

description of the property for which the change is sought. The fee required herein shall not be returned to the applicant. The Planning Commission may also initiate amendments to this Title or to the Official Zone Map by recommendation of such amendments to the City Council.

(3) Upon receipt of the completed petition, the Planning Commission shall schedule and hold a public hearing to consider the request and shall certify its recommendation to the City Council with respect thereto.

(a) The Planning Commission shall provide reasonable notice of the public hearing in accordance with Section ~~10-9a-205~~, 10-20-205 Utah Code Annotated 1953, as amended.

(4) The City Council shall consider the recommendation of the Planning Commission and any written objection filed in accordance with Section ~~10-9a-205(4)~~, 10-20-205 (4) Utah Code Annotated 1953, as amended, of the proposed amendments to Title 11 or the Official Zone Map after providing notice for a public meeting. The City Council may:

- (a) Adopt the proposed amendment to Title 11 or the Official Zone Map;
- (b) Amend and adopt the proposed amendment to Title 11 or the Official Zone Map; or
- (c) Reject the proposed amendment to Title 11 or the Official Zone Map.

TITLE 14
SUBDIVISION REGULATIONS

CHAPTER 1
GENERAL PROVISIONS

Article 1 GENERAL PROVISIONS

14-1-105 Authority.

In accordance with Section ~~10-9a-108~~, 10-20-801 Utah Code Annotated 1953 and by authority of the Springville City Code, the City Council exercises the power and authority to establish subdivision regulations.

14-1-106 Jurisdiction.

- (1) These regulations apply to all subdivision of land or subdivision of real property as defined in Section 14-1-202 located within any portion of the corporate limits of Springville City as provided by Section ~~10-9a-801(1)(a)~~, 10-20-801(1)(a) Utah Code Annotated 1953.
- (2) No real property, whether wholly or partially within the corporate limits of Springville City, shall be considered legally subdivided unless and until the applicant has completed the procedure for subdivision approval as defined in Chapters 2 and 3 of this Title. This includes preliminary plan approval, and final plat approval and recordation and filing of the plat with the Utah County Recorder's Office.
- (3) No owner or agent of any parcel of land may transfer, sell or otherwise exchange any subdivided real property unless and until the proposed subdivision has been approved by the City Council and filed in the Office of the Utah County Recorder. The subdivision of any lot or parcel of land by the use of metes and bounds descriptions for the purpose of sale, transfer or lease with the intent of evading these regulations shall not be permitted. The City may approve metes and bounds descriptions for the purposes of minor subdivisions, lot line adjustments and resolving conflicting boundary descriptions.
- (4) All lots, parcels, sites, plots, units or other divisions of real property created by subdivision shall comply with the City's lot size, lot width and buildable area requirements and shall abut on a public street.
- (5) A building permit or certificate of occupancy may only be issued for real property which was legally subdivided or existed as a lot of record prior to the adoption of subdivision regulations.
- (6) The excavation of land or construction of any public or private improvements must conform to the applicable City regulations.
- (7) A proposed subdivision that makes an existing structure illegal as to current setback and other relevant City ordinances shall not be allowed.

CHAPTER 2
SUBDIVISION APPLICATION AND APPROVAL PROCESS FOR SINGLE-FAMILY, TWO (2) FAMILY
AND TOWNHOME DWELLINGS ONLY

Article 1 GENERAL SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS FOR
SINGLE-FAMILY, TWO (2) FAMILY AND TOWNHOME DWELLINGS ONLY

14-2-108 Specific Review Cycle Process for Review of Preliminary and Final Applications.

Springville City requires the following review cycles with no more than four (4) in total permitted for final application:

(1) Preliminary Plan.

(a) Purpose and Application. The purpose of the preliminary plan is to prepare a complete and detailed set of subdivision plans that meets the requirements detailed in the Residential Subdivision Preliminary Plan Checklist and Application as adopted by the City Council.

(b) Submission and Determination of Completeness. The Community Development Department shall review the preliminary plan to determine the completeness of the application. All information required in the application along with all required application fees shall be provided prior to scheduling the item for the Development Review Committee (DRC).

(c) Determination of Completeness. The preliminary plan shall be reviewed by the Community Development Department to determine the completeness of the application. An incomplete application shall not be accepted. Completed applications shall be forwarded to members of the Development Review Committee.

(d) DRC Review. The DRC shall review all applications to determine conformance with all applicable City ordinances and standards. If the preliminary plan is determined to meet City ordinances and standards, the DRC will forward the application to the administrative land use authority. Otherwise, the application will be returned to the applicant for appropriate modification. The application should not proceed to the administrative land use authority if it does not meet the requirements of City ordinances and standards as listed in the Subdivision Preliminary Plan Checklist as adopted by the City Council. However, the DRC may forward applications to the Planning Commission subject to variances, waivers, modifications or amendments being made by the appropriate body.

(e) Upon review by the DRC and determination that the item shall be considered by the administrative land use authority, the item shall be noticed in compliance with Title 52, Chapter 4, Part 102, Utah Code Annotated 1953.

(2) Subject to subsection (2)(a) of this Section, unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts infrastructure needed for the specific development, a change or correction not addressed or referenced in plan review is waived.

(a) A modification or correction necessary to protect public health and safety or to enforce a state of federal law may not be waived.

(3) If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material changes substantively effects.

(4) If an applicant does not submit a revised plan within twenty (20) business days after the notice of a required modification or correction, the City shall have an additional twenty (20) business days to respond to the plans.

(5) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the City's previous review cycle, the City may not require additional revisions if the

applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(6) (a) In addition to the revised plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons or declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle by the City may not begin until all comments are addressed.

(7) If on the fourth or final review the City fails to respond within twenty (20) business days, the City shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:

(a) For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Section ~~10-9a-508(5)(d)~~ 10-20-911(5)(d) et seq., Utah Code Annotated 1953, to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the City, the panel shall consist of the following three (3) experts:

(i) One (1) licensed engineer designated by the City;

(ii) One (1) licensed engineer designated by the land use applicant; and

(iii) One (1) licensed engineer, agreed upon and designated by the two (2) designated engineers as appointed in subsections (7)(a)(i) and (7)(a)(ii) of this Section;

(b) A member of the panel assembled by the City under subsection (7)(a) of this Section may not have an interest in the application that is the subject of the appeal;

(c) The land use applicant shall pay:

(i) Fifty percent (50%) of the cost of the panel; and

(ii) The City-published appeal fee; or

(d) For a dispute arising from the residential subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the Board of Adjustment.

(8) Amendments to Preliminary Plans. At any time after preliminary plan approval and before submission of a final plat, the applicant may request that an amendment be made in the approval of the preliminary plat. The Community Development Department may agree to proposed amendments. Consideration of amendments will be limited to the proposed amendment. The administrative land use authority may approve or disapprove the proposed amendment and may make any modifications in the terms and conditions of preliminary plan approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the administrative land use authority, the applicant may withdraw the proposed amendment. No more than two (2) amended plans, whether major or minor, may be proposed for any approved preliminary plan.

(9) Effective Period of Preliminary Approval.

(a) Nonphased Subdivisions. The approval of a preliminary plan application shall be effective for a period of one (1) year from the time that approval is granted. The effective period of preliminary approval may be extended for more than a year when a final plat for the subdivision is submitted prior to one (1) year, but only for the amount of time that the final plat is under review. If a final plat is not approved or if the approval of the

final plat expires prior to recording the subdivision, the preliminary plan also expires, unless the preliminary plan approval was less than one (1) year prior to the action on the final plat.

(b) Phased Subdivisions. The approval of a preliminary plan application shall be effective for a period of one (1) year from the time that approval is granted.

First Phase. The effective period of preliminary approval may be extended for more than a year when a final plat for the first phase of the subdivision is submitted prior to one (1) year from the original preliminary plan approval, but only for the amount of time that the final plat is under review. If the final plat for the first phase is not approved or if the approval of the final plat expires prior to recording the subdivision, the preliminary plan also expires, unless the preliminary plan approval was less than one (1) year prior to the action on the final plat for the first phase.

Subsequent Phases (After the First Phase). The effective period of preliminary approval may further be extended when a final plat for any subsequent phase of the subdivision is submitted prior to one (1) year of the recording of the most previous phase of the subdivision and for the time that the final plat of the most recent phase is under consideration. If the final plat for the most recent phase is not approved or if the approval of the final plat expires prior to recording the most recent phase of the subdivision, the preliminary plan for the remainder of the unrecorded portion of the subdivision also expires, unless recording of the previous phase was less than one (1) year prior to the action on the final plat for the most recent phase.

(10) Preliminary plan approval does not result in any vested right to develop the property.

CHAPTER 7 PLAT AMENDMENTS, ALTERATIONS AND VACATIONS

Article 1 GENERAL REQUIREMENTS

14-7-101 Plat Amendments, Alterations and Vacations.

(1) The City Council is designated and authorized, on its own motion, or pursuant to a petition, to consider at a public hearing, any proposed vacation, alteration, or amendment of a public street in accordance with Section ~~10-9a-609.5~~ 10-20-813, Utah Code Annotated 1953. If the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration or amendment and there is good cause for such action, the City Council may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.

(2) The Land Use Authority may, upon petition, consider and approve a subdivision plat amendment, lot line adjustment, or a lot combination, under the provisions of this chapter and in accordance with Sections ~~10-9a-608~~ 10-20-811 and ~~10-9a-609~~ 10-20-812, Utah Code Annotated 1953.