



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** April 20, 2016  
**NAME OF APPLICANT:** Midway City  
**AGENDA ITEM:** Code Text Amendment

### **ITEM: 7**

The City is proposing a Code Text amendment of the following sections: 16.16.24, 16.16.25, 16.17.14, 16.17.15, 16.15.8 (A), and 16.15.8 (B). The proposal will allow building permits to be submitted to the City only after the plat is recorded instead of allowing permits to be submitted before the plat is recorded.

### **BACKGROUND:**

This request for Code Text Amendments of Sections 16.15.8 (A), 16.15.8 (B), 16.16.25, 16.16.24, 16.17.14, and 16.17.15: Completion of Infrastructure Construction and Issuance of Permits. The aforementioned sections all regulate that same issue which is the timing of when building permits may be submitted to the City. Staff has required that the plat for a subdivision is recorded before a building permit can be submitted. After review of the Municipal Code it was discovered that the language actually states that permits will not be issued but staff would like the word “issued” in each of the above sections to be changed to “submitted”.

There are a few reasons why staff would like to make this change. Some of these are the following; it is possible a subdivision plat or amended plat will not be recorded. Staff would rather not review building permits for projects that may or may not happen when there are other building permits to review for subdivisions and developments that are recorded.

Requirements for Single-family Dwelling Units. The Code currently states the following:

*Section 16.15.8 (A)*

*A. Plat Recordation. No plat shall be recorded until all required water rights and/or water shares have been tendered to the City and assurances are provided to the City to ensure completion of all required improvements, including landscaping. No building permit shall be ~~issued~~ **submitted** prior to the recording of the plat by the County Recorder.*

*Section 16.15.8 (B)*

*B. Completion of Infrastructure Construction and Issuance of Permits. No building permits shall be issued until the infrastructure construction of the development is substantially complete; provided, however, that the developer in whose name the bond for the project is ~~issued~~ **submitted** may obtain a building permit once the fire flow mechanisms are installed, operating and approved by the City engineer. Once installed, operating and approved, fire flows must remain operating continuously thereafter. No certificate of occupancy will be issued until infrastructure construction on the phase, or phases, under development reaches Final Approval.*

*Section 16.16.24*

*No plat shall be recorded until all required water rights and/or water shares have been tendered to the City and assurances are provided to the City to ensure completion of all required improvements, including landscaping. No building permit shall be ~~issued~~ **submitted** prior to the recording of the plat by the County Recorder.*

*Section 16.16.25*

*No building permits shall be issued until the infrastructure construction of the development is substantially complete; provided, however, that the developer in whose name the bond for the project is ~~issued~~ **submitted** may obtain a building permit once the fire flow mechanisms are installed, operating and approved by the City Engineer. Once installed, operating and approved, fire flows must remain operating continuously thereafter. No certificate of occupancy will be issued until infrastructure construction on the development reaches final completion as determined by the City Engineer.*

*Section 16.17.14 No Building Permits ~~Issued~~ Submitted Prior to Plat Recording*

*Section 16.17.14 No Building Permits ~~Issued~~ Submitted Prior to Plat Recording*

*No building permit shall be ~~issued~~ **submitted** prior to the recording of the plat by the Wasatch County Recorder.*

*Section 16.17.15*

*A. No building permits shall be ~~issued~~ **submitted** until the construction of the development is substantially complete; provided, however, that the developer in whose name the bond for the project is issued may obtain a building permit once the fire flow mechanisms are installed, operating and approved by the City Engineer. Once installed, operating and approved, fire flows must remain operating continuously thereafter.*

This item has been noticed in the local newspaper for two weeks and in the State's website for the Planning Commission meeting.

**POSSIBLE FINDINGS:**

- The proposed amendment will assure that building permits are not reviewed for projects that have not been completely approved and recorded allowing permits on approved and recorded projects to be reviewed

**ALTERNATIVE ACTIONS:**

1. Recommendation of Approval. This action can be taken if the Planning Commission feels that the proposed change is an acceptable amendment to the Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request is not an acceptable amendment to the Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial