

Memo



Date: February 15, 2017
To: Midway City Planning Commission
From: Michael Henke
Re: Proposed Tourism Overlay Zone – Agenda Items 7 & 8

Agenda items 7 and 8 are essentially one item. Item seven is the code text for the proposed Tourism Overlay Zone and the item eight is the map that shows the area covered by the overlay. The purpose and intent of the TOZ is the following:

The purpose of this district is to create a community gathering area that is focused on tourism and retail. This district will be walkable and is envisioned to have central plazas with surrounding commercial and arts related businesses and activities generally on the street level and residential on the upper floors and surrounding buildings. The TOZ provides for a mix of commercial, office, retail, arts related activities and multiple unit and attached residential uses of a higher density along Midway Main Street. Site and building design will be of a quality that enhances the character of Midway and offers a cultural and retail gathering area for the residents, visitors and tourists. A wide range of commercial and residential uses are allowed, including regional scale retail; provided, that it is compatible with the overall sustainable character of the area by fitting into an interconnected street network.

On the following pages, you find the proposed code for TOZ (the map for the TOZ is found in agenda item 8 of this packet.) This vision for the zone has been developed over the past year and really formed in the Economic Development and Resort committee meetings that were held during the General Plan revision. Also, over the past year, the City has received several development proposals for the area of the proposed overlay. These include hundreds of storage units on two of the parcels and two residential developments on the other. None of the proposed developments were considered to be very beneficial for the entire community. Based merely on a tax perspective, the residential developments would have cost the City revenue and the storage units would have created a very minimal gain for the City based on the fact there is no sales tax charged for storage unit rentals. These proposals made many aware that the properties will

develop but if the City would like them to develop into something beneficial for the entire community then a change in the zoning needed to take place.

Another reason for creating the TOZ property is to prepare the area for a performing arts center that is currently in the planning stage. A valley wide committee has been formed that is exploring how to fund the center and where it should be located. The site just north of the proposed rezone is the best location that has been identified. Between the overlay zone, with its restaurants and retail, and the potential resort area to the north there can be a good synergy of uses that will help build each other up. The performing arts center will be an anchor to create activity in the district. Because these two parcels fall in between where the arts center is planned and the commercial area to the south it is important to not dissect the district with a relatively low density residential development.

One of the main ideas with the proposal is to create a performance based code. Basically, if the developer provides specific items in the development then they receive incentives. The overlay zone is primarily commercially based but if the developer uses the performance items and creates an exceptional development then more residential can be added. The default in the code is 80% commercial and 20% residential for mixed use. If performance items are included, then that could slide to 20% commercial and 80% residential which is close to what the lending market typically allows for mixed use development. There is a list of performance items but one of the most important is the donation of property for a performing arts center. In return for creating the overlay zone the City will increase density and allow the height limit to increase. Also, staff feels that density in the C-2 zone for the rest of the City should decrease as density increases in this zone. This will be a separate code text amendment that would need to be approved. Another idea behind this proposal is by focusing the growth of commercial and residential in the overlay zone we will better protect the rest of Main Street from development that could come in the form of losing some historic structures and other valuable open spaces that we currently enjoy. Reducing the density in the C-2 zone will help preserve Main Street as the overlay area develops.

The following code needs review and is in a rough draft form. Please review it and come prepared to discuss the details. We need to consider if there are any ways that we can improve it or if it is something the Planning Commission would even want to consider.

Please contact me at 435-654-3223 ext. 105 if you have any questions.

Chapter 16.27 Tourism Overlay Zone

Section 16.27.1 Purpose and Intent

Tourism Overlay Zone (TOZ): The purpose of this district is to create a community gathering area that is focused on tourism and retail. This district will be walkable and is envisioned to have central plazas with surrounding commercial and arts related businesses and activities generally on the street level and residential on the upper floors and surrounding buildings. The TOZ provides for a mix of commercial, office, retail, arts related activities and multiple unit and attached residential uses of a higher density along Midway Main Street. Site and building design will be of a quality that enhances the character of Midway and offers a cultural and retail gathering area for the residents, visitors and tourists. A wide range of commercial and residential uses are allowed, including regional scale retail; provided, that it is compatible with the overall sustainable character of the area by fitting into an interconnected street network.

Section 16.27.2 Pre-Application Conference with Staff Member

Any person wishing to develop in the TOZ shall meet with a staff member, check and review the zone information, obtain application and review procedures, obtain information from the City regarding the City's plan of land use, streets, water, sewer, traffic, trails and parks, and public facilities; and have discussion about development review process and other requirements affecting the land to be developed. The developer shall then prepare plans and seek approval based on the information received and the process outlined below.

Section 16.27.3 Preliminary/Final Plan

The developer shall prepare a preliminary/final plan and shall submit five copies of the plan on 11" x 17" size paper to the Planning Commission for its review. The purpose of this plan is to demonstrate how the proposed development plan will be able to meet the standards required under the zoning ordinance and other applicable laws or regulations. The Preliminary/Final Plan is expected to contain construction drawings, and it is also expected that it will demonstrate compliance with this code. The Preliminary/Final Plan shall contain the following information:

- A. Type of development.
- B. Name of development.

- C. Applicant entity name, primary contact name, civil engineer, architect, designer and attorney, with respective contact addresses, phone numbers, and email addresses for each.
- D. Legal description with section tie.
- E. Zone boundaries and designations.
- F. North point and a scale consistent with a scale that is on a standard engineering scale ruler.
- G. A site plan showing location and dimensions of all lot lines, along with building feasibility for each lot.
- H. Dimensioned side, rear and front yards.
- I. Topography shown by contours at no greater interval than two feet except that a greater interval may be permitted when the property is outside the survey boundary if specifically authorized by the Planning Commission.
- J. The outside boundary of the project.
- K. Tabulation of land use:
 - 1. Total area and building area.
 - 2. Number of units and project density.
- L. Adjacent property owners.
- M. Typical street, roadway and driveway cross sections.
- N. A detailed statement and illustration of how the project will meet sensitive lands requirements.
- O. Existing and proposed easements, waterways, utility lines, canals and ditches.
- P. A plan for accommodating waterways, ditches and canals.
- Q. Proposed and existing sewage disposal facilities.
- R. Existing and proposed storm drain system with the related run-off calculations for the development site including routing the runoff water that leaves the site to a City storm drain or natural drainage approved by the City to accept the water.
- S. Existing and proposed water system indicating size of water lines and fire hydrant locations. Indications as to the capacity of the water system as it relates to the project when required.
- T. Environmental Assessment Review Statement.
- U. Any other information Staff or the Planning Commission may determine necessary relating to the site of the proposed project.

Section 16.27.4 Permitted Zones

All property must be in the TOZ.

Section 16.27.5 Lot Size

No minimum lot size is required.

Section 16.27.6 Open Space

No minimum amount of open space is required. The developer may choose to create parks, plazas, fields, etc.... and receive residential bonuses based on the planned performance standards listed in this code.

Section 16.27.6 Height

Building height within 100' of the TOZ boundary is limited to 35' as described in other sections of this code. Between 100' and 200' of the TOZ boundary building height is limited 45'. Areas more than 200' from the TOZ boundary, buildings are limited to a maximum height of 55'. All height limits are measured from natural grade.

Main Street – 0-200' 35'

200' – 300' 45'

300' + 55'

No height restriction from north boundary.

- A. Antennas, chimneys, flues, vents, or similar structures may extend up to 5 feet above the specified maximum height limit.
- B. Water towers and mechanical equipment may extend up to 5 feet above the specified maximum height limit.
- C. Church spires, bell towers, clock towers, finials, and like architectural features as well as flag poles, may extend above the specified maximum height limit by up to 50 percent of the height limit (52 feet 6 inches for a 35-foot building), but shall not contain any habitable spaces above the maximum height. Maximum height is 70'. **Review by City Council and VAC. Living space height limit.**

Section 16.27.8 Animal Rights

Animal rights may be petitioned by the applicant based on the proposed development plan for a development in the TOZ.

Section 16.27.10 Frontage

Zone frontage requirements are not required for development in the TOZ.

Section 16.27.11 Trails

Any trails crossing a development in the TOZ will be built by the developer and an easement will be deeded to the public for public use.

Section 16.27.12 Water Requirements

All required water shares for culinary and secondary water will be tendered to the City before the recording of the subdivision plat or issuance of a building permit if a plat is not required.

Section 16.27.13 Sensitive Lands

A structure may not be built on a site of slope 25 percent or greater. All other sensitive lands standards must be met as found in the Sensitive Lands Overlay Zone ordinance. The only exception to this is for an amphitheater.

Section 16.27.14 Access

Each building site must have access from a public road or a private driveway built to City standards. **City Council discretion regarding public and private roads,**

Section 16.27.15 Setbacks

Minimum building setback from property line for all commercial structures:

Main Street:

1. Front. 10' minimum and 20' maximum from the property line; however, an accessory or secondary building may be allowed by the City Council to be set back further provided all provision of this Title are met.
2. Side. None
3. Rear. None
4. Setback from boundary of TOZ: 15 feet

Inner public streets or private streets or driveways:

1. Front. None
2. Side. None
3. Rear. None
4. Setback from boundary of TOZ: 15 feet

Parking setback is 15' from TOZ boundary.

Section 16.27.16 Landscaping

A landscaped berm is required along the TOZ boundary along properties containing existing residences. The berm will be 4' in height to shield light from vehicles in the TOZ from shining onto neighboring residential properties. Berms are encouraged to be lushly landscaped. Trees shall have a minimum of a 2.5" caliper and at a minimum located every 25'. Bushes are required every 10'. Landscaping must be approved by the VAC.

Fencing optional and no berm or landscaping is required. And 15' setback is not required.

Section 16.27.17 Permitted and Conditional Uses

USES	TOZ
Retail, grocery, and service stores (up to 25,000 sq. ft.) Tobacco sales and e-cigarettes (no more than 5% of total retail)	P
Professional offices and clinics	P
Alcohol dispensing establishments	C
Day Care (*as a component of another permitted or conditional use in the TOZ)	P
Recreational activity businesses, photo, art, and craft galleries, retail show rooms	P
Short-term lodging facilities	P
Cafes and restaurants	P
Barber, beauty shops, massage therapy and day spas	P
Vehicle parking	P
Theaters (indoor and outdoor)	P
Mixed Use (80% minimum commercial unless planned performance bonuses are earned, up to 40 residential units per acre)	C
Commercial PUDs, commercial and residential condominium projects (residential is allowed only as part of a mixed-use)	P

Private academies/studios (education, art, dance, sports, etc.)

P

Use Restriction:

Drive up window/drop off lane allowed only with special use review by the Planning Commission and the City Council.

Section 16.27.18 Planned Performance Incentives

The standard requirement for mixed-use developments is 80% commercial square footage and 20% percent residential square footage. It is possible to decrease the commercial requirement and increase residential if improvements are made to the property from the following list:

Incentives for increased residential	Residential Percent
Public gathering area	25
Water features	8
Outside eating areas	5
Decorative art	4
Tree grates	4
Stage for musical performances	4
Ice skating rink	35
Movie theater	35
Open space	10
Land donated for an arts center/Amphitheatre	50

The maximum amount of allowed residential is 80%.

City Council reserves the right to offer other incentives than what is listed in the code.

Section 16.27.17 Standards and Requirements

Standards and Criteria: Development plan review shall be based on the following building and site design standards and criteria, which are formulated to achieve the intents and purposes of the mixed-use districts in the short and long term. These standards and criteria shall be met unless an acceptable alternative is

proposed that, upon review by the Planning Commission, City Council and the VAC, better meets the intents and purposes of the area:

1. General Criteria:

A. Encourage appropriate characteristics of Midway's traditional neighborhoods, including mixed-use development, European architecture, tree lined streets, interconnected street networks, and convenient access to parks and plazas, open space, transit and trails;

B. Provide an adaptable and interconnected transportation system that allows multiple modes of transportation, disperses traffic and provides streets that accommodate multiple transportation modes, including motor vehicles, bicycles and pedestrians;

C. Use manmade and natural features, such as open spaces, drainage corridors, parkways, streets and alleys, as development edges, transitions and interconnections;

D. Through a comprehensive site design approach, arrange residential, employment, retail, services and open space uses to be convenient to and compatible with each other;

E. Define the public space using building location and landscaping to promote pedestrian activity and create a high quality public realm;

F. Design early phases of development to be adaptable to additional phases of development to promote sustainability through long term quality and character;

G. Encourage housing in a range of densities, sizes and types;

2. Building Envelope:

A. Side yards that exceed fifteen feet (15') in width located adjacent to another side yard that exceeds fifteen feet (15') in width should be avoided unless the areas are to be used as a unified public gathering area or courtyard;

B. Pedestrian breezeways between buildings shall be a minimum of six feet (6') in width;

C. The use of front yard areas for buildings that have nonresidential uses on the

ground floor shall be oriented toward the pedestrian and shall include related amenities such as entrance walks, plazas, benches, bike racks, raised flower boxes or other such features.

3. Buffering and Transitions:

A. Use design, positioning or other approaches to mitigate any potentially adverse impacts, such as noise, light and/or odor, to adjacent incompatible uses;

B. Locate, screen and buffer service, storage, delivery and refuse areas to minimize the view from streets and open spaces. Decorative walls, earthen berms, landscaping or architectural treatments may be used as screening methods;

C. Rear facing buildings, loading docks, service entries or overhead doors are not allowed on primary street facades, but if necessary may be located on secondary streets; provided, that such service functions meet the general design intent.

3. Parking And Circulation:

A. Provide safe and attractive pedestrian and bicycle connections to building entries and public sidewalks within parking lots and transit areas;

B. Minimize the visual impacts of parking areas, parking structures and residential garages on streets, open spaces and adjoining developments;

C. Improve the efficiency of parking areas by allowing multiple uses to share parking spaces, curb cuts and circulation drives;

D. Parking, including residential garages, shall be located to the rear of the building or in a side yard as allowed by the lot width and building frontage percentage requirements and the off street parking standards. Residential garage entrances wider than one bay shall not be located on the primary facade;

4. General Site Design:

A. Incorporate required water quality and storm water management features into the overall site design;

B. All new utilities shall be placed underground in all public streets or in rear

service alleys;

C. Civic sites: Civic buildings, including, but not necessarily limited to, libraries, schools, recreation facilities, municipal buildings, or places of worship or assembly have a special public importance in the community. Retail, residential or privately owned office buildings are not included in the definition. Civic buildings may be allowed greater flexibility to make an architectural statement or provide additional gathering space. This flexibility may allow variation from the building frontage and required build to range requirements subject to review by the VAC and planning commission and approval from the City Council. This flexibility does not, however, allow parking lots to be located between the building and the primary street it faces.

5. Large Footprint Buildings:

A. Retail commercial buildings with a footprint greater than twenty thousand (20,000) square feet may be approved through the development review process. Such buildings must meet the regulations of this title with the following exceptions:

1. Each building shall orient to the primary street it faces;
2. In the TOZ entrance interval criteria may be adjusted, provided other entrance criteria in the building design criteria section are met;
3. In the TOZ, street level fenestration (design, construction, or presence of openings in a building. Fenestration includes windows, doors, louvres, vents, wall panels, skylights, storefronts, curtain walls, and slope glazed systems) requirements may be applied to only seventy five percent (75%) of the primary facade and will be evaluated during the development plan review process for compatibility with the overall intents and purposes of the district;
4. Detailing at intervals of twenty five (25) to thirty feet (30') shall be provided to break up expanses of blank walls with no openings. Additionally, walls with no openings shall be set back from the public right of way a minimum of fifteen feet (15') and buffered with landscaping. Street trees are required at intervals ranging from 20' to 35' and at least one row of additional plants and/or shrubs based on the recommendation from the VAC.

6. Building Design Criteria:

A. Architectural Detail:

1. Create buildings that provide human scale and interest through use of varied forms, materials, details and colors;
2. Provide architecturally finished and detailed elevations for all exposures of the building;
3. Primary street facing walls of buildings may not have sections of blank walls that contain no openings in lengths that exceed twenty feet (20') in length;
4. Rooflines may be flat or pitched. Roofing shall not be of vivid primary colors (i.e., red, blue or yellow). Rooftop equipment shall be screened by roof components, parapets, cornices or other architectural features. Galvanized hoods and vents shall be painted to match the roof color;
5. Durable materials that complement Midway City's tradition of stone and masonry shall be used as either primary or secondary building materials.

B. Entrances/Pedestrian Access:

1. Each building on a lot with street frontage shall have a primary entrance either facing or clearly visible and accessible from the primary street it faces;
2. Entrances shall be accessible to the public as a regular building entry from the sidewalk;
3. Along principal streets, entrances allowing public access from the sidewalk, for any building which is greater than fifty feet (50') in width, shall be provided with functional entrances at intervals of fifty feet (50') or closer to maximize street activity and pedestrian access opportunities, and to minimize expanses of inactive building wall;
4. Nonresidential uses on the ground floor along other streets shall follow the same entrance guidelines as set forth in building design criteria of subsection B5c(2)(A) of this section;
5. The street level floor elevation should match the elevation of the sidewalk at the front of the building as closely as possible to facilitate accessibility and primary street orientation.

C. Street Frontage:

1. A portion of the building frontage may be set back beyond the required build to range (RBR) up to an additional twenty feet (20') if the space is utilized as a site plan approved courtyard or entryway that is open and accessible to the public sidewalk. This portion may be up to forty percent (40%) of the actual building frontage and shall not be used for a parking area;
2. Required building frontages shall be the percentage of the total width of the lot that is required to be used as a building wall. A covered drive-through (porte-cochere) may be counted as a building wall even though it has no front or rear wall;
3. Front porches, balconies or stoops may extend up to ten feet (10') into front yards; provided, that walls, screened areas or railings that are within the front yard do not exceed forty-two inches (42") in height above the floor of the porch, balcony or stoop.

D. Fenestration:

1. A minimum of sixty percent (60%) fenestration is required on the street level of all street facing facades. Street level is between two (2) and twelve feet (12') on these street types. Upper stories shall have a minimum of thirty percent (30%) fenestration for each story;
2. A minimum of sixty percent (60%) fenestration is required on the street level of all street facing facades for all nonresidential uses on neighborhood streets and pedestrian walkways. Residential uses on the street level must have a minimum of forty percent (40%) fenestration on street facing facades. Street level is between two (2) and ten feet (10') on neighborhood streets and pedestrian walkways. Upper stories for all uses shall have a minimum of thirty percent (30%) fenestration for each story;
3. Windows of tinted or reflective glass may not be located between two feet (2') and nine feet (9') above the sidewalk grade on street facing facades;

7. Design Standards:

The following landscaping standards shall apply to all new development within the TOD mixed use districts.

A. Street Frontages: Street trees shall be provided on all street frontages at a maximum spacing of forty feet (40') on center unless the species to be used recommends spacing greater than forty feet (40'). Spacing should be as uniform as possible, with exceptions allowed to preserve clear visibility zones near intersections and driveway and alley access points.

B. Landscaped Park Strips: Street trees shall be planted within a landscaped park strip of at least six feet (6') in width, between the roadway and sidewalk, or tree grates of at least five feet (5').

C. TOZ Streets: On promenade streets where on street parking is permitted and where no landscape strip is present, street trees may be planted in sidewalk bulb out areas.

D. Distance to Light Standards: Street trees shall be planted no closer than twenty feet (20') to light standards.

E. Species: Street tree species selections shall help define the public space of the street, especially in residential neighborhoods. Different streets should be planted with different species to provide interest, variety, and to promote disease and pest resistance throughout a development area. More than one species may be used to create a pattern and/or provide accent along a street.

F. Location of Lighting Fixtures: Lighting fixtures providing pedestrian scaled illumination shall be placed on all principal and promenade streets spaced no greater than forty feet (40') on center to stagger with street trees. Spacing on other streets shall meet minimum required lighting levels.

G. Pole Height of Pedestrian Lighting Fixtures: The pedestrian lighting fixture pole height shall be fifteen feet (15'), with a base diameter of at least twenty inches (20"). Materials shall be cast iron and steel with a black finish. Single or double lamp fixtures may be used on principal, promenade or arterial streets. Single lamp fixtures shall be used on neighborhood roads.

H. Pole Height of Street Lighting, Parking Lot Lighting Fixtures: Street lighting fixtures and parking lot lighting fixtures shall have a pole height of twenty-four feet (24').

I. Tree Grates: Tree grates shall be five feet (5') square and of cast iron.

J. Tree Guards: Tree guards, if used, shall be a minimum of sixteen inches (16") in diameter and five feet (5') in height. Material is fabricated steel construction with a black high polish powder coat.

K. Trash, Recycling Receptacles: Trash and recycling receptacles shall be of fabricated steel construction with a black high polish powder coat finish. Receptacles shall be three feet (3') in diameter and four feet (4') in height. Trash and recycling receptacles shall be placed side by side, with a lid to distinguish the recycling receptacle. A minimum of two (2) pairs of receptacles shall be placed per block face, unless otherwise approved by the city, on all principal and promenade streets. Other locations shall be approved during the development plan review process.

L. Bollards: Bollards shall be placed at all intersections along principal and promenade streets. They shall be constructed of cast steel with a black high gloss powder coat finish. Each bollard shall be four inches (4") in diameter and three feet (3') high. Bollards may be cast in, bolt down (surface mount), or removable. Bollards will be spaced a minimum of four feet (4') and a maximum of six feet (6') apart.

M. Benches: Benches shall be placed along all principal and promenade streets at a minimum of three (3) per block face. Benches shall be of a cast iron with steel straps and finished in a black high gloss powder coat. Benches shall be six feet (6') in length.

N. Bicycle Parking: Bicycle parking shall be placed in racks with a minimum capacity of three (3) bikes and a maximum capacity of seven (7) bikes. A minimum of one rack shall be placed on every block face for principal and promenade streets.

O. Paving Accents: Paving accents may be used to articulate building entries, pedestrian crosswalks, plazas, sidewalk bulb outs, or other areas as approved during the development plan review process. Paving materials may be brick, stained concrete or other durable materials that have a nonslip finish. Stamped concrete is not to be used for paving accents that are part of the streetscape area.

The following standards, requirements and conditions shall apply to all TOZ developments:

- A. The project must be prepared by a design team composed of at least a civil engineer, land surveyor or landscape architect, all who must be licensed to practice in the State of Utah.
- B. All dwelling units shall be served by a city-approved water supply. All utilities within in TOZ developments shall be placed underground, including telephone, power and television.
- C. The area proposed for a TOZ developments shall be in one ownership during development to provide for full supervision and control of said development and to insure conformance with these provisions.
- D. Dwellings and permitted structures shall be located to best comply with the intent of this Ordinance and shall meet the following standards:
- E. All parking spaces, parking areas and driveways shall be hard-surfaced asphalt or concrete, and properly drained with no drainage running across public or private sidewalks.
- F. The developer shall install all public improvements on-site and off-site as identified by the Planning Commission and City Council.
- G. All street construction improvements in subdivisions and along public roads shall be constructed per public street construction widths and cross-section standards.
- H. Provisions of the Sensitive Lands Section of this ordinance shall be adhered to within TOZ developments.
- I. TOZ developments shall connect any trails shown on the City Master Trails Plan for the area.
- J. Final engineering drawings (plans and profiles) for all public and private improvements, final grading plan, and final drainage and run-off plan with run-off calculations.
- K. All documents and legal material shall be ready for recording.
- L. Deeds of dedication for all public lands as required by the City, when not shown on a final plat.
- M. Provisions for bonding of all improvements in a form acceptable to the City. The bond amount is to be 110 percent of the engineer's estimated cost for improvements.
- N. All required final plat fees.
- O. Phasing plan for final plats.
- P. In the event the project will not be divided into separate ownership; the developer shall submit the same information as requested above except for the Record of Survey Map. A final site plan shall be submitted totally dimensioned conforming to the approved preliminary plan.

Section 16.18.18 Preliminary/Final Planning Commission Action

Upon presentation of the preliminary final plan and documents, the Planning Commission shall approve them as submitted, approve them with conditions or may refer them back to the developer for one or more of the following reasons:

A. Due to the type of buildings, layout of structures, design of plan, or other aspects of the preliminary/final submittal, the Planning Commission determines the project to be inconsistent with the intent of this Ordinance or the Community General Plan.

B. The Planning Commission requires that certain specific changes be made within the plans.

C. The plans or documents have not been completed.

D. The fees have not been paid by the developer.

E. That this project is in substantial compliance with the intent of this Section as stated previously. The Planning Commission may impose such conditions on preliminary development plans as it may deem appropriate to meet the goals and objectives of this Chapter. The Planning Commission may disapprove the TOZ development, which is found to be deficient in meeting the intent of these provisions. Any such disapproval may be appealed to the City Council within ten days after the decision of the Planning Commission.

Section 16.18.19 Recommendation of Preliminary/Final Plan to City Council

Upon the Planning Commission's approval of the preliminary/final plan of a TOZ development, the Planning Commission shall recommend this plan to the City Council for direction, with or without conditions.

Section 16.18.20 Public Hearing

After receiving notice of Planning Commission approval of the preliminary/final plan, or upon the City Council's reversing on appeal the Planning Commission's disapproval of a preliminary/final plan, the City Council shall set and hold a public hearing to consider preliminary/final approval of the project.

Section 16.18.21 Preliminary/Final Approval of City Council

After holding the public hearing, the City Council shall approve, approve with conditions, or deny the preliminary/final plan based on the same standards as required above for preliminary/final approval by the Planning Commission.

Section 16.18.22 Time Limit for Preliminary/Final Approval

A. Any failure to submit a proposed preliminary/final plan application within one year of the approval of the concept plan by the Planning Commission shall terminate all proceedings and render the preliminary/final plan null and void.

B. The duration of Preliminary/Final Approval shall be for one year from the date of approval of the development by the City Council. If the Final Plat is not recorded with the County Recorder within the one-year period, the development's approval shall be voided, and both Preliminary and Final Approvals must be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that:

1. Construction must be conducted per any new City standards in effect at the time the plat is ultimately recorded;
2. The property must be maintained in a clean, dust-free, and weed-free condition always;
3. Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or
4. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Section 16.18.23 Final Plat

In addition to all other requirements, the proposed final plat shall show an address block containing addresses for each dwelling unit and for each main building within the plat, subject to approval by the Wasatch County Recorder's office.

Section 16.18.24 No Building Permits Issued Prior to Plat Recording

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

Section 16.18.25 Completion of Construction and Issuance of Permits

A. No building permits applications shall be 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 submit a building permit

application 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.

B. No certificate of occupancy will be issued until construction on the development reaches final completion as determined by the City Engineer.

Section 16.18.26 Construction Bond

Prior to beginning construction of a development, the developer shall submit a bond to the City in the amount of 110 percent of the cost of all improvements and inspections as determined by the City Engineer.

Section 16.18.27 Default

In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within one year from the date the plat is recorded, the City Council may declare the bond forfeited and the City may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurances to defray the expense thereof.

Section 16.18.28 Final Disposition and Release

The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the City Engineer shall make a preliminary inspection of the improvements and shall submit a letter to the City Council setting forth the conditions of such facilities. If conditions thereof are found to be satisfactory, the City Council shall release the bond or other assurance. If the condition of materials or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, the City Council may declare the developer in default.

Section 16.18.29 Record Drawing Submittal and Contents

A. Prior to final bond release, an electronic copy of the final drawings in the latest version of AutoCAD or DXF format shall be submitted to the City Engineer. This drawing file needs to include adequate information regarding position and basis of bearing tied to established control as approved by the City Engineer.

B. As-built information shall be overlaid on this final drawing. The as-built drawing must be based upon actual field survey of the items on the following list:

1. Established survey monuments, benchmark, and permanent horizontal and vertical control.
2. Water: valves, fire hydrants, blow-offs, flush valves, and water meters.
3. Sewer: laterals and manholes with rim and inverts elevations.
4. Storm drain: Catch basins, curb inlets, and manholes with rim and inverts elevations, size and type of pipe, storm outlets and detention / retention systems.
5. Miscellaneous light pole locations, street sign locations, and utility box/transformer locations.
6. Pressurized irrigation: valves, blow-offs, flush valves, drains and water lateral locations.

Section 16.18.30 Total Compliance with all Regulations

In case of failure or neglect to comply with all conditions as established during the approval process or regulations as identified in this Section, the City may refuse additional building permits and stop construction of all work at the site until such violations or noncompliance conditions have been eliminated.

Section 16.18.31 Warranty Bond

The City Council shall authorize the release of 100 percent of the bond amount upon verification by the City Engineer that all work is complete and acceptable. The remaining 10 percent of the bond amount shall be retained by the City for a period of one year to insure quality of improvements. If improvements are found to be unacceptable to the City at any time during the one-year period, the City may use the bonding funds to replace or repair any improvements not installed acceptably.