



25 July 2024

STAFF MEMORANDUM

To: Community Councils

Meeting Date: East Millcreek Community Council – August 1st
Mt. Olympus Community Council – August 5th
Millcreek Community Council – August 6th
Canyon Rim Citizens Association – August 7th

RE: Recommendations to the Millcreek Planning Commission and Millcreek City Council regarding amendments to the Subdivision Ordinance

File: ZT-24-014

Scope of Decision: Discretionary. This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission.

Prepared by: City Staff

Presented by: Francis Xavier Lilly, AICP, Planning Director

Request

As part of Millcreek’s comprehensive zoning code update, City Planning Staff is seeking the Community Council’s recommendation regarding amendments to Millcreek’s Subdivision Ordinance. The Subdivision Ordinance was significantly revised last year as an interim step as part of our code update. After those amendments were adopted, the State of Utah enacted new regulations that require quicker review times and streamlined approval processes for *regular residential subdivisions*, which are subdivisions for single-family, two-family, or townhouse projects.

The subdivision approval procedures that the community councils reviewed in June substantially complied with the new requirements, however we added language pertaining to review cycles and appeals in Section 18.15.060 of the draft procedures ordinance (see page 54).

Other changes include:

- 1) Repeal of the Subdivision Procedures Chapter, 18.03. Procedures for subdivision approvals are now found in the Procedures Chapter, Section 18.16.020 (see pages 59-73).
- 2) Technical corrections to the requirements for subdivisions in Sensitive Lands Areas (see page 5).
- 3) Technical corrections and clarifications added to the Flag Lot Standards Section (see pages 6-8).
- 4) At the request of a developer, we are considering changes to the minimum requirements for condominium conversions. Currently, the standards for converting an existing multifamily building to a condominium require eight units and a building age of at least 5 years. The policy rationale for this requirement was to align the



standards for condominium conversions with our requirements for Planned Unit Developments. We are proposing a repeal of the Planned Unit Development chapter, instead relying on a regular subdivision approval process within the minimum lot size and street dimensions required in our code. A rationale for eliminating these requirements is that it opens up more recent and smaller multifamily developments to homeownership. Condominium conversions may be one of the fastest and most effective way to increase opportunities for affordable homeownership in Millcreek (see page 67)

- 5) Definitions for “regular residential subdivision” and “access strip” added (see pages 41 and 43).

The Planning Commission will be holding a public hearing regarding the proposed updates pertaining to this ordinance on August 21, 2024.

EXHIBIT A
TITLE 18 SUBDIVISIONS

- 18.01 General Provisions**
- 18.02 Design Standards**
- 18.03 Subdivision Procedures**
- 18.04 Required Improvements**
- 18.05 Responsibility for Damages**
- 18.06 Engineering Standards**
- 18.07 Appeals**
- 18.08 Definitions**

18.01 General Provisions

18.01.010 Purpose

The purpose of this Title is to establish standards for the development and construction of subdivisions in Millcreek that comply with all applicable zoning, building, health, and fire requirements, including but not limited to, all adopted use and development standards adopted by Millcreek.

18.01.020 Organization

A. This title is organized into the following sections:

1. General Provisions
2. Design Standards
3. Subdivision Procedures
4. Required Improvements
5. Responsibility for Damages
6. Engineering Standards
7. Appeals
8. Definitions

18.01.030 Applicability

A. This Title applies to any subdivision of land within Millcreek's municipal boundary. The description of a lot or parcel by metes and bounds shall not exempt the transaction from

the requirements of this Title.

- B. No plat of any subdivision within the application of these regulations shall be entitled to be filed or recorded or have any validity until such plat has been approved by the city and acknowledged in the manner prescribed by applicable standards of this Code and applicable regulations and standards this Title.
- C. No building permits shall be issued for development on any vacant parcel, unless such parcel has been subdivided and platted in accordance with the procedures set out in these regulations. For existing vacant lots or parcels that were recorded in the office of the County Recorder prior to the establishment of the first Salt Lake County subdivision ordinance dated August 28, 1946, and have remained intact since that date, a building permit may be issued for said lot and/or parcel, however further subdivision of said property would require compliance with the standards of this Title. The applicant has the burden of proving that a lot or parcel was legally established in compliance with all zoning and subdivision standards applicable at the time of its creation.

18.02 Design Standards

18.02.010 Blocks and Walkways

- A. Blocks shall not exceed six hundred feet (600') in length unless adequate turn around space is provided either via a looped roadway or a cul-de-sac with a minimum radius of ~~forty-eight~~ feet (484'). Hammer head or T-shaped turnarounds are not considered sufficient to meet this requirement.
- B. The arrangement of streets in new subdivisions shall provide for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access is necessary as reasonably determined by the Land Use Authority as determined in Table 18.1. New streets shall connect with existing public streets.
- C. Blocks shall accommodate a lot arrangement and design such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.
- D. Dedicated walkways on blocks greater than six hundred feet (600') shall be required through the block to provide access to schools, existing and planned trails, transit facilities, community facilities, or a similar public amenity at a point designated by the Land Use Authority as determined in Table 18.1, unless determined otherwise by the Land Use Authority. For such walkways, the following standards apply:
 - 1. Walkways shall be located at the approximate middle of the block.
 - 2. Walkways shall be a minimum of six feet in width.

3. Walkway surface shall be concrete.
4. A fence a minimum of four feet high on each side and the full length of each walkway shall be provided, unless alternative screening arrangements have been desired and approved by the city.
5. Bollards or similar barriers shall be placed at each walkway entrance to prevent the use of the walkway by any vehicles.

18.02.020 Lots

- A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly designed according to topography, the character of surrounding development, and to existing requirements.
- B. All lots must conform to the minimum requirements of the Zoning District(s) for the zone(s) in which the subdivision is located.
- C. Each lot must be contained entirely within a single zoning district.
- D. Each lot shall abut on a street shown on the subdivision plat or on an existing public street which is more than twenty-six feet wide or have an approved access via flag lot, planned unit development (PUD), private right-of-way to a public street shown on the plat subject to the requirements of MKZ 19.76.080.
- E. Side lot lines shall be approximately at right angles, or radial to the street lines.
- F. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable lots or parcels.
- G. Subdivisions in ~~the Foothills and Canyons Overlay Zone (FCOZ); Sensitive Lands.~~
 1. In subdivisions proposed for development in ~~the foothills and canyons overlay zone (see MKZ 19.72, Zoning)~~an area designated as a Sensitive Land Area pursuant to MKZ XX.XX.XXX, the general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed consistent with the ~~purpose of the foothills and canyon overlay zone~~requirements of the Sensitive Lands standards as set forth in MKZ 18.51.
 2. Applicants shall consider and apply the ~~development standards~~development design considerations set forth in MKZ ~~18.51~~19.72 in (1) the layout of the subdivision and (2) the designation of buildable areas on individual lots (~~see subsection C of this section~~) in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

3. All preliminary and final subdivision plats shall outline buildable areas on each lot intended to accommodate planned principal and accessory structures.
4. Clustering of lots within a subdivision is strongly encouraged and may be required by the planning commission to meet the requirements of this provision and the overlay zone.

H. Flag Lots. Flag lots shall be prohibited unless the following requirements are met:

1. No other viable subdivision design alternatives exist that will allow for a conventional lot, including consideration of:
 - a. The current or proposed zoning;
 - b. The possibility of incorporating the subject property with adjacent property to achieve a more unified development of the area and eliminate the need for a flag lot; and
 - c. Alternative street designs and improvements.
 - d. Feasible connections to a nearby public right-of-way.
2. Flag lots shall meet the following requirements:
 - a. No more than two (2) flag lots may be created from an existing lot or parcel.
 - b. The flag lot(s) shall be used exclusively for a single-unit detached residential dwelling and shall be located to the rear of the original or front lot.
 - c. The main body of a flag lot, exclusive of the access strip, shall meet the required lot area plus twenty five percent (25%). The main body of a flag lot shall meet the minimum lot width of the zone in which the flag lot(s) are proposed. The minimum side yard, front yard and rear yard shall be twenty feet (20').
 - d. The access strip portion of a flag lot shall be platted as a contiguous portion of the flag lot. No more than one dwelling on a flag lot may be accessed from an access strip.
 - e. The subdivision plat shall include an outline of the buildable area proposed for the home. No home shall be taller than two stories, excluding a pitched roof.
 - f. A turnaround area, subject to approval by the Fire Marshal, to prevent

backing out the driveway is required.

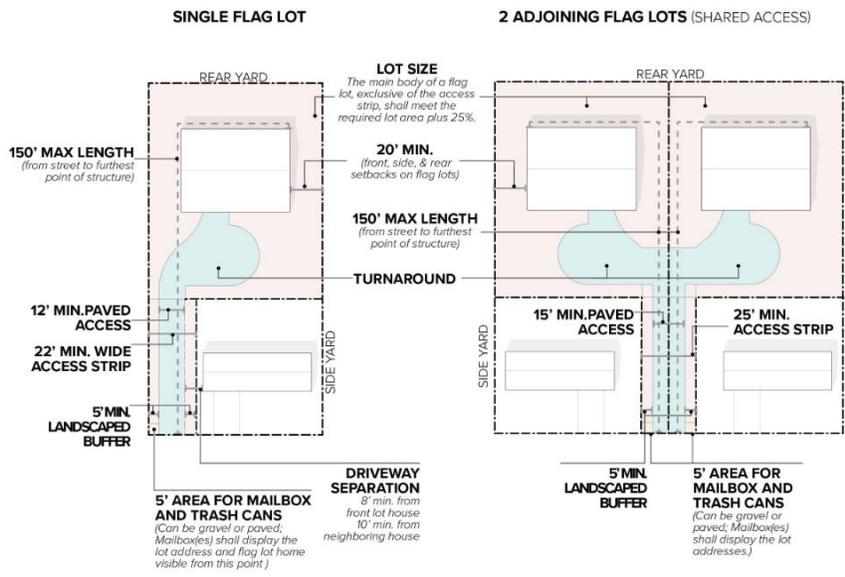
- g. The flag lot(s) shall front on a public street.
- h. The length of the flag lot, as measured from the right-of-way line to the furthest point of a residential structure, shall not exceed one hundred fifty feet (150') in length unless approved by the Fire Department.
- i. Landscaped areas that abut the public street shall contain a mailbox(es), displaying the lot addresses, and a gravel or paved area for trash cans.
- j. Hard surfaced driveways shall be located a minimum of ten feet (10') from existing homes on neighboring lots and a minimum of eight feet (8') from the home on the original lot.

3. The access strip portion of a flag lot(s):

- a. A single flag lot shall have an unobstructed access strip a minimum of twenty-two feet (22') wide for its entire length from the street to the point where the access strip adjoins the main body of the flag lot and shall include:
 - i. A paved driveway a minimum of twelve feet (12') in width;
 - ii. Landscaped areas that are a minimum of five feet (5') in width on either side of the driveway to allow for utility access, drainage, and snow storage adjacent to the neighboring property line.
- b. Two flag lots with a shared access strip shall have a minimum unobstructed access strip width of twenty-five (25') wide for its entire length from the street to the point where the access strip adjoins the main body of the flag lot and shall include:
 - i. A paved driveway a minimum of fifteen feet (15') in width;
 - ii. Landscaped areas that are a minimum of five feet (5') in width on either side of the driveway to allow for utility access, drainage, and snow storage adjacent to the neighboring property line.

4. The address of the flag lot dwelling shall be clearly visible on the dwelling(s) when viewed from the point where the access strip adjoins the street.

Figure 18.01.1 Flag Lot Layout



Commented [FL1]: The diagram for 2 Adjoining Flag Lots should be adjusted to describe a 20' minimum paved access.

Note: Subdivision Procedures have moved to the Application Procedures Ordinance.

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18.03 Subdivision Procedures

18.03.010 Subdivision Procedures Generally

A. Table 18.1 summarizes the procedures in this Code and identifies the reviewing and decision-making responsibilities for each application type. Further details of each procedure and application type are contained in this Chapter. The Land Use Authority is identified in Table 18.1 as the officer or body that makes the decision regarding a particular application type.

Table 18.1 Subdivision Approvals Procedures Table

Subdivision Approvals Procedures Table			
Subdivision approvals are administrative. All applications may be appealed to the Land Use Hearing Officer as set forth in MKC 18.07			
The decision-making body indicated in this table is the Land Use Authority for the Subdivision Type.			
<i>Subdivision Type</i>	<i>Pre-application Consultations</i>	<i>Planning Director or Designee</i>	<i>Planning Commission</i>
Minor Subdivision (3 lots or less)	Required	Review and Decision	
Major Subdivision Preliminary	Required	Review and Recommendation	Public Meeting and Decision
Major Subdivision Final	Optional	Review and Decision	
Subdivision Amendment	Required	Review and Recommendation	Decision
Property Line Adjustment	Optional	Review and Decision	

B. Applications follow the steps in Table 18.2 Subdivision Procedures Table and are further described in this Chapter.

Table 18.2 Subdivision Application Procedures

Subdivision Application Procedures—Procedures for each application type are further described in this chapter	
<i>Step Number</i>	<i>Step Name</i>
Step 1	Pre-application Consultation
Step 2	Development Review Consultation (DRC)
Step 3	Neighborhood Meeting
Step 4	Application Submittal
Step 5	Application Completeness Review
Step 6	Application Review
Step 7	Notice of Public Meetings / Hearings
Step 8	Public Meetings / Hearings
Step 9	Decision and Findings
Step 10	Amendments to Approved Applications
Step 11	Lapse of Approval
Step 12	Subsequent Action

18.03.020 Step 1: Pre-Application Consultation

- ~~A. Purpose. The purpose of a pre-application consultation is to provide an opportunity for an informal evaluation of the applicant’s proposal and to familiarize the applicant and the city staff with the applicable provisions of this Land Use Code, the General Plan, infrastructure requirements, and any other issues that may affect the applicant’s proposal.~~
- ~~B. Applicability. A pre-application consultation may be requested by an applicant or the Planning Director prior to submittal of any application. If a pre-application consultation is required, an application shall not be accepted until after the pre-application consultation is completed.~~
- ~~C. Procedure.~~
 - ~~1. The Planning Director shall schedule a pre-application consultation after either requesting the meeting with the potential applicant or after receipt of a written request for the pre-application consultation, and any required fees are paid.~~
 - ~~2. At the meeting the applicant, the Planning Director, and any other persons the Planning Director deems appropriate to attend, shall discuss the proposed development and the applicable requirements of this Code, based upon the information provided by the applicant.~~

~~D. The pre-application consultation is an informal evaluation conducted by the Director and is not binding upon the applicant or the city.~~

~~E. Application required within six (6) months. After a pre-application consultation has been completed, the associated application must be filed within six (6) months. If an application is not filed within such time frame, a new pre-application consultation shall be required prior to filing an application.~~

18.03.030 Step 2: Development Review Consultation (DRC)

~~A. Purpose. A Development Review Consultation (DRC) is a concept review intended to provide the applicant with applicable information on development standards and the development process for a proposed project. By reviewing a concept plan at a DRC meeting, various city departments are able to discuss potential issues allowing the applicant to address the issues prior to application submittal.~~

~~B. Applicability. A DRC may be requested by an applicant or the Planning Director prior to submittal of any application. If a concept review is required, it must be completed prior to submittal.~~

~~C. Procedure.~~

~~1. The Planning Director shall schedule the concept review for the next available DRC meeting after either requesting the meeting with the potential applicant or receipt of a written request for the concept review, submittal of a concept plan, and payment of any applicable fees as established in the Consolidated Fee Schedule.~~

~~2. The Planning Director, and any other persons the Planning Director or designee deems appropriate to attend shall discuss the proposed development at the DRC meeting based upon the information provided by the applicant.~~

~~3. The Planning Director shall issue written notes to the applicant regarding the findings of the DRC meeting within seven (7) calendar days of the meeting.~~

~~D. Multiple Meetings. Applicants may request additional concept review prior to submittal if the concept plan changes in scope, intensity, or layout. The new meeting shall follow the same procedure as the initial meeting, including the payment of additional fees.~~

18.03.040 Step 3: Neighborhood Meeting

~~A. Purpose. A neighborhood meeting is intended for an applicant to help solicit informal neighborhood input on subdivision application in order to better understand the project, provide any additional local information, and address any neighborhood concerns prior to submittal of an application.~~

~~B. Applicability. A neighborhood meeting is required for Major Subdivisions as set forth in MKC 18.03.150.—~~

~~C. Procedure. It is the applicant's responsibility to conduct the neighborhood meeting. The applicant shall organize the meeting and provide adequate proof of notice to include the following:~~

- ~~1. The applicant shall send a written notice stating the place, date, and time of the neighborhood meeting to all property owners, as identified in the Salt Lake County recorder's records, whose property is within the required notice radius for the land use applications described in MKC 18.03.080 Step 7: Public Notices below.~~
- ~~2. The applicant shall notify these owners at least one week prior to the neighborhood meeting.~~
- ~~3. The neighborhood meeting shall be conducted at a location within Millcreek.~~
- ~~4. Phone calls or informal door to door contacts shall not constitute a neighborhood meeting.~~
- ~~5. The record of a neighborhood meeting shall be submitted with the application and shall include:
 - ~~a. A list of all individuals who were notified;~~
 - ~~b. A roster of attendees; and~~
 - ~~c. A written summary of the proceedings of the neighborhood meeting.~~~~

~~18.03.050 Step 4: Application Submittal~~

~~A. Purpose. Application Submittals serve as the initial formal interaction between an applicant and the city regarding an application.—~~

~~B. Applicability. A submittal of a Land Use Application is necessary for any application type.~~

~~C. Procedure. Application submittals are made electronically through the city website.—~~

~~D. Submittal Materials.—~~

- ~~1. Application. An application shall be made on forms provided by the Planning Department including completed submittal checklist and all required documents.—~~
- ~~2. Required Documents. Each application shall be accompanied by a completed~~

~~submittal checklist, as provided by the Planning Department, and associated required documents.~~

- ~~3. Fees. Each application shall be accompanied by the corresponding fee as established in the Consolidated Fee Schedule.~~

18.03.060 Step 5: Application Completeness Review

- ~~A. Purpose. The Purpose of a completeness review is to ensure a given application contains the necessary information for Staff and the pertinent Land Use Authorities to make an informed decision on a given application.~~
- ~~B. Applicability. All applications are subject to a completeness review to ensure that all necessary information and materials have been provided for review.~~
- ~~C. Timing. The Planning Director shall make a determination of application completeness within fifteen (15) business days of application filing.~~
- ~~D. Complete Submittals. If the application is determined to be complete, the Planning Director shall communicate with the applicant, in writing, the timeframe for application review, the application shall then be processed according to the procedures set forth in this Chapter and reviewed for compliance with the applicable regulations of this Code.~~
- ~~E. Incomplete Submittals. If an application is determined to be incomplete, the Planning Director shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until an amended submittal containing all corrected material is received by the city.~~
- ~~F. Completeness Criteria. An application will only be considered complete if it:
 - ~~1. Includes all required forms, all required documents, and any supporting materials.~~
 - ~~2. Meets the standards of this Code and includes materials that are in compliance with the requirements specified on the applicable application checklist.~~
 - ~~3. Includes payment of all applicable application fees as established in the Consolidated Fee Schedule.~~~~
- ~~G. Additional supplementary materials. Additional supplementary materials may be submitted after a completeness review is complete and the application has been accepted for review. In such events, any additional supplementary materials must be received at least thirty (30) days prior to the first public meeting / hearing to be held on the application. The city may postpone and reschedule a public meeting / hearing or approval deadline if such reports and studies are submitted less than thirty (30) days prior to a public meeting / hearing.~~

18.03.070 Step 6: Application Review

~~A. Purpose. The application review is intended to ensure that a given application is in conformance with the requirements of this Code, other applicable city policy, and relevant State Statutes. Application review also provides an opportunity to check for the accuracy of documents provided from the applicant.~~

~~B. Applicability. All applications deemed complete are subject to full review by city Staff and other relevant reviewing authorities.~~

~~C. Procedure.~~

~~1. The Planning Director shall review the application and determine if it meets the standards and requirements within this Code. If adjustments are needed to meet approval, these will be communicated to the applicant in writing. The applicant will have the opportunity to amend the application for subsequent review.~~

~~2. As part of the initial review, the Planning Director shall refer the development application to the appropriate review agencies and specify the timeframe for comments to be due back to the Planning Director.~~

~~3. Upon an application's resubmittal for a subsequent review, it shall be reviewed by the agencies who requested revisions.~~

~~4. Once the Planning Director determines that the application substantially complies with all applicable standards of this Code, the first public meeting or hearing (see Table 18.2 above) shall be scheduled, if required, and a staff report prepared. The staff report shall be made available for inspection and copying by the applicant and the public prior to any scheduled public hearing(s) or meeting(s) on the application. The staff report shall indicate whether, in the opinion of the Planning Director, the development application complies with all applicable standards of this Code.~~

~~5. If the approval authority lies with Staff, an application may be approved upon the finding that all necessary revisions have been made and the application is compliant with the regulations of this Code.~~

~~6. No application shall be scheduled for a public hearing without a full review for compliance with the Code and applicable regulations.~~

18.03.080 Step 7: Public Notice

~~A. Purpose. Public Notices are required to inform the public about relevant proceedings of an application. The public noticing requirements are intended to provide information regarding the application and relevant public meetings or hearings for the application.~~

~~B. Applicability. The Land Use Authority as noted in Table 18.1 Subdivision Approvals Procedures Table shall schedule and hold any required public hearing or public meeting according to the provisions of this Code and State Statute. This section describes the general noticing procedure for public meetings and hearings in Millers Creek.~~

~~C. Noticing Summary Table. Table 18.3 summarizes the various types of noticing requirements for each type of application.~~

Table 18.3 Noticing Summary Table

Noticing Summary Table				
<i>The number listed in the table is the minimum number of days the notice is required to be sent / posted prior to the first public meeting or hearing, with exception of the "Mailed Notice Distance from Subject Property" column which denotes the minimum number of feet around a subject property that mailed notices must be sent to.</i>				
Application Type	Mailed Notice — Days prior to Meeting	Mailed Notice Distance from Subject Property	Notice Sign (on subject property) — Days prior to Meeting	Hard Copy of Notice — Days prior to Meeting
Minor Subdivision (3 lots or less)	10	300'	5	1
Major Subdivision Preliminary	10	300'	5	1
Subdivision Amendment	10	Affected Property Owners as defined in MKC 18.08	5	1
Property Line Adjustment	10	Affected Property Owners as defined in MKC 18.08	5	1

~~D. Mailed Notices Procedure. Applications requiring mailed notices as set forth in Table 18.3 Noticing Summary Table shall follow these procedures.~~

- ~~1. Mailed notices shall be sent by the city for any application requiring a public meeting or public hearing. The applicant shall be responsible for the mailing expenses.~~
- ~~2. Mailed notices must contain the minimum information:~~
 - ~~a. The application name and description of the proposed use;~~
 - ~~b. The time, date, and place of the public hearing or public meeting on the subject.~~

~~e. Notice of any additional public meeting or hearings on the subject.~~

~~3. Mailed notices~~

~~-~~

~~a. Mailed notices for minor subdivisions and for preliminary approvals of major subdivisions shall be sent to all property owners as identified in the Salt Lake County Recorder's records whose property is located partially or entirely within three hundred feet (300') of the property lines of the subject property.~~

~~b. Mailed notices for subdivision amendments and property line adjustments shall be sent to affected property owners who have a direct interest in, or who will be directly affected by the proposed change, including the applicant ("Affected Property Owners").~~

~~4. Mailed notices must be sent a minimum of ten (10) days prior to the first public hearing or seven (7) days prior to a public meeting.~~

~~5. If multiple mailed notices are needed, they may be combined into a single mailed notice with all applicable information.~~

~~E. Notice Sign Procedure. Applications requiring a noticing sign on the subject property as set forth in Table 18.3 Noticing Summary Table shall follow these procedures.~~

~~1. The city shall post notification signage on the subject property in a location clearly visible from the right of way.~~

~~2. A notice shall be posted a minimum of five (5) days prior to the first public meeting or hearing on the item, and the applicant bears the responsibility to ensure that the notice shall remain posted on the site until after the final Land Use Authority decision on the matter. If a notice is removed prior a final decision, the applicant shall promptly notify the Planning Director within one business day, and the city shall replace the notice within one business day thereafter.~~

~~3. The posted notice sign shall state the purpose of the public notice and where interested parties can find out more information on the application and public meeting / hearing schedule.~~

~~F. Hard Copy Notice. A hard copy of any public notice issued by the city shall be posted at City Hall at least twenty four (24) hours prior to a public hearing or a public meeting.~~

~~**18.03.090 Step 8: Public Meetings / Hearings**~~

~~A. Public Meetings. Meetings of public bodies are required to be open to the public under Utah State Code Title 52, Chapter 4, Open Meetings Act (UCA 10-9a-103(54)). All land use decisions made by the Planning Commission shall be rendered in a public meeting.~~

~~The Planning Director may also conduct meetings open to the public related to land use applications or other land use issues. No public meeting shall commence until all procedures as established in MKC 18.03.080 Step 7: Public Notice are met. The following criteria is applicable to public meetings:-~~

- ~~1. At a public meeting to consider a Preliminary Subdivision, the reviewing body shall review the data supplied by the applicant, review the findings and recommendations of the Planning Director, and may take testimony from all interested persons in attendance.-~~
- ~~2. The applicant or their designated agent whose application is before the Planning Commission shall be present at the public meeting.-~~
- ~~3. The applicant shall offer competent evidence in support of the application sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.-~~
- ~~4. During the public meeting process the reviewing body may allow for up to two continuances, totaling not more than six months, to hear the matter, so the applicant may make modifications or provide additional information and evidence in support of the application. The Planning Director may provide an exemption to the limitation on continuances when a compelling reason such as financial, materials, or labor issues exists as determined by the Planning Director.-~~
- ~~5. Postponement to a Date Certain. Public meetings may be continued to a date certain and kept open to take additional information until a final decision is made. The property shall be re-posted for a continued public meeting; no further publication or mailed notice for a continued public meeting is required.-~~
- ~~6. Postponement with No Date Certain. If an application is not continued to a date certain, then the application requires additional public notice as set forth in the requirements of MKC 18.03.080 Step 7: Public Notice.-~~

18.03.100 Step 9: Decision and Findings

- ~~A. Decision. After consideration of the subdivision application, the staff report, comments received from other reviewers (if applicable), and the evidence from the public meeting or hearing (as applicable), the Land Use Authority shall approve, approve with conditions, or deny the application based on the applicable approval criteria. The Planning Director shall notify the applicant by email within seven (7) days after the decision.-~~
- ~~B. Approval criteria. To approve a subdivision application, the Land Use Authority as set forth in Table 18.1 Subdivision Approvals Procedures Table, shall find that the development application has satisfied the applicable requirements of this Code and all of-~~

~~the approval criteria required for the applicable development application.~~

~~C. Denial. An application may be denied if the request does not meet the requirements of this Code or other applicable city and State requirements.~~

~~D. Findings. All decisions shall include at the least the following elements:~~

- ~~1. A clear written statement of approval, approval with conditions, or denial, whichever is appropriate; and~~
- ~~2. A clear statement of the basis upon which the decision was made, including specific written findings of fact with reference to the relevant standards of this Code; and~~
- ~~3. If approved, a copy of the approved subdivision plat.~~

~~E. Final Action.~~

- ~~1. The Land Use Authority shall substantively review an application that has been considered complete under the criteria as set forth in MKC 18.03.040, Step 3, Application Completeness Review, and shall approve, approve with conditions, or deny each application with reasonable diligence.~~
- ~~2. The Land Use Authority shall take final action within forty-five (45) days from the date of receiving the request for final action, as set forth in Utah Code Section 10-9a-509. If a subsequent application is denied, a written reasoning for the denial shall be included in the official record, which may include official minutes of the meeting the decision was rendered.~~

~~F. GIS Data Required. Prior to the issuance of any building permit associated with a Final Subdivision, the applicant shall provide to the city a Geographic Information Systems (GIS) shapefile corresponding to the approved plans for all required improvements. Any changes during construction will require additional GIS data to be submitted with the final approved as-built drawings. All GIS data shall be submitted as set forth in the specifications provided in the approval letter.~~

~~18.03.110 Step 10: Post Approval Modifications~~

~~A. Purpose. If, after an application has been approved, it becomes necessary to modify the approved plan, minor modifications may be approved by the Planning Director. In no case shall the request for modification exceed what is allowed by zone, to include the result of cumulative requests.~~

~~B. Minor modifications are limited to:~~

- ~~1. Minor adjustments in lot layout for practical reasons related to engineering.~~

~~grading, or utilities.~~

- ~~2. Minor changes in the location of streets and utilities for reasons not caused by the applicant.~~
- ~~3. All other modifications require a subdivision amendment.~~

~~C. Approval Criteria:~~

- ~~1. The minor modification does not result in an increase in the approved number of lots;~~
- ~~2. The minor modification does not result in a change in the housing unit type; and~~
- ~~3. The minor modification does not result in a change in the character of the development.~~

18.03.120 Step 11: Lapse of Approval

~~A. The Planning Director may grant an extension of the approval for a period of up to one (1) year for good cause:~~

- ~~1. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why an application did not commence in a timely manner.~~
- ~~2. Examples of good cause include delays in preparation of construction documents due to new information not available at time of approval, changes in site conditions, lack of materials, labor supply problems or similar causes not solely the result of the applicant's failure to pursue the development with due diligence.~~

~~B. If applicable, the lapse of approval time frames established in this Section may be extended only when all of the following conditions exist:~~

- ~~1. The provisions of this Code must expressly allow the extension;~~
- ~~2. An extension request must be filed prior to the applicable lapse of approval deadline;~~
- ~~3. The extension request must be in writing and include an explanation of good cause; and~~
- ~~4. Unless otherwise noted, authority to grant extensions of time shall rest with the Planning Director.~~

18.03.130 Step 12: Subsequent Applications

~~A. Following denial of an application, the applicable Land Use Authority shall not decide on the same or substantially the same application within one (1) year of the date of denial. The waiting period required by this Section may be waived in an individual case, for good cause shown, by the Land Use Authority upon a written request by the applicant. When the Land Use Authority is the Planning Director an administrative decision may be made on the request. When the Land Use Authority is the Planning Commission, an affirmative vote of the majority of the members to waive the waiting period is required.~~

18.03.140 Minor Subdivision

~~A. Purpose. The Minor Subdivision is intended to provide for streamlined review for small-scale projects with limited impact. A Minor Subdivision shall be required prior to issuance of a grading, land disturbance, excavation, encroachment, or building permit, or other minor development activities.~~

~~B. Applicability. An applicant may subdivide a property creating or modifying up to three (3) lots or parcels via the Minor Subdivision process. Plats involving four (4) or more lots are not eligible for the Minor Subdivision process.—~~

~~C. Procedure. The following application steps, as outlined in MKC 18.03, are required.—~~

~~1. Step 1: Pre-application Consultation~~

~~2. Step 2: Development Review Consultation (DRC)~~

~~3. Step 4: Application Submittal~~

~~4. Step 5: Application Completeness Review~~

~~5. Step 6: Application Review~~

~~6. Step 7: Public Notice~~

~~7. Step 8: Public Meeting(s) and/or Hearing(s)~~

~~a. The Planning Director shall hold a public meeting and shall be the Land Use Authority for such applications.~~

~~8. Step 9: Decision and Findings~~

~~D. Approval Criteria. The Planning Director shall approve the request if:~~

~~1. The minor subdivision creates no more than three (3) lots in total.~~

- ~~2. The minor subdivision does not create remnant or otherwise unusable lots or parcels.~~
- ~~3. The minor subdivision is consistent with and complies with the requirements specific zoning district in which it is located;~~
- ~~4. The lots created with the proposed minor subdivision have a buildable area that would not require a future variance in order to construct the use the lot is intended for;~~
- ~~5. As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved plat; and~~
- ~~6. The minor subdivision will not limit the city's ability to effectively provide facilities or services.~~
- ~~7. No new lot nor any lot affected by the subdivision will have a noncomplying structure or a structure occupied by a nonconforming use.~~

~~E. Submittal. Any person seeking a minor plat shall submit the following documentation to the Planning Department including the following:~~

- ~~1. An application provided by the Planning Department.~~
- ~~2. A Subdivision Requirements Checklist with complete materials as specified on the checklist including:
 - ~~a. A letter detailing all the following information:
 - ~~i. The name of applicant or authorized agent and contact information;~~
 - ~~ii. A property address and parcel number;~~
 - ~~iii. The address for the subdivision;~~
 - ~~iv. The subdivision name;~~
 - ~~v. Any other applicable information as set forth in the requirements of the applicable application checklist.~~~~~~
- ~~3. A legal description of the property to be subdivided.~~
- ~~4. A grading and drainage plan.~~
- ~~5. An existing conditions survey, showing original ground surface and topography.~~

~~locations of existing trees, geologic hazards, floodplain hazards, etc.~~

~~6. A Title report prepared and dated not more than ninety (90) days before the proposed recordation date of the final plat.~~

~~7. An ALTA survey.~~

~~8. An application fee paid in full for the amount specified in the Consolidated Fee Schedule.~~

~~9. Additional, relevant, supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make an informed decision.~~

~~F. Improvement Completion Assurance. Approval of a minor subdivision plat authorizes the subdivider to proceed with the subdivision. However, no lot(s) shall be sold unless either the required improvements have been installed and accepted by the city or the cost of said improvements have been financially assured as set forth in MKC 18.05.020 Improvement Completion Assurance.~~

~~G. Expiration. Failure to submit the approved minor subdivision for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new minor subdivision application for review. Prior to expiration of the six (6) month period, the Planning Director may grant one extension as set forth in MKC 18.03.120 Step 11: Lapse of Approval above.~~

18.03.150 Major Subdivisions

~~A. Purpose. The purpose of the Major Subdivision is to ensure that the development is in conformance with zoning regulations, and all applicable city standards.~~

~~B. Applicability. The major subdivision procedure is required for a proposed division of land when any one (1) or more of the following conditions exist:~~

~~C. Procedure Overview. Major Subdivisions require two (2) steps:~~

~~1. Preliminary Subdivision, which requires approval by the Planning Commission; and~~

~~2. Final Subdivision, which requires approval by the Planning Director.~~

~~D. Preliminary Subdivision Procedure. The following application steps, as outlined in MKC 18.03 are required.~~

~~1. Step 1: Pre-application Consultation~~

~~2.—Step 2: Development Review Consultation (DRC)—~~

~~3.—Step 3: Neighborhood Meeting~~

~~4.—Step 4: Application Submittal~~

~~5.—Step 5: Application Completeness Review~~

~~6.—Step 6: Application Review—~~

~~7.—Step 7: Public Notice~~

~~8.—Step 8: Public Meetings / Hearings~~

~~9.—Step 9: Decision and Findings~~

~~E.—Preliminary Subdivision Approval Criteria and Findings. In reviewing a Preliminary Subdivision application, the Planning Commission shall determine whether or not the Preliminary Subdivision application complies with the following findings:—~~

~~1.—The Preliminary Subdivision is consistent with and complies with the requirements specific zoning district in which it is located and all other applicable city regulations and policies;~~

~~2.—As applicable, the Preliminary Subdivision is consistent with the terms and conditions of any previously approved development plan or Final Subdivision;~~

~~3.—Provides a layout of lots, streets, blocks, driveways, utilities, drainage, and other public facilities pursuant to this Title;—~~

~~4.—The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site; and~~

~~5.—Will not limit the city's ability to effectively provide facilities or services.~~

~~F.—Preliminary Subdivision Submittal. Any person seeking a Preliminary Subdivision shall submit the following documentation to the Planning Department including the following:~~

~~1.—An application provided by the Planning Department.~~

~~2.—A Subdivision Requirements Checklist with complete materials as specified on the checklist including:~~

~~a.—A letter detailing all the following information:~~

~~i.—The name of applicant or authorized agent and contact~~

information;

~~ii.—A property address and parcel number;~~

~~iii.—The address for the subdivision;~~

~~iv.—The subdivision name;~~

~~v.—Applicable information as set forth in the requirements of the applicable application checklist.~~

~~b.—A legal description of the property to be subdivided.~~

~~e.—A grading and drainage plan.~~

~~d.—An existing conditions survey, showing original ground surface and topography, locations of existing trees, geologic hazards, floodplain hazards, etc.~~

~~e.—A Title report prepared and dated not more than ninety (90) days before the proposed recordation date of the final plat.~~

~~f.—An ALTA survey.~~

~~g.—The metes and bounds description of the property proposed to be subdivided;~~

~~h.—For condominium conversions of existing multifamily developments, additional submittal requirements as set forth in the checklist are required.~~

~~i.—Where required, evidence of any agreements with adjacent property owners relative to the subdivision development shall be presented to the city in writing prior to its approval of the plat. These agreements may include development agreements, deferral agreements, and agreements relative to drainage, easements, protection strips and improvement completion assurance agreements.~~

~~3.—An application fee paid in full for the amount specified in the Consolidated Fee Schedule.~~

~~4.—A Preliminary Plat in a form approved by the city.~~

~~5.—Any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make an informed decision.~~

~~G. Preliminary Subdivision Post Approval Action. Following an approval or approval with conditions of a Preliminary Subdivision, the Planning Director shall issue a timely written record of decision, including any required conditions of approval, along with a copy of the approved preliminary plat, as set forth in MKC 18.03.100~~

~~H. Preliminary Subdivision Expiration. Approval of a Preliminary Subdivision shall be effective for one (1) year following the date of the Planning Commission meeting. An approved Preliminary Subdivision shall expire and be of no further force and effect if a complete Final Subdivision application for the subdivision or a phase of the subdivision has not been submitted within one (1) year after the Preliminary Subdivision approval date. In the case of partial Final Subdivision submission, the approval of the remaining portion of the Preliminary Subdivision shall automatically gain an extension of one (1) year, up to a maximum number of years specified by the Planning Commission at the time of approval of the initial phase. If no Final Subdivision is submitted, an extension may be granted as set forth in MKC 18.03.120 Step 11: Lapse of Approval above.~~

~~I. Final Subdivision Procedure. The following application steps, as outlined in MKC 18.03, are required.~~

- ~~1. Step 4: Application Submittal~~
- ~~2. Step 5: Application Completeness Review~~
- ~~3. Step 6: Application Review~~
- ~~4. Step 9: Decision and Findings~~

~~J. Final Subdivision Approval Criteria. Upon receipt of all final application requirements, the Planning Director shall approve, conditionally approve, or deny the Final Subdivision based on the approval criteria in this section. The Planning Director shall confirm that:~~

- ~~1. The Final Subdivision is in conformance with the previously approved Preliminary Subdivision; and~~
- ~~2. The Final Subdivision will comply with the applicable technical standards and specifications outlined in this Code.~~

~~K. Final Subdivision Submittal. Any person seeking a final subdivision shall submit the following documentation to the Planning Department including the following:~~

- ~~1. An application provided by the Planning Department.~~
- ~~2. A Subdivision Requirements Checklist with complete materials as specified on the checklist including:~~

~~a. A survey of the subject property as set forth in the specifications of the applicable application checklist;~~

~~b. A letter of intent including all the following information:~~

~~i. The name of applicant or authorized agent and contact information;~~

~~ii. A property address and parcel number;~~

~~iii. The address for the subdivision;~~

~~iv. The subdivision name.~~

~~3. A Final Plat in a form approved by the city.~~

~~4. A legal description of the property to be subdivided.~~

~~5. A copy of the previously approved Preliminary Subdivision.~~

~~6. An application fee paid in full for the amount specified in the Consolidated Fee Schedule.~~

~~7. An updated Title Report, if the title report previously submitted is anticipated to be dated more than ninety (90) days before the proposed recordation date of the final plat.~~

~~8. Any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make an informed decision.~~

~~L. Final Subdivision Expiration. Approval of the Final Subdivision by the Planning Director shall be deemed as its certification. Failure to submit the approved Final Subdivision for recording within one (1) year after the date of the approval shall void the approval and the subdivider shall be required to submit a new Major Subdivision application for review. Prior to expiration, the Planning Director may grant one (1) extension as set forth in MKC 18.03.120 Step 11 above.~~

~~M. Condominium Subdivisions, Condominium Conversions, and Condominium Vacations. Condominium record of survey maps are pursuant to the requirements of the condominium ownership act of 1975, Utah Code 57-8, as amended and shall follow the major subdivision procedure with additional documentation as noted in the Utah Code 57-8, as amended.~~

~~N. Condominium Conversions: Existing multifamily developments may be converted into condominiums, subject to the following standards:~~

- ~~1. Any condominium conversion shall have a minimum of eight (8) legal units or lots. One (1) or more single family detached dwellings shall not be platted as a condominium development.~~
- ~~2. In order to be considered for a condominium conversion, an existing multifamily development must have been legally established at least five years prior to filing an application for a condominium conversion.~~
- ~~3. Submittal. Where conversion of an existing building is proposed as part of the condominium project, the applicant shall submit a property report, prepared by a licensed architect or engineer, including the following information, together with the plan for proposed improvements, renovations and repairs:
 - ~~a. A site plan indicating the layout of existing landscaping, parking, and amenities.~~
 - ~~b. The age of the building or buildings.~~
 - ~~e. The general condition, useful life and capacity of the building's structural elements, including the roof, foundations, mechanical system, electrical system, plumbing system, boiler, and other structural elements.~~
 - ~~d. All known conditions constituting deficiencies requiring repair to meet existing building codes.~~
 - ~~e. All known conditions which may require repair or replacement within the next succeeding five (5) year period.~~
 - ~~f. The property report shall certify that the structure or structures conform to the international building code minimum standards, or the owner shall present plans to bring the structure or structures into conformity with said standards prior to issuance of certificates of occupancy.~~
 - ~~g. Where it is determined that physical conditions in an existing building do not allow the strict application of the international building code standard, the Land Use Appeal Authority shall review all requests to vary from these standards and may grant variances or approve alternates where it is determined the intent of the requirement will be met. In any event, there shall be disclosure to buyers of any conditions that do not meet code or standards set by the city.~~~~
- ~~4. Condominium Conversions. Existing apartments that are converted into condominiums shall be subject to the following additional reviews prior to receiving preliminary plat approval by the Planning Commission.~~

- a. ~~Building Inspection Staff Review: Upon receipt of the application for approval of a condominium project, the building inspection department shall review the proposed building plans for new construction and/or in the case of a conversion project, the property report and plan of improvement, renovations, and repairs to determine conformance with applicable building codes. In the case of a conversion, the department shall require inspections of the property and may require supplementation, revision, and resubmission of the property report where necessary. In the preliminary review report to the planning commission, the building inspection department shall note corrections, repairs and replacements which must be made to bring the structures into code compliance, together with a list of renovation improvements proposed by the owner/developer which are not required by code. The chief building official shall also list any requirements of the international building code that needs board of appeal consideration due to unique circumstances associated with the structure. The building official may then recommend denial until such time as existing violations of code are corrected or may recommend preliminary approval of the project and building report subject to correction of the violations prior to final approval.~~
- b. ~~Fire Marshal Review: The fire marshal shall inspect each structure proposed for conversion and shall submit a report thereon to the planning staff outlining the conditions of the structures as they relate to fire safety. The marshal shall stipulate those conditions requiring improvement, prior to occupancy, in the report.~~
- c. ~~Code Compliance Review. The city Code Compliance inspector shall inspect each structure proposed for conversion and shall submit a report thereon to the planning staff outlining the conditions of the structure as they relate to municipal code compliance. The city shall stipulate those conditions requiring improvement, prior to being issued final plat approval, in the report.~~

~~5. Tenant Notification. As part of the application for approval of a condominium project, when said project involves the conversion of an existing structure the applicant shall provide written notice of intended conversion to the existing tenants as of the date of the application. Service of the written notice shall be in accordance with a service of a summons as provided in the Utah Rules of Civil Procedure. The applicants shall provide proof of service stating the date, place, and manner of service, including a copy of the notice.~~

18.03.160 Subdivision Amendment

- A. ~~Purpose. The purpose of a subdivision amendment is to make minor changes to lots that are of a small, technical nature, but largely do not affect otherwise approved or existing~~

~~plats. The Planning Director may allow such modifications according to the criteria within this Section.~~

~~B. Applicability. A subdivision amendment may only be considered on approved minor subdivision or final subdivision.~~

~~C. Procedure. The following application steps, as outlined in MKC 18.03, are required.~~

- ~~1. Step 1: Pre-application Consultation~~
- ~~2. Step 2: Development Review Consultation (DRC)~~
- ~~3. Step 3: Neighborhood Meeting~~
- ~~4. Step 4: Application Submittal~~
- ~~5. Step 5: Application Completeness Review~~
- ~~6. Step 6: Application Review~~
- ~~7. Step 7: Public Notice~~
- ~~8. Step 8: Public Meetings / Hearings~~
- ~~9. Step 9: Decision and Findings~~

~~D. Approval Criteria. To be considered an amended minor or major subdivision and not a new minor or major subdivision, the amended subdivision must meet all the following criteria:~~

- ~~1. The amended plat is in substantial conformance with the original approved subdivision;~~
- ~~2. The amended subdivision does not increase the number of lots or parcels or create new lots or parcels;~~
- ~~3. The amended subdivision does not eliminate or move a recorded easement without the prior approval of the easement holder;~~
- ~~4. The amended subdivision will not create any nonconformities or increase the degree of nonconformity of any existing structure or use;~~
- ~~5. The amended subdivision is compliant with all other applicable requirements of this Code and all other applicable regulations and requirements.~~

~~E. Submittal. Any person seeking a Subdivision Amendment shall submit the following~~

documentation to the Planning Department including the following:

- ~~1. An application provided by the Planning Department.~~
- ~~2. A Subdivision Requirements Checklist with complete materials as specified on the checklist including:
 - ~~a. A letter detailing all the following information:
 - ~~i. The name of applicant or authorized agent and contact information;~~
 - ~~ii. A property address and parcel number;~~
 - ~~iii. The address for the subdivision;~~
 - ~~iv. The subdivision name.~~
 - ~~v. Any other applicable information as set forth in the requirements of the applicable application checklist.~~~~~~
- ~~3. An application fee paid in full for the amount specified in the Consolidated Fee Schedule.~~
- ~~4. A legal description of the property to be subdivided.~~
- ~~5. A title report prepared and dated not more than ninety (90) days before the proposed recordation date of the final plat.~~
- ~~6. A Final Plat in a form approved by the city.~~
- ~~7. Any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make an informed decision.~~

~~F. Expiration. Approval of the amended final subdivision or amended minor subdivision by the Planning Director shall be deemed as its certification. Failure to submit the approved subdivision for recording within one (1) year after the date of the approval shall void the approval and the subdivider shall be required to submit a new Major Subdivision or Minor subdivision, as applicable, application for review. Prior to expiration, the Planning Director may grant one (1) extension as set forth in MKC 18.03.120 Step 11 above.~~

18.03.170 Property Line Adjustment

~~A. Purpose. The purpose of a property line adjustment is to make minor changes to lots that are of a small, technical nature, but largely do not otherwise affect existing plats.~~

~~B. Applicability. A property line adjustment may only be made to a previously approved final major or minor subdivision and must meet the criteria listed in this section. Only two whole platted lots within a subdivision may be involved in a single action. Neither lot involved may have received a prior property line adjustment. The fifteen percent (15%) limitation in Subsection D below may not be circumvented by submitting a series of property line adjustment requests.~~

~~C. Procedure. The following application steps, as set forth in MKC 18.03, are required.~~

~~1. Step 4: Application Submittal~~

~~2. Step 5: Application Completeness Review~~

~~3. Step 6: Application Review~~

~~4. Step 7: Public Notice~~

~~5. Step 8: Public Meeting(s) and/or Hearing(s)~~

~~a. The Planning Director shall hold a public meeting and shall be the Land Use Authority for such applications.~~

~~6. Step 9: Decision and Findings~~

~~D. Approval Criteria. To be considered a property line adjustment and not a subdivision amendment, the proposed property line adjustment must meet all of the following criteria:~~

~~1. The property line is not increasing or decreasing the area of an existing lot by more than fifteen percent (15%).~~

~~2. The property line adjustment does not increase or decrease the number of lots or parcels or create new lots or parcels.~~

~~3. The property line adjustment does not affect a recorded easement without the prior approval of the easement holder.~~

~~4. Existing platted easements adjacent to the property line being adjusted remain in their original locations and no new easements are dedicated.~~

~~5. Rights of way, ingress or egress easements, or any required common areas are not affected or changed.~~

~~6. The property line adjustment will not create any nonconformities or increase the degree of nonconformity of any existing structure or use.~~

~~7. The property line adjustment does not result in a lack of conformance with any other applicable requirements of this Code and all other applicable regulations and requirements.~~

~~E. Submittal. Any person seeking a property line adjustment shall submit the following documentation to the Planning Department including the following:~~

~~1. An application provided by the Planning Department.~~

~~2. A Subdivision Requirements Checklist with complete materials as specified on the checklist including:~~

~~a. A letter detailing all the following information:~~

~~i. The name of applicant or authorized agent and contact information;~~

~~ii. A property address and parcel number;~~

~~iii. The address for the subdivision;~~

~~iv. The subdivision name.~~

~~b. The metes and bounds description of the properties proposed to be modified.~~

~~3. An application fee paid in full for the amount specified in the Consolidated Fee Schedule.~~

~~4. A Title report prepared and dated not more than ninety (90) days before the proposed recordation date of the deed that adjusts a property line.~~

~~5. Any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make an informed decision.~~

18.03.180 Vacating a Subdivision Plat

The vacation of a subdivision plat shall comply with the requirements established in Utah Code Section 10-9a-60, and shall follow the process as outlined below:

~~A. Vacation of subdivisions with three or fewer lots shall follow the Minor Subdivision process.~~

~~B. Vacation of subdivisions with more than three lots shall follow the Major Subdivision process.~~

Note: Required Improvements Section to Move to Title 14

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18.04 Required Improvements

18.04.010 Required Improvements

A. The following improvements shall be required and adhere to the standards in the Millcreek Code of Ordinances.

1. Storm Water System
2. Public Sanitary Sewer
3. Storm Drainage to Comply with Low Impact Design Standards
4. Street Improvements
5. Street Lighting
6. Curb and Gutter
7. Utility and Facility Systems to be Undergrounded
8. Sidewalks
9. Street Name Signs
10. Trails
11. Fire Hydrants
12. Stormwater Inlets
13. Fencing Along Right-of-Ways Where Lots Rear Public Streets
14. Undergrounding/piping of Canals Where Adjacent to Public Right-of-Way

18.04.020 Construction of Improvements

A. Twenty-four hours prior to construction of any required improvements, the Planning and Engineering Departments shall be notified so that proper inspection may be provided and so that it may be determined whether or not proper authorization and/or required permits for construction have been obtained.

- B. As-built plans, profile drawings, and corresponding GIS data shall be furnished to the Planning and Engineering Departments of all street improvements, storm sewer, sanitary sewer and water systems upon completion. The city shall retain the improvement assurance guarantee and associated approved bond agreement until such plans have been submitted.

18.04.030 Certification of Improvements

- A. No final plat of a subdivision of land shall be recorded without receiving a statement signed by the Planning and Engineering Departments certifying that the improvements described in the subdivider’s plans and specifications have been completed (or an improvement assurance guarantee has been submitted for the required improvements as ~~allowed under this Title~~**required by this Code and applicable regulations and standards**), that they meet the minimum requirements of all ordinances of the city, that they comply with the standards and requirements of the health department, and the fire authority serving the area.

18.05 Responsibility for Damages

18.05.010 Responsibility for Damages – General

- A. All damages to any bonded improvements or facilities incurred during the period of development shall be the sole responsibility of the subdivider and must be replaced to the satisfaction of the city before final acceptance of any improvements caused by the subdivider or any agents of the subdivider shall be repaired by the subdivider to the satisfaction of the city prior to final acceptance and bond release.

Note: Section 18.05.020 may be moved to a general Bonds and Improvements Chapter in Title 3 of Millcreek Code.

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18.05.020 Improvement Assurance Guarantee

- A. Improvements Valued at ten thousand dollars (\$10,000) or Less. In lieu of actual completion of the improvements listed in this Title and if the city’s estimates that the cost to complete the required improvement is ten thousand dollars or less, then the subdivider must file with the city a surety or cash bond, an escrow agreement, or letter of credit in a form acceptable to the city and in an amount specified by the city Engineer or their designee to assure actual construction of such improvements within a two-year period or other time period as approved by the city.
- B. Improvements Valued at More than ten thousand dollars (\$10,000). In lieu of actual completion of the improvements listed in this Title and if the city’s estimates that the cost to complete the required improvement is more than ten thousand dollars, then the subdivider must file with the city a cash bond, an escrow agreement, or a letter of credit in a forma acceptable to the city and in an amount specified by the city Engineer or designee to assure actual construction of such improvements within a two-year period or

other time period as approved by the city. A subdivider may not use a surety bond for improvements valued at more than ten thousand dollars.

- C. Warranty. Ten (10) percent of the bond amount for public improvements such as required landscaping, curb, gutter, sidewalk, road surfacing, flood control and fire hydrants shall extend for a one-year period beyond the date the city accepts the required landscaping or infrastructure. The city may extend the warranty period beyond one year if it determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and if it has substantial evidence, on record, of prior poor performance by the applicant; or that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.
- D. The improvement completion assurance shall also secure all lot improvements on individual lots on the subdivision which are required in this Chapter.
- E. If the city Engineer or their designee determines that the required improvements should be completed in a specified sequence and/or in less than a two-year period in order to protect the health, safety and welfare of the city or its residents from traffic, flood, drainage or other hazards, it may require in approving the final subdivision plat that the improvements, including required landscaping be installed in a specified sequence and period which may be less than two years and shall incorporate such requirements in the bond.
- F. Inspections shall be made within the time period established by the city. If inspection shows that standards and specifications have been met in the completion of such improvements, the bond shall be released by city Engineer or their designee within seven business days from the time of inspection and filing of the as-built plan, any corresponding GIS data (as required), and profile drawings. If the bonds are not released, refusal to release and the reasons therefor shall be given the subdivider in writing within seven business days from the time of the inspection.
- G. Bonds filed pursuant to this section shall be processed and released in accordance with the procedures set forth in MKC 3.56, Public Works Bonds.

18.06 Engineering Standards

18.06.010 Storm Water System

- A. Storm sewers shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins and shall be connected to an adequate outfall. A stormwater drainage system subject to the approval of the city shall be provided and shall be separate and independent of the sanitary sewer system. The final plans for the drainage system shall be prepared by a professional engineer licensed to practice in the State of Utah and not in the employ of the city.

- B. No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal shall be used for stormwaters unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use. The subdivider shall remove such waterways from property to be so dedicated prior to the construction of required off-site improvements.

18.06.020 Public Sanitary Sewer

- A. A public sanitary sewer system, including main lines and laterals from the main to each lot property line, shall be constructed throughout the entire subdivision in accordance with plans and technical standards required by the entity providing public sewer service to the subdivision and shall be connected to the public sewer system.

18.06.030 Street Improvements

- A. The subdivider shall submit a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision to the planning and development services division. Plans and profiles are to be prepared by a professional engineer licensed to practice in the state of Utah and not in the employ of the city and shall be accompanied by the final plat. The subdivider must also provide a GIS data corresponding to the submitted plans as set forth in MKC 18.03. The Planning Department shall, within a reasonable time not to exceed twenty (20) business days from the receipt of the plans and profiles, notify the subdivider of its approval on behalf of the city, and in case of its disapproval on behalf of the city the reasons therefor.
- B. At least ten (10) business days prior to the commencement of construction, the subdivider shall furnish to the planning and development services division three complete sets of approved construction plans and profiles of all streets, existing and proposed, as well as all corresponding GIS data in a format compatible with this ordinance. Such plans and profiles shall include:
 1. The designation of limits of work to be done;
 2. The location of the benchmark and its true elevation according to the Standards for Geographic Information System and the Public Works Engineering GIS Standards. The city hereby adopts applicable county standards, rules, and regulations for Geographic Information System and the Public Works Engineering GIS Standards and by this reference the same is incorporated herein by reference;
 3. Profiles which indicate the finished and existing grades for each side of the street. Separate profiles, clearly designated, shall be made for each side of the street;

4. Construction plans which include the details of curb and gutter and street cross-sections, location and elevation of manholes, catch basins and storm sewers, elevations and location of fire hydrants and any other detail necessary to simplify construction;
5. Complete date for field layout and office checking;
6. On curb returns, at least two additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to insure drainage at intersection;
7. The street address of the project as approved by the county on behalf of the city planning number, and subdivision name if applicable.

18.06.040 Arrangement of Streets

- A. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the planning commission. New streets shall connect with existing public streets. No street whether public or private shall be included in the lot size minimum requirements.

18.06.050 Utility and Facility Systems to be Underground

- A. All utility and facility systems including, but not limited to, all poles, towers, wires, lines, cables, conduits, and pipes providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution systems, and transmission systems shall be placed underground in accordance with city ordinances and policies. (Refer to MKZ 19.79, Utility and Facility System Placement Regulations.)

18.06.060 Street Lighting

- A. Except as provided for in subsection E below, adequate street lighting shall be provided for the safety and welfare of residents and businesses located in the city through the installation of a street lighting system as part of subdivision development.
- B. All street lights intended to illuminate the public street shall be installed in accordance with the "Standard Specifications for Street Light Construction" as established by the city Engineer or designee and approved by the city council. Street light systems shall be designated on approved plats and installed accordingly.
 1. For all residential, multi-family residential, planned unit development, commercial, and industrial subdivision developments approved after the effective date of this ordinance, the subdivider shall install and pay the installation costs for street lights as shown on the approved subdivision plat or site plan and to post an

improvement assurance guarantee, as set forth in MKC 18.05.020, guaranteeing proper installation. The subdivider must also provide a dedicated public utility easement from each respective underground power source to each streetlight.

2. Items to be approved pursuant to the requirements of the “Standard Specifications for Street Light Construction” include:
 - a. Appropriate distance or spacing;
 - b. Alternating sides of street, when applicable;
 - c. Appropriate illumination at intersections;
 - d. Location upon the property;
 - e. Street light type and decorative style based on street classification;
 - f. Height based on location;
 - g. Installation methods and requirements; and
 - h. Illumination intensity, electrical specifications, and code requirements as determined by the “Standard Specifications for Street Light Construction”.
3. The subdivider or designee shall submit completed as-built drawings and the GIS data corresponding to the as-built drawings, as required by MKC 18.24, to the public works operations director or designee within thirty (30) calendar days of the completion of the installation of a street light system within a subdivision development.
4. The city or its designee shall have the authority:
 - a. To enforce this section and to ensure that street light installation is completed in compliance with all of its requirements; and,
 - b. To vary the standards referenced in this section and to approve alternative street light designs and locations when adverse topography, roadway geometrics and design, the presence of natural vegetation, or any other adverse conditions exist which would justify such variations and alternatives without being detrimental to the public safety or welfare.

18.06.070 Pavement Requirements

- A. All streets within the city shall be improved with pavements bounded by integral concrete curbs and gutters to an overall width in accordance with the standards, rules and regulations adopted by the city council. The city hereby adopts applicable county standards, rules, and regulations for pavements bonded by integral concrete curbs and gutter improvements and by this reference the same is incorporated herein by reference.
- B. Pavements shall be constructed in accordance with the requirements of the standards, rules and regulations adopted by the city council. The city hereby adopts applicable county standards, rules, and regulations for pavements and by this reference the same is incorporated herein by reference.

18.06.080 Curbs and Gutters

- A. Curbs and gutters on all streets shall be concrete of the standard high-back-type unit, not less than two feet, six inches in overall width, and not less than seven inches thick where the curb abuts the street pavement.
- B. All curb corners shall have a radius of not less than twenty-five feet or thirty-five feet on streets designated as collector or arterial streets.
- C. The subdivider shall install curbs, gutters and sidewalks on existing and proposed streets in all subdivisions.

18.06.090 Street Name Signs

- A. Street name signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations, shall be provided by the developer at all street intersections. Installation shall be made by the operations division to insure uniformity. The city hereby adopts applicable county standards, rules, and regulations for street name signs and by this reference the same is incorporated herein by reference.

18.06.100 Trails

- A. The subdivider shall dedicate trails necessary to provide public access to public lands and other trails shown on the county or city general plans or required by the planning commission. Trails shall be located so that the route is feasible for both construction and long-term maintenance; side slopes shall not exceed seventy percent and rock cliffs and other insurmountable physical obstructions shall be avoided. The specific location of the trail right-of-way shall be verified on the ground before approval of the subdivision.

18.06.110 Fire Hydrants

- A. Fire hydrants shall be installed in all subdivisions in accordance with the regulations of the local fire authority.

18.06.120 Stormwater Inlets and Catch Basins

- A. Stormwater inlets and catch basins shall be provided within the roadway improvements at points specified by the city.

18.06.130 Open Ditches and Canals; Permitted When

- A. Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:
 - 1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;
 - 2. The size of pipe and culverts required;
 - 3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the city.

18.06.140 Open Ditches and Canals; Fencing Requirements

- A. The subdivider shall install a six-foot, non-climbable chain-link fence, or its equivalent, in conformance with the standards and rules and regulations adopted as provided in MKC 18.02, along all open ditches, canals or waterways, nonaccess streets, open reservoirs or bodies of water, railroad rights-of-way and other such features of potentially hazardous nature on, crossing or contiguous to the property being subdivided, except along those features which the land use authority shall determine would not be a hazard to life, or where the conforming structure would create a hazard to the safety of the public.

18.06.150 Fencing Requirements

- A. Where lots rear on a public street the developer shall install fencing along the street right-of-way which is:
 - 1. Uniform in design and materials within the subdivision;
 - 2. A solid visual barrier screening;
 - 3. A minimum of six feet high from the top of curb or, if there is no curb, from the crown of the street;
 - 4. Maintained by the abutting property owner or HOA;
 - 5. Constructed with a sealant placed on any masonry fence to help with the removal of graffiti and to preserve the surface;

6. Constructed according to development standards adopted by the city;
7. Placed on the property line with the space between the fence and the sidewalk hard surfaced or planted with a perennial, climbing, groundcover and a sprinkling system.

18.07 Appeals

The applicant or any person adversely affected by a final decision on a subdivision shall have the right to appeal the decision to the land use hearing officer by filing a letter to the hearing officer stating the reasons for appeal within ten (10) business days after the decision, and paying the applicable fee as set forth in the Consolidated Fee Schedule. The hearing officer shall review the record and the decision to determine whether the decision was arbitrary, capricious, or illegal. After hearing the appeal, the land use hearing officer may affirm, reverse, alter or remand the decision for further consideration. For disputes arising from the subdivision improvement plans, an applicant shall follow the procedure as set forth in MKZ 18.15.060 (C)(6).

18.08 Definitions

- A. Generally. The terms used in this title shall have the respective meanings set forth in this Title:

“Access Strip” means the portion of a flag lot that connects the main body of the flag lot to a public street, and that includes a driveway and a landscaped buffer.

“Affected Property Owners” means property owners who have a direct interest in, or who will be directly affected by a proposed subdivision amendment or lot line adjustment, including the applicant.

“ALTA Survey” means a standard survey format proposed by the American Land Title Association and the American Congress on Surveying and Mapping.

“Benchmark” means a mark affixed to a permanent object along a line of survey to furnish a datum level.

“Block” means a group of platted lots surrounded by streets or by other features that interrupt the street network such as parks, railroad rights-of-way, or municipal boundary lines.

“Building Setback Line” means a line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which line and the adjacent boundary of the street upon which the lot abuts, the erection of an enclosed structure or portion thereof is prohibited.

“Collector Street” means a street which carries traffic from minor streets to the major

street system, including the principal entrance streets of residence development and the primary circulating streets within such a development.

“City” Or “Council” unless otherwise clearly indicated, means Millcreek or the Millcreek Council.

“Cul-De-Sac” means a minor street having one open end and being terminated at the other by a vehicular turnaround.

“Dwelling” means any building or structure, or portion thereof, intended for residential use.

“Easement” means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

“Engineering Division” means the city’s Public Works Department or designee.

“Final Plat” means a map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

“Lot” means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

“Lot Width” means the width of the lot measured along the minimum building setback line.

“Mayor” means the Millcreek mayor.

“Owner” includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof.

“Parcel” means any real property that is not a lot.

“Planning Commission” means the Millcreek planning commission.

“Planning Director” means the city’s Planning and Zoning Director or designee(s).

“Preliminary Approval” means an approval, with or without recommended alterations, given to a preliminary plat by the planning commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.

“Preliminary Plat” means a map or plan of a proposed land division or subdivision.

“Street Light” means a raised light installed within or adjacent to the street right-of-way,

turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells to turn them on at dusk and off at sunrise, or activate automatically in foul weather.

“Subdivision” means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development. Subdivision does not include a bona fide division or partition of agricultural land for agricultural purposes, provided that such agricultural land shall be subject to the requirements of the subdivision ordinance upon the conversion of the land from agricultural use to residential, commercial or manufacturing use. Further, this definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the county recorder. The word “subdivide” and any derivative thereof shall have reference to the term subdivision as defined in this section.

“Subdivision, Regular Residential” means a residential subdivision that is limited to single-household dwellings, two-household dwellings, or townhomes.

“Subdivision Requirements Checklist” or “checklist” means the Subdivision Requirements Checklist approved by the Millcreek City Council and as updated from time to time by the Planning Director.

“Trails” means a system of public recreational pathways located within the city for use by the public for walking, biking and/or horseback riding as designated.

“Vacant Lot or Vacant Parcel” means a lot or parcel that does not have a building or structure on it, or that has been cleared of buildings or structures for at least one year.

18.14. LAND USE AUTHORITY DESIGNATIONS AND APPLICATION PROCEDURES IN GENERAL

18.14.010 Application Categories and Land Use Authority Designations

- A. The Land Use Authority is a person, board, commission, or body designated by Millcreek to act upon a land use application.
- B. Millcreek hereby designates the following land use authorities by application type, pursuant to Utah Code Ann. §10-9a-101 et seq., as set forth in Table 18.14-1- Land Use Authority Designations.
- C. Depending on the nature of the Land Use Authority designated to act upon a land use application, land use applications fall under two categories, Legislative Decisions and Administrative Decisions.
 - 1. Legislative Decisions. Legislative decisions are discretionary, and include those application types listed in Table 18.14-1 that are made by the City Council upon receiving a recommendation from the Planning Commission and Community Council, where applicable.
 - 2. Administrative Decisions consist of all other development approvals, and include those application types listed in Table 18.14-1 that are made by the Planning Commission, Planning Director, or Land Use Hearing Officer. Administrative decisions are subject to standards of review, and shall be made based on findings of fact.

Table 18.14-1 Land Use Authority Designations	
Application Type	Land Use Authority Designation
Administrative Decisions – Subdivisions	
Minor Subdivision	Planning Director
Major Subdivision Preliminary Approval	Planning Commission
Major Subdivision Final Approval	Planning Director
Subdivision Amendment for Minor Plat Adjustments	Planning Director
Lot Line Adjustment	Planning Director
Parcel Line Adjustment	Planning Director
Vacating a Subdivision Plat – Minor Subdivision	Planning Director
Vacating a Subdivision Plat – Major Subdivision	Planning Commission
Vacating a Subdivision Plat – By Ordinance	City Council
Public Street or Municipal Utility Easement Vacation	City Council

18.14.020 Designation of Recommending Bodies and the Role of Staff in Application Reviews

- A. Millcreek also establishes the roles of recommending bodies, including the Planning Commission and Community Councils, to make a recommendation on certain land use application types, as set forth in Table 18.14-2 – Roles of Recommending Bodies by Application Type. For application types not listed in Table 18.14-2, no recommendation is required.
- B. Millcreek Staff shall review all applications for completeness and substantial compliance with relevant requirements, and provide recommendations on Land Use Applications before the Land Use Authority.

Table 18.14-2. Roles of Recommending Bodies by Application Type		
Application Type	Community Council	Planning Commission
Legislative Decisions		
General Plan and Future Land Use Map Adoption and Amendment	Recommendation	Recommendation
Land Use Code Text Amendment	Recommendation	Recommendation
Zoning Map Amendment	Recommendation	Recommendation
Development Agreement	Recommendation	Recommendation
Public Street or Municipal Utility Easement Vacation	None	Recommendation
Administrative Decisions – Other Land Use Decisions		
Conditional Use Permit	Recommendation	N/A

18.14.030 Appeal Authorities

- A. Where the Land Use Authority is the City Council or the Land Use Hearing Officer, appeals shall be filed within thirty (30) days of a final decision to the Third District Court of Utah.
- B. Appeals for decisions where the Land Use Authority is the Planning Commission or the Planning Director shall be filed within seven (7) days of a final decision to the Land Use Appeal Authority as set forth in MKZ 18.XX.XX.

18.14.040 Submittal Requirements in General

- A. For each application type described in this Title, the following submittal requirements apply. Additional requirements may be established for each application type as set forth in MKZ 18.16.
 - 1. An application must be submitted on a form approved by the Planning and Zoning Department.
 - 2. A Submittal Checklist for each application type must be submitted with complete materials as specified on the applicable Checklist.

3. An application fee for each application type must be paid in full as set forth in the Consolidated Fee Schedule.
- B. Persons filing a Land Use Application shall follow the procedures for each application type in the sequence as set forth in MKZ 18.16. A Description of each application step is established in MKZ 18.15.
- C. Application review and scheduling of any required formal public engagement shall only take place after an application is deemed complete by Millcreek staff, following the standards as set forth in MKZ 18.15.050.

18.14.050 Formal Public Engagement and Community Council Engagement Requirements

- A. Certain application types require Formal Public Engagement, which includes either a Public Meeting or a Public Hearing. The type of public engagement applicable to each application type is set forth in MKZ 18.16. For the purposes of this Title, Community Council meetings are not considered a Formal Public Engagement. A summary of the Formal Public Engagement types by application category is set forth in Tab 18.14-3.
 1. Public Meetings. Public Meetings are required to be open to the public as set forth in Utah Code Ann. 52-4-101 et seq. All land use decisions made by the City Council and Planning Commission shall be rendered during open and public meetings. The Planning Director may also conduct public meetings related to land use applications or other land use issues. No public meeting shall commence until all procedures as set forth in MKZ 18.14.060 are met. The following criteria is applicable to public meetings:
 - a. At a public meeting to consider an application, the Land Use Authority shall review the data supplied by the applicant, review the findings and recommendations of the Planning Director, and may take public comment from all interested persons in attendance.
 - b. The applicant or their designated agent whose application is before the Applicable Community Council, Planning Commission or City Council shall be present at the public meeting.
 - c. The applicant shall offer competent evidence in support of the application sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.
 2. Public Hearings. At a public hearing, members of the public are provided a reasonable opportunity to comment on the subject of the hearing. No public hearing shall commence, nor shall public comment be received, until all notice procedures as set forth in MKZ 18.14.060 are met.

- a. At a hearing to consider an application, the reviewing body shall review the data supplied by the applicant, review the findings and recommendations of the Planning Director, and take testimony from all interested persons in attendance.
 - b. The applicant or their designated agent whose application is before the Applicable Community Council, Planning Commission or City Council shall be present at the hearing.
 - c. The applicant shall offer evidence in support of the application sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.
- B. Continuances. For Administrative Decisions, the Land Use Authority may allow for up to two continuances of a public meeting or public hearing, totaling not more than six months, to hear the matter, so the applicant may make modifications or provide additional information and evidence in support of the application.
1. If an application is continued to a date certain so that the Land Use Authority can receive additional information, then notice of a continuation to a date certain shall be posted on the subject property, but no further publication or mailed notice for a continued public meeting is required.
 2. If an application is not continued to a date certain, the application requires re-noticing following the procedure as set forth in MKZ 18.14.060.
- C. Community Council Engagement. Certain application types are required to be subject to review by a relevant community council, which may choose to make a recommendation on that application.
1. Community Councils are encouraged to provide written recommendations to the Planning and Zoning Department. If the relevant Community Council does not provide a recommendation on an application, the application shall proceed through the approval process without a Community Council recommendation.
 2. Where a land use application involves property located within six hundred feet (600') of the boundaries of another community council district, the Planning and Zoning Department shall submit the application for review by the community councils of each community district.
 3. If a complete application is submitted prior to a Planning Commission meeting held on a month where the applicable Community Council meeting is not scheduled to be held, a Neighborhood Meeting may be utilized in lieu of the Community Council meeting, with a summary report of the meeting provided to the Community Council electronically. This

neighborhood meeting must be completed at least seven (7) days prior to the Planning Commission meeting.

Table 18.14-3 Summary of Formal Public Engagement by Application Category		
<i>Legislative Decisions</i>		
	<i>Recommending Body</i>	<i>Land Use Authority</i>
Formal Public Engagement Type	Planning Commission	City Council
	Public Hearing	Public Meeting
<i>Administrative Decisions</i>		
	<i>Land Use Authority</i>	
Formal Public Engagement Type	Public Meeting	

18.14.060 Public Noticing Requirements

- A. Public Notices are required to inform the public about relevant proceedings of an application. The public noticing requirements are intended to provide information regarding the application and relevant public meetings or hearings for the application.
- B. The Land Use Authority as set forth in Table 18.14-1, shall schedule and hold any required public hearing or public meeting according to the provisions of this Code and State Statute. Where applicable, the notice shall include the date and time of the meeting of the appropriate recommending body, as set forth in Table 18.14-2. This section describes the general noticing procedure for public meetings and hearings in Millcreek. Noticing requirements follow this section unless otherwise noted in MKZ 18.16, Specific Development Application Procedures
- C. Table 18.15.081, Noticing Summary, summarizes the various types of noticing requirements for each type of application. Specific noticing requirements of each application type are more fully described in MKZ 18.16, Specific Development Application Procedures.
- D. Mailed Notices Procedure. Applications requiring mailed notices as set forth in Table 18-14.4, Noticing Summary shall follow the requirements of Utah Code Ann. § 10-9a-101 et seq and these procedures unless otherwise noted in in MKZ 18.16, Specific Development Procedures.
 - 1. Mailed notices shall be sent by Millcreek for any application requiring a public meeting or public hearing. The applicant shall be responsible for the mailing expenses as set forth in the Consolidated Fee Schedule.
 - 2. Mailed notices shall follow the requirements of Utah Code Ann. § 10-9a-205.
 - 3. Mailed notices shall be sent to each owner of record of real property whose property is located partially or entirely within three hundred feet (300') of the subject property, unless otherwise set forth in this Title.

- a. For applications where a Community Council is requested to make a recommendation, mailed notices must be sent a minimum of seven (7) calendar days prior to the Community Council meeting.
 - b. For applications where a Community Council is not requested to make a recommendation, mailed notices must be sent a minimum of ten (10) calendar days prior to the first public hearing or seven (7) calendar days prior to a public meeting.
4. If multiple mailed notices are needed, they may be combined into a single mailed notice with all applicable information.
- E. Notice Sign Procedure. Applications requiring a noticing sign on the subject property as set forth in Table 18.14-4 Noticing Summary shall follow these procedures unless otherwise set forth in MKZ 18.16.
1. Millcreek shall post notification signage on the subject property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
 2. The notice shall be posted a minimum of five (5) calendar days prior to the first Formal Public Engagement on the item and shall remain posted on sight till after the final Land Use Authority decision on the matter. If a notice is removed prior to a final decision, the applicant shall promptly notify the Planning Director within one business day, and the city shall replace the notice within one business day thereafter.
 3. The notice sign shall state the purpose of the public notice and where interested parties can find out more information on the application and Formal Public Engagement schedule.
- F. Online Noticing Procedure. Applications requiring online noticing as set forth in Table 18.14-4 Noticing Summary shall follow these procedures unless otherwise set forth in MKZ 18.16.
1. Millcreek is responsible for posting notice for any application requiring online noticing on Millcreek's official website no later than twenty four (24) hours prior to the first Formal Public Engagement on the item.
 2. Millcreek is responsible for posting notice to the Utah Public Notice Website no later than ten (10) calendar days prior to the first public meeting or hearing on the item.
- G. Hard Copy Notice. A hard copy of any public notice issued by Millcreek shall be posted at Millcreek City Hall at least twenty four (24) hours prior to a public hearing or a public meeting.

Table 18.14-4 Noticing Summary Table

<i>Application Type</i>	<i>Mailed Notice – Calendar days prior to first Community Council Meeting or first Formal Public Engagement</i>	<i>Mailed Notice Distance</i>	<i>Notice Sign (on subject property) – Calendar days prior to first Community Council Meeting or first Formal Public Engagement</i>	<i>Posting On Millcreek Website & Utah Public Notice Website – Calendar days prior to first Formal Public Engagement</i>	<i>Hard Copy of Notice – Hours prior to first Formal Public Engagement</i>
Administrative Decisions - Subdivisions					
Minor Subdivision (3 lots or less)	7	300 feet from subject property	5	7	24 hours
Major Subdivision-Preliminary	7	300 feet from subject property	5	7	24 hours
Subdivision Amendment¹	7	Affected Property Owners	5	7	24 hours
Lot Line Adjustment	7	Affected Property Owners	5	7	24 hours
Vacating a Subdivision Plat	7	300 Feet from subject property	5	7	24 hours

18.15 LAND USE APPLICATION STEPS

18.15.010 Pre-Application Consultation

- A. Purpose. The purpose of a pre-application consultation is to engage Millcreek staff for a no-fee, no commitment consultation to discuss the applicant's concept and to learn about Millcreek's procedures.
- B. Applicability. A pre-application consultation may be requested by an applicant or the Planning Director prior to submittal of any application. If a pre-application consultation is required, an application shall not be accepted until after the pre-application consultation is completed.
- C. Procedure
 - 1. The Planning Director shall schedule a pre-application consultation after either requesting the meeting with the potential applicant or after receipt of a written request for the pre-application consultation, and any required fees are paid.
 - 2. An applicant is entitled to one pre-application consultation free of charge. Additional pre-application consultations may be subject to a payment of a fee as set forth in the Consolidated Fee Schedule.
- D. Informal evaluation not binding. The informal evaluation of the application is not binding upon the applicant or Millcreek.
- E. Application required within six (6) months. After a pre-application consultation has been completed, the associated application must be filed within six (6) months. If an application is not filed within such time frame, a new pre-application consultation shall be required prior to filing an application.

18.15.020 Concept Review

- A. Purpose. A concept review is a more formal process and is intended to provide the applicant with applicable information on development standards and the development process for a proposed project. A concept review will allow the applicant to receive feedback and information from relevant departments and to flag any potential issues the applicant may wish to address prior to application submittal.
- B. Applicability. A concept review may be requested by an applicant or the Planning Director prior to submittal of any application. If an application type requires a concept review as set forth in MKZ 18.16, the concept review must be completed prior to submittal.
- C. Procedure
 - 1. The Planning Director shall schedule the concept review for the next available concept review meeting after either requesting the meeting with the potential applicant or receipt of

a written request for the concept review, submittal of a concept plan, and payment of any applicable fees as set forth in in the Consolidated Fee Schedule.

2. The Planning Director, and any other persons the Planning Director deems appropriate to attend, shall discuss the proposed development at the concept review meeting based upon the information provided by the applicant.
3. The Planning Director shall issue written notes to the applicant regarding the concept review within seven (7) calendar days of the meeting.

D. Multiple Meetings. Applicants may request additional concept review prior to submittal if the concept plan changes in scope, intensity, or layout. Additional concept review meetings at the request of an applicant shall be subject to a payment of a fee as set forth in the Consolidated Fee Schedule.

18.15.030 Neighborhood Meeting

- A. Purpose. A neighborhood meeting is intended for an applicant to inform residents and property owners of potential projects, to help solicit neighborhood input on land use application, to provide any additional local information, and to give the applicant an opportunity to address any relevant neighborhood concerns prior to submittal of an application.
- B. Applicability. A neighborhood meeting is required for relevant application types, as set forth in MKZ 18.16.
- C. Procedure. It is the applicant's responsibility to conduct the neighborhood meeting. The applicant shall organize the meeting and provide adequate proof of notice to include the following:
 1. The applicant shall send a written notice stating the place, date, and time of the neighborhood meeting to all property owners, as identified in the Salt Lake County recorder's records, whose property is within the required notice radius for the land use applications as set forth in MKZ 18.14.060.
 2. The applicant shall mail notice via First Class Mail at least one week prior to the neighborhood meeting.
 3. The applicant shall e-mail notice to members of the relevant community council(s) at least one week prior to the neighborhood meeting, using email addresses provided by the Planning Director.
 4. The neighborhood meeting shall be conducted at a location within Millcreek.
 5. Phone calls or informal door to door contacts shall not constitute a neighborhood meeting.

6. The record of a neighborhood meeting shall be submitted with the application and shall include:
 - a. A list of all individuals who were notified;
 - b. A roster of attendees; and
 - c. A copy of the minutes.

18.15.040 Application Submittal

- A. Purpose. Application Submittals serve as the initial formal interaction between an applicant and Millcreek regarding an application.
- B. Applicability. Application Submittal is required for any application type.
- C. Procedure. Application submittals are made electronically through the Millcreek website.

18.15.050 Application Completeness Review

- A. Purpose. The Purpose of a completeness review is to ensure a given application contains the necessary information for staff and the pertinent Land Use Authority to make an informed decision on a given application.
- B. Applicability. All applications are subject to a completeness review to ensure that all necessary information and materials have been provided for review.
- C. Timing. The Planning Director shall make a determination of application completeness within fifteen (15) business days of application filing.
- D. Complete Submittals. If the application is determined to be complete, the Planning Director shall communicate with the applicant, in writing, the timeframe for application review. The application shall then be processed according to the procedures set forth in this Chapter and reviewed for compliance with the applicable regulations of this Code.
- E. Incomplete Submittals. If an application is determined to be incomplete, the Planning Director shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur and a new submittal is required with the corrected materials.
- F. Completeness Criteria. An application can only be deemed complete if it satisfies the requirements as set forth in MKZ 18.14.040.
- G. Additional supplementary materials. Additional supplementary materials may be submitted after a completeness review is complete and the application has been accepted for review. In such events, any additional supplementary materials must be received at least thirty (30) days

prior to the first public meeting / hearing to be held on the application. Millcreek may postpone and reschedule a public meeting / hearing or approval deadline if such reports and studies are submitted less than thirty (30) days prior to a public meeting / hearing.

18.15.060 Application Compliance Review

- A. Purpose. The application review is intended to ensure that a given application is in conformance with the requirements of all applicable standards of the Millcreek Code other relevant ordinances and statutes. Application review also provides an opportunity to check for the accuracy of documents provided by the applicant.
- B. Applicability. All applications deemed complete are subject to full review by the Planning Director and other relevant reviewing authorities.
- C. Procedure.
 - 1. The Planning Director shall review the application and determine if the application meets the standards of the Millcreek Code. If adjustments are needed to meet approval, these will be communicated to the applicant in writing. The applicant will have the opportunity to amend the application and resubmit for subsequent review.
 - 2. As part of the initial review, the Planning Director shall refer the development application to the appropriate review agencies and specify the timeframe for comments to be due back to the Planning Director.
 - 3. Upon an application's resubmittal for a subsequent review, it shall be reviewed by the agencies who requested revisions.
 - 4. Once the application has been amended to meet the approval of the Planning Director, The Planning Director shall schedule the first public meeting or public hearing, if required, and prepare a staff report. The staff report shall be made available for inspection and copying by the applicant and the public prior to any scheduled public hearing(s) on the application. The staff report shall indicate whether, in the opinion of the Planning Director, the development application complies with all applicable standards of this Code.
 - 5. If the Planning Director is the Land Use Authority, an application may be approved upon the finding that all necessary revisions have been made and the application is compliant with the regulations of this Code.
 - 6. Applications for Regular Residential Subdivisions are entitled to up to four review cycles pursuant to Utah Code Ann. §10-9a-604.2. The Planning Director shall complete an Application Compliance Review within twenty (20) business days after a complete application for a Regular Residential Subdivision is submitted. If, on the fourth or final review, Millcreek fails to respond within twenty (20) business days, the property owner of the property affected by the application for a Regular Residential Subdivision may follow the

[appeal procedure established in Utah Code Ann. §10-9a-604.2 \(11\).](#)

7. No application shall be scheduled for a review and recommendation by a community council, if applicable, or a public meeting or public hearing without a review for compliance with the Code and applicable regulations.

18.15.070 Public Notice

- A. Purpose. Public noticing is required for certain application types to inform the public about the relevant proceedings of an applicant, and to give the public an opportunity to participate in community council meetings, if applicable, and in a Formal Public Engagement as required.
- B. Applicability. Public notice is required for the application types listed in table 18.15-4 Noticing Summary, or as set forth elsewhere in this Title.
- C. Procedure. Providing public notice shall follow the procedures as set forth in MKZ 18.14.060, or as set forth elsewhere in this Title.

18.15.080 Formal Public Engagement and Community Council Engagement

- A. Purpose. Formal Public Engagement and Community Council Engagement is required for certain application types so that the public can participate in the proceedings of applicable community councils and of public bodies they make recommendations or decisions on land use applications.
- B. Applicability. Formal Public Engagement and Community Council Engagement is required for the application types listed in table 18.14-4 Noticing Summary, or as set forth elsewhere in this Title.
- C. Procedure. Providing public notice shall follow the procedures as set forth in MKZ 18.14.060, or as set forth elsewhere in this Title.

18.15.090 Decision and Findings

- A. Decision. After consideration of the development application, the staff report, comments received from other reviewers (if applicable), and the evidence obtained from a Formal Public Engagement Process, the Land Use Authority shall approve, approve with conditions, or deny the application. For Administrative Decisions, approvals must be based on applicable criteria.
- B. Approval criteria. To approve an land use application involving an administrative decision, the applicable Land Use Authority shall find that the development application has satisfied and followed the applicable requirements of this Code and all of the approval criteria required for the applicable application.
- C. Denial. An application for an Administrative Decision may be denied if the request does not meet the requirements of this Code or other relevant ordinances or statutes. An application for a Legislative Decision may be denied at the discretion of the Land Use Authority.

- D. Findings. For all Administrative Decisions or as required by state law, decisions shall include at the least the following elements:
1. A written statement of approval, approval with conditions, or denial, whichever is appropriate; and
 2. A written statement of the basis upon which the decision was made, including specific written findings of fact with reference to the relevant standards of this Code.
- E. Final Action. Applicants shall be given a written decision from the Land Use Authority, and it shall be provided by the Planning Director to the applicant within seven (7) days after the decision.
- F. Failure to Act on Legislative Decisions. If, after a reasonable period of time for the Land Use Authority to consider an application, the Land Use Authority fails to take final action on an application within forty five (45) days of receipt of the written request, then this failure may be appealed to district court within thirty (30) days of the date on which the Land Use Authority should have taken final action. Nothing in this section and no inaction of the Land Use Authority relieves an applicant's duty to comply with all applicable ordinances and regulations of Millcreek.
- G. Failure to Act on Administrative Decisions. If the Land Use Authority fails to take final action on an application within forty five (45) days of receipt of the written request, this failure may be appealed to the Land Use Appeal Authority within thirty (30) days of the date on which the Land Use Authority should have taken final action. Nothing in this section and no inaction of the Land Use Authority relieves an applicant's duty to comply with all applicable Millcreek ordinances and regulations.

18.15.100 Post-Approval Modifications

- A. Purpose. If, after an application has been approved, it becomes necessary to modify the approved plan, minor modifications may be approved by the Planning and Zoning Department. In no case shall the request for modification exceed what is allowed by zone, to include the result of cumulative requests. Post-Approval Modifications for Development Agreements shall follow the process as set forth in MKZ 18.16.040.
- B. Minor modifications include:
1. Five percent (5%) or less of an increase or decrease in nonresidential floor space.
 2. Five percent (5%) of an increase or decrease in the amount of land area covered by structures provided the total lot coverage complies with the maximum lot coverage requirements of the governing zoning district.

3. Minor changes in the location of streets and utilities for reasons not caused by the applicant.

C. Approval Criteria include:

1. The minor modification does not result in an increase in the approved number of dwelling units.
2. The minor modification does not result in a change in the housing unit type.
3. The minor modification does not result in a change in the character of the development.
4. The minor modification includes additional mitigating measures to reasonably mitigate anticipated detrimental effects of the proposed use.

D. Minor Modifications for Site Plan. If after an application has been approved, and needed modifications exceed those permitted in a minor modification, a minor site plan amendment application shall be submitted per the requirements of this chapter. Should changes not be permissible under the criteria for Minor Site Plan Amendments, a new site plan shall be required.

18.15.110 Expirations and Extensions of Land Use Approvals

A. If applicable, the expiration time frames as set forth in MKZ 18.16, Specific Application Procedures, may be extended only when each of the following conditions exist:

1. The provisions of this Code must expressly allow the extension;
2. An extension request must be filed prior to the applicable expiration deadline;
3. The extension request must be in writing and must show good cause; and
4. Unless otherwise noted, authority to grant extensions of time shall rest with the Land Use Authority that granted the original approval being extended.

B. The Planning Director may grant no more than one extension for a period of up to one (1) year for good cause, unless otherwise noted in this Title.

1. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why an application did not commence in a timely manner.
2. Examples of good cause include delays in preparation of construction documents due to new information not available at time of approval, changes in site conditions, lack of materials, financing issues, labor supply problems or similar causes not solely the result of the applicant's failure to pursue the development with due diligence.

18.15.120 Subsequent Applications for Legislative Approvals

Following denial of an application for a legislative approval, the City Council shall not decide on the same or substantially the same application within one (1) year of the date of denial. The waiting period required by this Section may be waived in an individual case, for good cause shown, by the City Council upon a written request by the applicant.

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18.16 SPECIFIC PROCEDURES BY APPLICATION CATEGORY AND TYPE

18.16.020 Administrative Decisions – Subdivisions

A. Minor Subdivision

1. The purpose of this Section is to provide standards for Minor Subdivisions. Minor Subdivisions are intended to provide for a streamlined review for small scale projects with limited impact. A Minor Subdivision is required prior to issuance of a grading permit, if applicable, or building permit, or other minor development activities. A summary of meeting and noticing requirements for applications Minor Subdivisions is set forth in Table 18.16-4.
2. **Applicability.** The minor subdivision procedure is applicable for a property creating or modifying three (3) lots or fewer. Plats involving four (4) or more lots are not eligible for the Minor Subdivision procedure.
3. **Procedure.** The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required, unless noted otherwise.
 - a. **Pre-application Consultation.** This is optional at the applicant's request for regular residential subdivisions and required for all other subdivisions. If the applicant requests a pre-application consultation, then Millcreek shall, within fifteen (15) business days, schedule the pre-application consultation to review the concept plan and give initial feedback.
 - b. **Concept Review.** This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
 - c. **Application Submittal**
 - d. **Application Completeness Review.** In the case of minor regular residential subdivisions, after the application is deemed complete, Millcreek has fifteen (15) business days to provide the initial review back to the applicant.
 - e. **Application Compliance Review**
 - f. **Public Notice**
 - g. **Formal Public Engagement.** The Planning Director shall hold a public meeting and shall be the Land Use Authority for Minor Subdivision applications.
 - h. **Decision and Findings**
4. **Approval Criteria.** The Planning Director shall approve the request if:

- a. The minor subdivision creates no more than three (3) lots in total.
 - b. The minor subdivision does not create remnant or otherwise unusable lots or parcels.
 - c. The minor subdivision is consistent with and complies with the requirements specific zoning district in which it is located.
 - d. The lots created with the proposed minor subdivision have a buildable area that would not require a future variance in order to construct the use the lot is intended for.
 - e. As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved plat.
 - f. The minor subdivision will not limit Millcreek's ability to effectively provide facilities or services.
 - g. No new lot nor any lot affected by the subdivision will have a noncomplying structure or a structure occupied by a nonconforming use.
5. Submittal Requirements. Any person seeking a Minor Subdivision shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
 6. Development Improvement Completion Assurance. Before an applicant conducts any development activity on a minor subdivision or records a plat, the applicant shall complete any required landscaping improvement or infrastructure improvements or post an improvement completion assurance for any required public landscaping or infrastructure improvements as set forth in MKC 14.
 7. Expiration. Failure to submit the approved minor subdivision for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new minor subdivision application for review. Prior to expiration of the six (6) month period, the Planning Director may grant no more than one extension as set forth in MKZ 18.15.110, Expirations and Extensions of Land Use Approvals.

Table 18.16-4 Minor Subdivision Meeting and Noticing Requirements		Code Reference
Pre-Application Consultation	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	MKZ 18.15.010
Concept Review	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	MKZ 18.15.020
Planning Director Public Meeting	Required	MKZ 18.14.050 MKZ 18.15.080
Mailed Noticing Requirement for Property Owners – Distance	300 feet	MKZ 18.14.060
Mailed Noticing Requirement – Time	7 days prior to Planning Director Public Meeting	MKZ 18.14.060

B. Major Subdivision

1. The purpose of this Section is to provide standards for Major Subdivisions. Major Subdivisions are intended to ensure lots and development that conform with zoning regulations, and all applicable Millcreek standards. A summary of meeting and noticing requirements for applications for Major Subdivisions is set forth in Table 18.16-5.
2. Applicability. The major subdivision procedure is required for a proposed division of land when one (1) or more of the following conditions exist:
 - a. The resultant subdivision will produce four (4) or more lots; or
 - b. The subdivision is not otherwise eligible for approval as a Minor Subdivision.
3. Procedure Overview. Major Subdivisions require two (2) steps.
 - a. Preliminary Subdivision, which requires approval by the Planning Commission; and
 - b. Final Subdivision, which requires approval by the Planning Director.
4. Preliminary Subdivision Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required, unless noted otherwise.
 - a. Pre-application Consultation. This is optional at the applicant’s request for regular residential subdivisions and required for all other subdivisions. If the applicant requests a pre-application consultation, then Millcreek shall, within fifteen (15) business days,

- schedule the pre-application consultation to review the concept plan and give initial feedback.
- b. Concept Review. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
 - c. Neighborhood Meeting. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
 - d. Application Submittal
 - e. Application Completeness Review. In the case of minor regular residential subdivisions, after the application is deemed complete, Millcreek has fifteen (15) business days to provide the initial review back to the applicant.
 - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
 - g. Public Notice
 - h. Formal Public Engagement. The Planning Commission shall hold a public meeting and shall be the Land Use Authority for Major Subdivision applications.
 - i. Decision and Findings
5. Preliminary Subdivision Approval Criteria. The Planning Commission shall approve the request if:
- a. The Preliminary Subdivision is consistent with and complies with the requirements specific zoning district in which the Preliminary Subdivision is located and the applicable requirements of this Code and other applicable Millcreek and State requirements.
 - b. As applicable, the Preliminary Subdivision is consistent with the terms and conditions of any previously approved development plan or development agreements.
 - c. Provides a layout of lots, streets, blocks, driveways, utilities, drainage, and other public facilities as required by all applicable standards of this Code and applicable regulations and standards.
 - d. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site.

- e. The Preliminary Subdivision will not limit Millcreek’s ability to effectively provide facilities or services.
 - f. The Planning Commission may not approve a Preliminary Subdivision that will have a noncomplying structure or a structure occupied by a nonconforming use.
6. Preliminary Subdivision Submittal Requirements. Any person seeking a Major Subdivision shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
 7. Preliminary Subdivision Post Approval Action. Following an approval or approval with conditions of a Preliminary Subdivision, the Planning Director shall issue a timely written record of decision, including any required conditions of approval, along with a copy of the approved preliminary plat, as set forth in MKZ 18.15.090.
 8. Preliminary Subdivision Expiration. Preliminary Subdivision Expiration. Approval of a Preliminary Subdivision shall be effective for six (6) months following the date of the approval letter. An approved Preliminary Subdivision shall expire and be of no further force and effect if a complete Final Subdivision application for the subdivision or a phase of the subdivision has not been submitted within six (6) months after the date of the approval letter. In the case of phased Final Subdivision submission, the approval of the remaining portion of the Preliminary Subdivision shall automatically gain an extension of six (6) months, up to a maximum number of years specified by the Planning Commission at the time of approval of the initial phase. Prior to expiration of the six (6) month period, the Planning Director may grant one extension as set forth in MKZ 18.15.110.
 9. Final Subdivision Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
 - a. Application Submittal
 - b. Application Completeness Review
 - c. Application Compliance Review. Application compliance reviews shall be completed within twenty (20) business days for regular residential subdivisions.
 10. Development Improvement Completion Assurance. Before an applicant conducts any development activity on a minor subdivision or records a plat, the applicant shall complete any required landscaping improvement or infrastructure improvements or post an improvement competition assurance for any required public landscaping or infrastructure improvements as set forth in MKC 14.

11. Final Subdivision Approval. The Planning Director shall approve, conditionally approve, or deny the Final Subdivision and approve the plat and engineering plans based on the approval criteria in this section. The Planning Director shall confirm that:
- a. The Final Subdivision is in conformance with the previously approved Preliminary Subdivision and any conditions imposed by the Planning Commission; and
 - b. The Final Subdivision will comply with the applicable requirements of this Code and other applicable Millcreek and State requirements.
12. Expiration. Failure to submit the approved major subdivision for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new minor subdivision application for review. Prior to expiration of the six (6) month period, the Planning Director may grant no more than one extension as set forth in MKZ 18.15.110, Expirations and Extensions of Land Use Approvals.

Table 18.16-5 Major Subdivision Meeting and Noticing Requirements		Code Reference
<i>Preliminary Subdivision</i>		
Pre-Application Consultation	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	MKZ 18.15.010
Concept Review	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	MKZ 18.15.020
Neighborhood Meeting	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	MKZ 18.15.030
Planning Commission Public Meeting	Required	MKZ 18.14.050 MKZ 18.15.080
Mailed Noticing Requirement for Property Owners – Distance	300 feet	MKZ 18.14.060
Mailed Noticing Requirement – Time	7 days prior to Planning Director Public Meeting	MKZ 18.14.060
<i>Final Subdivision</i>		
Pre-Application Consultation	Optional	MKZ 18.15.010
Concept Review	Optional	MKZ 18.15.020

C. Condominium Subdivisions, Condominium Conversions, and Condominium Vacations.

1. Purpose. The purpose of this Section is to provide standards for Condominium Subdivisions, Condominium Conversions, and Condominium Vacations as part of an application for a Major Subdivision, a Subdivision Amendment, or a Vacation of a Subdivision Plat. Condominium Subdivisions, Condominium Conversions, and Condominium Vacations shall be reviewed pursuant to the requirements as set forth in Utah Code Ann. 57-8-101 et seq. and shall follow the major subdivision procedure with additional documentation as set forth in Utah Code Ann. 57-8-101 et seq., as amended. Condominium Conversions are intended to allow for existing multifamily developments to be converted into condominiums to promote affordable homeownership in Millcreek.
2. Applicability. Any application affecting a plat or property that is defined as a Condominium Plat or Condominium as set forth in Utah Code Ann. 57-8-101 et seq., is subject to the standards of this section.
3. Procedure. A Condominium Subdivision, Condominium Conversion, or Condominium Vacation shall follow the procedures for the relevant application type, and Condominium Conversions shall the procedures as set forth in this Section.
4. Condominium Conversion Submittal Requirements. Any person seeking a Condominium Conversion shall submit a complete Major Subdivision application, completed Subdivision Requirements and Condominium Conversions Checklists, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision. Additionally, a Property Report must be submitted for any Major Subdivision application for a Condominium Conversion, and the Property Report shall include the following requirements:
 - a. A site plan indicating the layout of existing landscaping, parking, and amenities.
 - b. The age of the building or buildings.
 - c. The general condition, useful life and capacity of the building's structural elements, including the roof, foundations, mechanical system, electrical system, plumbing system, boiler, and other structural elements.
 - d. All known conditions constituting deficiencies requiring repair to meet existing building codes.
 - e. All known conditions which may require repair or replacement within the next succeeding five (5) year period.

- f. A statement from a third-party building inspector licensed to practice in the State of Utah that the structure or structures have been inspected for compliance with the international building code minimum standards. If the building inspector finds deficiencies with the structure or structures, the applicant shall present plans to bring the structure or structures into conformity with said standards prior to issuance of certificates of occupancy.
 - g. Where it is determined that physical conditions in an existing building do not allow the strict application of the international building code standard, the Land Use Appeal Authority shall review all requests to vary from these standards and may grant variances or approve alternates where it is determined the intent of the requirement will be met. In any event, there shall be disclosure to buyers of any conditions that do not meet code or standards set by Millcreek.
5. Condominium Conversion Application Compliance Review Requirements. As part of an Application Compliance Review for an application for a Preliminary Major Subdivision, the Application Compliance Review shall include the following actions:
- a. Building Inspection Staff Review. Upon receipt of the application for approval of a condominium project, the building inspection department shall review the proposed building plans for new construction and/or in the case of a conversion project, the property report and plan of improvement, renovations, and repairs to determine conformance with applicable building codes. In the case of a conversion, the department shall require inspections of the property and may require supplementation, revision, and resubmission of the property report where necessary. In the preliminary review report to the planning commission, the building inspection department shall note corrections, repairs and replacements which must be made to bring the structures into code compliance, together with a list of renovation improvements proposed by the owner/developer which are not required by code. The chief building official shall also list any requirements of the international building code that needs board of appeal consideration due to unique circumstances associated with the structure. The building official may then recommend denial until such time as existing violations of code are corrected or may recommend preliminary approval of the project and building report subject to correction of the violations prior to final approval.
 - b. Fire Marshal Review. The fire marshal shall inspect each structure proposed for conversion and shall submit a report thereon to the planning staff outlining the conditions of the structures as they relate to fire safety. The marshal shall stipulate those conditions requiring improvement, prior to occupancy, in the report.
 - c. Code Compliance Review. The City Code Compliance inspector shall inspect each structure proposed for conversion and shall submit a report thereon to the planning staff outlining the conditions of the structure as they relate to municipal code

compliance. Millcreek shall stipulate those conditions requiring improvement, prior to being issued final plat approval, in the report.

6. Public Notice – Additional Requirements for Condominium Conversions. In addition to the Public Notice requirements for Subdivisions as set forth in MKZ 18.14.060, the applicant for a Condominium Conversion shall provide written notice of intended conversion to the existing tenants as of the date of the application. Service of the written notice shall be in accordance with a service of a summons as set forth in the Utah Rules of Civil Procedure. The applicants shall provide proof of service stating the date, place, and manner of service, including a copy of the notice.

~~7. Approval Criteria for Condominium Conversions. The Planning Commission shall approve the request if it satisfies the Preliminary Approval Criteria for Major Subdivisions as set forth in MKZ 18.16.020 (B) and the following additional criteria:~~

~~a.—Any condominium conversion shall have a minimum of eight (8) legal units or lots. One (1) or more single-family detached dwellings shall not be platted as a condominium development.~~

~~b.—To be considered for a condominium conversion, an existing multifamily development must have been legally established at least five years prior to filing an application for a condominium conversion.~~

D. Subdivision Amendment for Minor Plat Adjustments

1. Purpose. The purpose of this Section is to provide standards for Subdivision Amendments that make minor changes to lots that are of a small, technical nature, but largely do not affect otherwise approved or existing plats. The Planning Director shall allow such modifications according to the criteria within this Section. A summary of meeting and noticing requirements for applications for Subdivision Amendments for Minor Plat Adjustments is set forth in Table 18.16-6.

2. Applicability. A subdivision amendment may only be considered on approved subdivisions. If an application for a subdivision amendment cannot satisfy the approval criteria in this section, it shall be processed as a Minor or Major Subdivision.

3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.

a. Pre-Application Consultation

b. Application Submittal

c. Application Completeness Review

- d. Application Compliance Review
 - e. Public Notice
 - f. Formal Public Engagement. The Planning Director shall hold a public meeting and shall be the Land Use Authority for Subdivision Amendment applications.
 - g. Decision and Findings
4. Approval Criteria. The Planning Director shall approve the request if:
- a. The amended plat is in substantial conformance with the original approved subdivision.
 - b. The amended subdivision does not increase the number of lots or parcels or create new lots or parcels.
 - c. The amended subdivision does not eliminate or move a recorded easement without the prior approval of the easement holder.
 - d. The amended subdivision will not create any nonconformities or increase the degree of nonconformity of any existing structure or use.
 - e. The amended plat is compliant with all other applicable requirements of this Code and all other applicable regulations and standards.
5. Submittal Requirements. Any person seeking a Subdivision Amendment for Minor Plat Adjustments shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. Failure to submit the approved subdivision amendment for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new subdivision amendment application for review. Prior to expiration of the six (6) month period, the Planning Director may grant no more than one extension as set forth in MKZ 18.15.110, Expirations and Extensions of Land Use Approvals.

Table 18.16-6 Subdivision Amendment for Minor Plat Adjustments Meeting and Noticing Requirements		Code Reference
Pre-Application Consultation	Required	MKZ 18.15.010
Planning Director Public Meeting	Required	MKZ 18.14.050 MKZ 18.15.080
Mailed Noticing Requirement for Property Owners – Distance	Affected Property Owners	MKZ 18.14.060 MKZ 18.98
Mailed Noticing Requirement – Time	7 days prior to Planning Director Public Meeting	MKZ 18.14.060

E. Lot Line Adjustment

1. Purpose. The purpose of this Section is to provide standards for Lot Line Adjustments that make minor changes to lots that are of a small, technical nature, but largely do not otherwise affect existing plats. The Planning Director shall allow such modifications according to the criteria within this Section. A summary of meeting and noticing requirements for applications for Lot Line Adjustments is set forth in Table 18.16-7.
2. Applicability. A lot line adjustment may only be considered on approved subdivisions. Only adjacent lots may be involved in a single action whether or not the lots are located in the same subdivision. Neither lot involved may have received a prior lot line adjustment. The fifteen percent (15%) limitation as set forth in the Approval Criteria for lot line adjustments is an aggregate of all previous lot line adjustments. If an application for a subdivision amendment cannot satisfy the approval criteria in this section, it shall be processed as a Minor or Major Subdivision.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
 - a. Application Submittal
 - b. Application Completeness Review
 - c. Application Compliance Review
 - d. Public Notices
 - e. Formal Public Engagement. The Planning Director shall hold a public meeting and shall be the Land Use Authority for Lot Line Adjustment applications.
 - f. Decision and Findings
4. Approval Criteria. The Planning Director shall approve the request if:

- a. The lot line adjustment does not increase or decrease the area of an existing lot by more than fifteen percent (15%).
 - b. The lot line adjustment does not increase or decrease the number of lots or create new lots or parcels.
 - c. The lot line adjustment does not affect a recorded easement without the prior approval of the easement holder.
 - d. Existing platted easements adjacent to the lot line being adjusted remain in their original locations and no new easements are dedicated.
 - e. Rights-of-way, ingress or egress easements, or any required common areas are not affected or changed.
 - f. The lot line adjustment will not create any nonconformities or increase the degree of nonconformity of any existing structure or use.
 - g. The lot line adjustment does not result in a lack of conformance with any other applicable requirements of this Code and all other applicable regulations and standards.
5. Submittal Requirements. Any person seeking a Lot Line Adjustment shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority City to make a decision.
 6. Expiration. Failure to submit the approved lot line adjustment for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new lot line adjustment application for review. Prior to expiration of the six (6) month period, the Planning Director may grant no more than one extension as set forth in MKZ 18.15.110, Expirations and Extensions of Land Use Approvals.

Table 18.16-7 Lot Line Adjustment Meeting and Noticing Requirements		Code Reference
Pre-Application Consultation	Optional	MKZ 18.15.010
Planning Director Public Meeting	Required	MKZ 18.14.050 MKZ 18.15.080
Mailed Noticing Requirement for Property Owners – Distance	Affected Property Owners	MKZ 18.14.060 MKZ 18.98
Mailed Noticing Requirement – Time	7 days prior to Planning Director Public Meeting	MKZ 18.14.060

F. Parcel Line Adjustment

1. Purpose. The purpose of this Section is to provide standards for parcel line adjustment that make minor changes to parcels that are of a small, technical nature, but largely do not otherwise affect existing parcels.
2. Applicability. A parcel line adjustment may only be made to a property that is not a lot and must meet the criteria listed in this section.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
 - a. Application Submittal
 - b. Application Completeness Review
 - c. Application Compliance Review
 - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Parcel Line Adjustment applications.
4. Approval Criteria. The Planning Director shall approve the request if:
 - a. The parcel line adjustment does not increase or decrease the area of an existing lot by more than fifteen percent (15%).
 - b. The parcel line adjustment does not increase or decrease the number of lots or create new lots or parcels.
 - c. The parcel line adjustment does not affect a recorded easement without the prior approval of the easement holder.
 - d. Existing platted easements adjacent to the parcel line being adjusted remain in their original locations and no new easements are dedicated.
 - e. Rights-of-way, ingress or egress easements, or any required common areas are not affected or changed.
 - f. The parcel line adjustment will not create any nonconformities or increase the degree of nonconformity of any existing structure or use.
 - g. The parcel line adjustment does not result in a lack of conformance with any other applicable requirements of this Code and all other applicable regulations and

standards.

5. Submittal Requirements. Any person seeking a Lot Line Adjustment shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.

G. Vacating a Subdivision Plat. The vacation of a subdivision plat shall comply with the requirements as set forth in Utah Code Ann. §10-9a-609, and shall follow the process as outlined below:

1. Vacation of subdivisions with three or fewer lots shall follow the Minor Subdivision process.
2. Vacation of subdivisions with more than three lots shall follow the Major Subdivision process.
3. The City Council may vacate a subdivision or a portion of a subdivision by adopting and recording an ordinance pursuant to Utah Code Ann. §10-9a-609.

H. Public Street or Municipal Utility Easement Vacation

1. Purpose. The purpose of this Section is to provide standards for the vacation of public streets or municipal utility easements. Dedicated public streets and municipal utility easements may be vacated, in whole or in part, in the event Millcreek determines that all or a portion of the public street or municipal utility easement is unnecessary or infeasible for future public access or use. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.16-8.
2. Applicability. A public street or municipal utility easement may be vacated by filing an application for a minor subdivision, a major subdivision, or a subdivision amendment, or the City Council may approve a petition to vacate a public street or municipal utility easement by ordinance.
3. Procedure – Public Street or Municipal Utility Easement Vacation By Plat. A vacation of a public street or municipal utility easement may be accomplished through the filing of an application for a Minor Subdivision, a Major Subdivision, or a Subdivision Amendment, and shall follow the process for each application type, and the following additional steps:
 - a. After the Land Use Authority grants Preliminary Subdivision approval and before a Final Subdivision approval is issued, the City Council shall hold a public hearing to consider the vacation of a public street or municipal utility easement.

- b. Public Notice shall follow the process as set forth in MKZ 18.14.060.
 - c. A public hearing shall follow the process as set forth in MKZ 18.14.050.
 - d. In the event that a vacation of a public street or municipal utility easement is accompanied through the filing of a subdivision plat, the final decision on the plat shall be withheld until the City Council issues a decision regarding the vacation of a public street or municipal utility easement
4. Procedure – Public Street or Municipal Utility Easement Vacation by Ordinance. In lieu of a Minor Subdivision, Major Subdivision, or Subdivision Amendment, a petition to vacate a public street or municipal utility easement may be filed following the procedure as set forth in Utah Code Ann. §10-9a-609.5, and shall follow the procedure as set forth below:
- a. Pre-Application Consultation
 - b. Concept Review
 - c. Neighborhood Meeting
 - d. Application Submittal
 - e. Application Completeness Review
 - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
 - g. Public Notice
 - h. Formal Public Engagement
 - 1) The Planning Commission shall hold a public hearing and make a recommendation; and
 - 2) The City Council shall hold a public meeting and shall be the Land Use Authority for Public Street or Municipal Utility Easement Vacation applications.
 - i. Decision and Findings
5. Approval Criteria. Public streets or municipal utility easements shall not be vacated unless the following criteria are met:

- a. The vacation does not deprive abutting properties of adequate, legal access to existing or proposed public utilities or drainage installations.
 - b. The vacation is consistent with the General Plan and other adopted policies and plans, including any adopted transportation plan or streets/roadway plan;
 - c. The land to be vacated is no longer necessary for the public use and convenience;
 - d. The right-of-way no longer needed for public transportation purposes;
 - e. The vacation will not adversely impact use of the right-of-way for public utility and/or drainage purposes;
 - f. Access to lots or properties surrounding the plat will not be adversely affected, and the vacation will not leave any land-locked properties or deprive abutting properties of adequate, legal access;
 - g. The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any property, including but not limited to police/fire protection, access, and utility service; and
 - h. The vacation is consistent with the purpose of this Code and state law.
6. Submittal Requirements. Any person seeking a Public Street or Municipal Utility Easement Vacation shall submit a complete application, a completed Public Street or Municipal Utility Easement Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow City Council to make a decision.
 7. Final Approval and Recording. Approval of a plat or ordinance vacating a public street or municipal utility easement be deemed as certification of the vacation. With this certification, the Planning and Zoning Department shall forward a signed copy of the signed plat or ordinance to the Salt Lake County Recorder for recording. Failure of the applicant to submit any revised information or legal description which enables the ordinance to be processed as approved within three months following approval shall render the vacation void.

Table 18.16-8 Public Street and Municipal Utility Easement Meeting and Noticing Requirements		Code Reference
Pre-Application Consultation	Required	MKZ 18.15.010
Concept Review	Required	MKZ 18.15.020
Neighborhood Meeting	Required	MKZ 18.15.030
Planning Commission Public Hearing and Recommendation	Required	MKZ 18.14.050 MKZ 18.15.080
City Council Public Meeting	Required	MKZ 18.14.050 MKZ 18.15.080
Mailed Notice to Affected Entities	Required	MKZ 18.14.060
Mailed Noticing Requirement for Property Owners – Distance	Each property that is accessed by the public street of municipal utility easement.	MKZ 18.14.060
Mailed Noticing Requirement – Time	10 days prior to Planning Commission Public Hearing	MKZ 18.14.060

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