

1 **Ordinance No. 2015-010**

2  
3 AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 11 SUBDIVISION REGULATIONS BY  
4 CHANGING "DEVELOPMENT REVIEW COMMITTEE (DRC)" TO "CITY EXECUTIVE STAFF".

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6 WHEREAS UCA § 10-9a-102.(2) states ". . . municipalities may enact all ordinances, resolutions,  
7 and rules and may enter into other forms of land use controls . . ." and

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9 WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote  
10 the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality  
11 and its present and future inhabitants and businesses, to protect the tax base, to secure  
12 economy in governmental expenditures, to foster the state's agricultural and other industries, to  
13 protect both urban and nonurban development, to protect and ensure access to sunlight for  
14 solar energy devices, to provide fundamental fairness in land use regulation, and to protect  
15 property values in areas that may be considered sensitive, including but not limited to fire  
16 danger, slope, soil content.

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- 18 • Providence City staff prepared the attached code amendment.
  - 19 • Planning Commission studied the proposed amendment and held a public hearing on  
20 February 11, 2015, prior to making a recommendation.
  - 21 • Providence City Planning Commission took the following action on February 25, 2015:
    - 22 • *Item No. 2. Proposed Code Amendment. The Providence City Planning Commission*  
23 *will consider for recommendation to the Providence City Council proposed*  
24 *amendments to Providence City Code Title 11 Subdivision Regulations by changing*  
25 *"Development Review Committee (DRC)" to "City staff".*
    - 26 • *Motion to list the city administrator, public works director, city engineer, public*  
27 *works secretary, zoning personnel, mayor and council member as the review*  
28 *staff, hereafter named "City Executive Staff". W Simmons, second – S Sanders*  
29 *Vote: Yea: L Hogge, L Raymond, S Sanders, W Simmons*  
30 *Nay: K Allen*  
31 *Excused: None*  
32 *Abstained: None*

33 WHEREAS the City Council considered the following:

34 Findings of Fact:

- 35
- 36 ○ Providence City Code (PCC) 10-1-5:A. states changes and amendments to this  
37 Zoning Title shall be done in accordance with state law.
  - 38 ○ UCA § 10-9a-501 states the legislative body may enact land use ordinances and  
39 a zoning map consistent with the purposes set forth in in this chapter.
  - 40 ○ UCA § 10-9a-502 Requires the planning commission provide notice and hold a  
41 public hearing on a proposed land use ordinance or zoning map; and prepare  
42 and recommend to the legislative body a proposed land use ordinance and  
43 zoning map that represent the planning commission's recommendation.
  - 44 ○ UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or  
45 within the zoning district; or (c) any other provision of a land use ordinance.

46 Conclusions of Law:

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- The proposed code amendment is consistent with the above listed Findings of  
Fact.

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Conditions:

- None.

THEREFORE be it ordained by the Providence City Council

- The attached code amendment shall be approved based on the findings of fact, conclusions of law, and conditions listed above and the recommendation of the Providence City Planning Commission.
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 24 day of March 2015.

Council Vote:

Bagley, Bill	(x)Yes	( )No	( )Excused	( )Abstained	( )Absent
Baldwin, Jeff	(x)Yes	( )No	( )Excused	( )Abstained	( )Absent
Call, Ralph	(x)Yes	( )No	( )Excused	( )Abstained	( )Absent
Drew, John	(x)Yes	( )No	( )Excused	( )Abstained	( )Absent
Russell, John	(x)Yes	( )No	( )Excused	( )Abstained	( )Absent

Signed by Mayor Don W Calderwood this 18<sup>th</sup> day of June 2015.

Providence City

Don W. Calderwood, Mayor

Attest:

Scarlet Bankhead, Recorder



CHAPTER 3

PLAT PROCEDURES AND REQUIREMENTS

SECTION:

- 11-3-0: Dependent Subdivisions (Ordinance Modification 002-00, 01/25/00)
- 11-3-1: Sketch (Concept) Plan
- 11-3-2: Preliminary Plat
- 11-3-3: Final Plat
- 11-3-4: Repealed
- 11-3-5: Building Lots and Building Permits
- 11-3-6: All Provisions, Timelines, Expiration Dates, Etc.
- 11-3-7: Building Lots and Building Permits
- 11-3-8: Lot Consolidation/Lot Line Adjustment in a Recorded Subdivision

11-3-0: **DEPENDENT SUBDIVISIONS:** A subdivision or phase that is dependent upon another subdivision and/or phase for access or public works improvements shall not receive approval, conditional or otherwise, for the final plat until the Final Plat and construction documents for the independent subdivision or phase are approved, substantial completion inspection performed, and the items listed on the substantial completion inspection punch list are competed. Changes will place the dependent subdivision or phase on hold until all modifications to the independent subdivision are approved. (Ordinance Modification 002-00, 01/25/00)

A. Exception: If the Land Use Authority for Subdivisions determines for good cause that any phase of plan/plat approval for the dependent subdivision would be inadequate to protect the public health, safety, and welfare, the dependent subdivision shall not receive approval, conditional or otherwise, for any phase of plan/plat until the Final Plat and construction documents for the independent subdivision or phase are approved, substantial completion inspection performed, and the items listed on the substantial completion inspection punch list are competed. Changes will place the dependent subdivision or phase on hold until all modifications to the independent subdivision are approved.

11-3-1: **CONCEPT PLAN:** A concept plan shall be submitted to the ~~Development Review Committee (DRC)~~ city executive staff (which may include the city administrator, public works director, city engineer, public works secretary, zoning personnel, mayor and council member) for review and compliance with the Providence City General Plan, and Title 10 and 11 of the Providence City Code.

A. Complete application: Providence City has thirty (30) days to review an application for completeness. At that time the City will provide a written notice of acceptance or denial to the developer and/or their agent. If the application is denied; professional fees for review may be billed.

1. In addition to lot and street layout, a concept plan shall show all non-developable sensitive areas and all potentially developable sensitive areas within the boundaries of the development and within one hundred feet (100') of the development.
2. The following roads do not require curb, gutter, and sidewalk: Grandview Drive and Foothill Drive in the Grand View Hills Subdivision; Canyon Road east of 400 East. 400 East from Canyon Road south to the City's south boundary line does not require curb, gutter, and sidewalk on the west side; curb, gutter, and sidewalk are required on the east side.
3. See the Downtown Street Cross-Sections C-1A in the Providence City Corporation Department of Public Works Standard Construction Drawings for profiles on all other streets.

B. Expiration:

1. Concept Plan Application. A concept plan application shall expire if it is determined by the City's land use authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions prescribed in City ordinances and/or listed on the ~~DRC city executive staff~~ review comments; or
2. Approved Concept Plan. An approved concept plan shall expire if a complete preliminary plat application has not been submitted to the City by the developer and/or its agent within one (1) year after ~~DRC city executive staff~~ approves the concept plan.
3. An expired plan is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

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11-3-2: **PRELIMINARY PLAT:** A preliminary plat application will not be accepted by the City without the City's written approval of the concept plan. The following procedure shall be followed in submittal and review of the preliminary plat:

A. Preparation: The preliminary plat shall be prepared in accordance with all requirements of the City and shall include all proposed phases.

B. Contents:

1. Drawing Requirements: The title block of the preliminary plat shall include the following:
  - a. The proposed name of the development.
  - b. The section, township and range of the development.
  - c. The names, addresses, and contact information of the owners, developer(s), if other than the owners, and surveyors or and designers of the development.
  - d. Scale of drawing and north arrow.
  
2. Existing Conditions: The preliminary plat shall also show:
  - a. The legal description basis of bearing, and total acreage of the proposed development, certified by a licensed land surveyor.
  - b. Location, street number and name of existing streets within one hundred feet (100) of the development and of all previously platted streets or other public ways, railroad and utilities rights of way, parks and other public open spaces, permanent buildings and structures, and corporate lines within and adjacent to the tract.
  - c. The location of all wells, proposed, active and abandoned, springs, and all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the development boundaries.
  - d. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe size, grades, manholes and accurate location.
  - e. Existing ditches, canals, natural drainage channels, open waterways, and proposed alignments or realignments within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries; and a letter, from the affected users indicating the plans are acceptable, must be submitted to the City.
  - f. Accurate boundary lines certified by a licensed land surveyor and ownership of adjacent parcels of land. (Subd. Ord., 1-24-1990)
  - g. By means of an overlay method or directly on the plat, vertical contour intervals of not more than two feet (2') or one foot (1') on predominantly level land.
  - h. A vicinity map shall show how the development is situated in its surrounding neighborhoods extending a minimum of two (2) blocks or more outward from the boundaries of the development. The vicinity map shall include all major, collector, standard and feeder streets within the area, both existing streets and those proposed on the Master Plan. (Subd. Ord., 1-24-1990; amd. Ord., 1-9-1996)
  
3. Proposed Conditions: The preliminary plat shall also show;
  - a. The layout of streets showing location, widths and other dimensions of proposed streets (designated by actual or proposed names and numbers), crosswalks, alleys and easements.
  - b. The location for culinary water improvements, waste water improvements, storm drainage and street lights for all lots proposed within the development.
  - c. The layout, numbers, hazard setback, and typical dimensions of lots and square footage.
  - d. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the development.
  - e. Written statement by the design engineer verifying that all lots have an adequate buildable envelope with regards to hazardous slope, building, water, zoning setbacks, etc.
  - f. Easements for water, sewer, drainage, utility lines and other utilities.



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- g. Typical street cross-sections and preliminary street grades if required.
- h. Copies of any agreements with adjacent property owners relevant to the proposed development.
- i. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.
- j. A professionally prepared plat having been prepared on a minimum twenty inch by thirty inch (20" x 30") or maximum twenty-four inch by thirty-six inch (24" x 36") approved reproducible drafting medium.
- k. A signature block along the right-hand margin of the preliminary plat, providing for the following certifications or approvals:

(1) Prior to City review, an affidavit or certificate of clear title to the effect that the applicant is the owner of, or that he is authorized by the owner in writing to make application for, the land proposed to be subdivided. The affidavit or certificate shall state clearly in which status, a copy of said written authorization from the owner shall be submitted with the preliminary plat. A title report shall also be submitted which indicates in whom the fee simple title to such property is vested and any liens or encumbrances thereon. A statement from the property owner disclosing any options or unrecorded contacts/agreements associated with the property.

- C. Submittal: Four (4) copies (20"x30" minimum , 24" x 36" maximum size) and one (1) 11" x 17" copy of the preliminary plat shall be submitted to the City for review a minimum of seven (7) days prior to the initial City review. The City will complete the first review within thirty (30) days. Each subsequent review is subject to an additional thirty (30) day review period. If all required information is not included, city has the right to refuse the package.
- D. Staff Review: Upon review, the ~~Development Review Committee (DRC)~~ city executive staff will provide written comments, conclusions and recommendations to the Land Use Authority. (Subd. Ord., 1-24-1990; amd. Ord., 1-9-1996)
- E. Approval: No preliminary plat shall be approved by the Planning Commission, the City Council, or any other designated Land Use Authority unless it complies with or can be shown that a final plat will be likely to comply with all the provisions set forth in the Providence City Ordinances. No preliminary or final plat shall be approved if a commitment-of-service letter has not been issued for the plat pursuant to Section 8-1-21.
  - 1. A preliminary plat is not considered approved until all conditions have been satisfied and the plat has been signed by the City Engineer, Land Use Authority, and the Developer.
- F. Complete application: Providence City has thirty (30) days to review an application for completeness. At that time the City will provide a written notice of acceptance or denial to the developer and/or their agent. If the application is denied, the application fee may be refunded; professional fees for review may be billed. To be considered complete, an application must contain the following:
  - 1. a completed Providence City Application Form;
  - 2. payment of the application fee;
  - 3. the proposed preliminary plat and all required copies;
  - 4. a title report shall also be submitted which indicates in whom the fee simple title to such property is vested and any liens or encumbrances thereon;
  - 5. a copy of the City's written approval of the concept plan.
- G. Expiration:
  - 1. Preliminary Plat Application. A preliminary plat application shall expire if it is determined by the City's Land Use Authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions identified in City ordinances and/or in ~~DRC~~ city executive staff review comments; or
  - 2. Approved Preliminary Plat. An approved preliminary plat shall expire if a complete final plat application has not been submitted to the City by the developer and/or its agent within one (1)

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year after approval of the preliminary plat.

- 3. An expired plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

11-3-3: **FINAL PLAT:** A final plat application cannot be submitted to the City prior to approval of the preliminary plat. The following information and a complete set of construction drawings shall be submitted for review:

A. Preparation: The final plat shall be prepared in accordance with all the requirements of the City. The final plat shall be prepared by a land surveyor, licensed in the State. The top of the plat shall be either north or east, whichever accommodates the drawing best.

B. Description And Delineation:

1. The final plat shall show:

- a. The name of the development as approved by the Land Use Authority.
- b. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.
- c. An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions in feet and hundredths.
- d. The street address for each lot. Each street address shall be assigned by the City. The north and west sides of the streets shall be numbered odd and the south and east shall be numbered even.
- e. True angles and distances to the nearest official US, State, County, or City monuments which shall be accurately described in the plat and shown by the appropriate symbols. All boundary, lot and other geometries (bearings, distances, curve data, etc.) on the final plat posed to an accuracy of not less than one part in five thousand (5,000).
- f. Radii, internal angles, points or curvatures, tangent bearings and the length of all arcs.
- g. Survey markers shall be set at all lot corners and shall be shown or noted on the plat.
- h. The dedication to the City of all improvements which shall include, but shall not be limited to, streets, storm water system, water works, sewer works, etc., included in the proposed development.
- i. Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common use of all property owners.
- j. A statement that all expenses involving the necessary improvements or extensions for a culinary water system, sanitary sewer system, gas service, electrical service, telephone service, cable television service, grading and landscaping, storm drainage systems, curbs and gutters, fire hydrants, pavement, sidewalks, signage, street lighting and other improvements shall be paid for by the developer(s).
- k. All hazard setback(s)
- l. A statement verifying that all lots have an adequate buildable envelope with regards to hazardous slope, zoning setbacks, etc.
- m. A statement that the City will not issue any building permit for any lot until minimum improvements, as specified in Section 11-5-2 of this Title are complete.
- n. Boundary descriptions of the development.
- o. Standard forms for the following:
  - (1) A registered land surveyor's certificate of survey as applicable under State law.
  - (2) The owner's signature of dedication.
  - (3) A notary public's acknowledgment.
  - (4) The City Engineer's certificate of approval.
  - (5) The City's authority for the culinary water and the sanitary sewer system's signature
  - (6) The County Board of Health's certificate of approval if a septic tank system is used for sewage disposal.
  - (7) The Land Use Authority signature of approval.

- 1 (8) The City's signature of approval by the Mayor.  
2 (9) The City Attorney's certificate of approval.  
3 (10) A signed statement from each of the utility companies involved stating that they have  
4 reviewed the plat, that they approve the plat as it relates to their particular company,  
5 that they are in agreement with placing all of their utilities underground within the  
6 right-of-way as shown on the plans and are willing to provide the needed service for the  
7 development. Also included, if available, in said statements descriptions of any  
8 restrictions that will be imposed by the utility companies, any fees that will be assessed  
9 by the utility companies to install the utilities and any time tables that the utility  
10 companies might use to install their respective utilities.  
11 (11) The County Recorder's stamp of approval according to requirements prior to final plat  
12 approval.

13 2. The final plat shall also:

- 14 a. Be drawn to a scale of not less than one inch equaling one hundred feet (1" = 100') and shall  
15 indicate the base heading of true north.  
16 b. Be prepared on a minimum twenty inch by thirty inch (20"x30") maximum twenty-four inch  
17 by thirty-six inch (24" x 36") paper.  
18 c. Show a workmanlike execution in every detail. A poorly drawn or illegible plat is sufficient  
19 cause for rejection. (Subd. Ord., 1-24-1990)  
20 d. Final approved plat for recording shall be prepared on Mylar.
- 21 C. Development Agreement: The developer shall enter into and sign an agreement with the City, which  
22 shall indicate a timetable for completion of the final improvements as listed in the preliminary and  
23 final plat. This agreement will be submitted to the City Council for approval. (Ord., 4-9-1996)  
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- 25 D. Submittal: Four (4) copies (20"x30" minimum, 24" x 36" maximum) and one (1) 11" x 17" copy of the  
26 final plat and construction drawings shall be submitted to the City for review a minimum of seven (7)  
27 days prior to the initial City review. The City will complete the first review within thirty (30) days. Each  
28 subsequent review is subject to an additional thirty (30) day review period. If all required information  
29 is not included, city has the right to refuse the package.  
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- 31 E. Upon review, the ~~Development Review Committee (DRC)~~ city executive staff shall provide written  
32 comments, conclusions, and recommendations to the Land Use Authority.  
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- 34 F. Approval: The final plat shall be approved by the Land Use Authority. The construction drawings shall  
35 be approved by the City staff. The development agreement shall be approved by the City Council.  
36 Prior to submitting the final plat for recording, the final plat shall be signed by the developer(s) and  
37 utility companies or a letter submitted with the final plat from the utility companies. All security  
38 bonds must be in place and the development agreement shall be signed by the developer(s). The City  
39 does not consider the final plat to be approved until the construction drawings are signed, the  
40 development agreement has been signed and all signatures are on the final plat. At this point, the  
41 developer(s) shall submit an electronic copy of the approved final plat and approved construction  
42 drawings.  
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- 44 G. Expiration:
- 45 1. Final Plat Application. A final plat application shall expire if it is determined by the City's Land Use  
46 Authority that the developer and/or its agent did not proceed with reasonable diligence to meet  
47 any items/conditions identified in City ordinances and/or in ~~DRC~~ city executive staff review  
48 comments.  
49 2. Approved Final Plat. An approved final plat shall be void if it is not recorded within one (1) year of  
50 approval of the Development Agreement by the City Council.  
51 3. Approved Final Plat with Phasing. If the final plats are recorded in phases, subsequent final plats  
52 must be recorded within five (5) years of the recording of the previous plat. If a development fails  
53 to meet this requirement, new concept plan and preliminary plats must be submitted and  
54 approved before subsequent final plats can be submitted or approved.  
55 4. An expired plat is considered withdrawn and any vested right to proceed obtained by the

1 developer shall terminate.

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3 **11-3-4:REPEALED**

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5 **11-3-5: DOWNTOWN AREA DEVELOPMENT – FIVE (5) LOTS:** A development located in the  
6 Downtown Area, as defined in 10-1-4 of this Code, consisting of five (5) lots or less; shall be subject to the  
7 requirements listed in this Chapter.

8 A. Design Requirements:

- 9 1. Inner Block Development Prohibited. Lots must have 95 feet of frontage on a city street that  
10 existed prior to September 1, 2006.  
11 2. Right-of-way Improvements.  
12 a. Widening or rebuilding of the adjacent city street may be required. Areas disturbed  
13 by the extension of infrastructure, such as, but not limited to, water and/or sewer  
14 service lines, must be repaired in accordance with the Department of Public Works  
15 Standards and Specifications Manual.  
16 b. Sidewalk. Sidewalk required along the frontage of the development  
17 c. Curb & gutter, swales. Refer to the Downtown Area Street Cross Section Booklet

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19 **11-3-6: ALL PROVISIONS, TIMELINES, EXPIRATION DATES, ETC.** All provisions, timelines, expiration dates, etc.  
20 listed in this Chapter apply to the developer, their successors, or assigns.

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22 **11-3-7: BUILDING LOTS AND BUILDING PERMITS:** Building lots in the approved development may be sold  
23 after the final plat has been recorded. The lots, however, shall have recorded restrictions placed upon them  
24 stating that the City will not issue any building permit for any lot until minimum improvements, as specified in  
25 Section 11-5-2 of this Title are complete. (Ord. 97-OM016, 8-12-1997)

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27 **11-3-8: LOT CONSOLIDATION/LOT LINE ADJUSTMENT IN A RECORDED SUBDIVISION:** Lot consolidation/lot  
28 line adjustment in a recorded subdivision plat is considered a minor revision of the subdivision.

29 A. A petition to have a plat amended shall be submitted to the ~~Development Review Committee (DRC)~~  
30 **city executive staff** for review and compliance with the Providence City General Plan, and Title 10 and  
31 **11** of the Providence City Code.

- 32 1. Petition Requirements: In addition to the petition requirements listed in Utah State Code, a  
33 petition for lot consolidation must contain a concept plan, drawn to a scale of not less than  
34 one inch equaling one hundred feet (1"=100'), showing all existing structures and their  
35 distance from the property lines on all lots involved in the consolidation.

36 B. The Planning Commission is the land use authority for altering or amending a subdivision plat.

37 C. The Planning Commission, if required by state code, shall hold a public hearing within 45 days after  
38 the day on which the petition is filed.

39 D. General Requirements:

- 40 1. All conditions applicable to the original subdivision remain in full force and effect.  
41 2. Any dedicated street, sidewalk, drainage feature, utility easement, or other characteristic  
42 found in the original subdivision remains in full force.

43 E. Geometric Requirements:

- 44 1. When combining two lots which share a common boundary, the common boundary in plan  
45 view must be a minimum of fifteen feet.  
46 2. When combining two or more lots which do not share a common boundary such a boundary  
47 must be created for the consolidated lot by the use of abutting connector parcel(s).  
48 a. The connector parcel(s) must be a minimum width of fifteen feet in plan view at its  
49 narrowest point.

50 F. Final Plat for Recording:

- 51 1. Upon approval of the Planning Commission, the petitioner shall prepare an amended final  
52 plat for recording. The final plat shall include standard forms for the following:  
53 a. A registered land surveyor's certificate of survey as applicable under State law.  
54 b. The owner's signature of dedication.  
55 c. A notary public's acknowledgment.



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- d. The City Engineer's certificate of approval.
  - e. The City's authority for the culinary water and the sanitary sewer system's signature
  - f. The County Board of Health's certificate of approval if a septic tank system is used for sewage disposal.
  - g. The Land Use Authority signature of approval.
  - h. The City's signature of approval by the Mayor.
  - i. The City Attorney's certificate of approval.
  - j. A signed statement from each of the utility companies involved stating that they have reviewed the plat, that they approve the plat as it relates to their particular company.
  - k. The County Recorder's stamp of approval according to requirements prior to final plat approval.
2. Expiration: An approved amended final plat shall be void if it is not recorded within one year from the date the Planning Commission granted approval.