

ORDINANCE, O-25-12

AN ORDINANCE OF THE GARLAND CITY COUNCIL FOR THE INCLUSION OF TITLE 12 IN THE CITY CODE, KNOWN AS THE ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO), AND AMENDMENTS TO TITLE 10, AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, Garland City finds that purposes and intents of the creation of Title 12 and amendments to Title 10 are necessary to ensure adequate public facilities needed to support new development meet or exceed minimum service capacity standards; and

WHEREAS, Garland City finds that a uniform procedure for the review of development applications ensures that adequate public facilities to support new development are available concurrent with the impacts of such development needs to be established; and

WHEREAS Garland City finds that the creation of Title 12 Adequate Public Facilities Ordinance (APFO) is consistent with the City's existing General Plan and further implements the purposes of Title 9 and Title 10 of the City Code;

WHEREAS, Garland City finds that such an amendment is in the best interest of the City.

NOW THEREFORE, Be it hereby ordained that:

SECTION ONE: The Garland City Municipal Code shall be and hereby amended to include Title 12 The Adequate Public Facilities Ordinance (APFO) and amendments to certain sections of Title 10 (Chapter 9 and Chapter 10) which is attached by reference as EXHIBIT "A".

SECTION TWO: This ordinance shall take effect December 3, 2025.

DATED this 3rd day of December, 2025.

GARLAND CITY, UTAH



Linda Bourne, Mayor

Attest:



Kristal Edwards, City Recorder

Posted this 3 day of December, 2025

This ordinance has been approved by the following vote of the Garland City Council:

CITY COUNCIL VOTE:

Jeanette Atkinson	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent
Sharla Nelson	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent
Tena Allen	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Absent
John Losee	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent
Josh Munns	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Absent

EXHIBIT "A"

TITLE 12 ADEQUATE PUBLIC FACILITIES ORDINANCE

10-12-1 PURPOSE AND INTENT.

The purpose and intent of this Chapter is as follows:

- A. To ensure that Public Facilities needed to support new development meet or exceed the Minimum Service Capacity Standards established by this Chapter;
- B. To ensure that no re-zonings are approved which would cause a reduction in the Minimum Service Capacity Standards for any Public Facilities below the Adopted Minimum Capacity established in this Chapter;
- C. To ensure that adequate Public Facilities needed to support new development are available concurrent with the impacts of such development;
- D. To establish uniform procedures for the review of development applications subject to the adequate public facilities standards and requirements.
- E. To facilitate implementation of goals and policies set forth in the *Garland General Plan* relating to adequacy of Public Facilities and Minimum Service Capacity Standards; and
- F. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

10-12-2 DEFINITIONS.

In addition to the definitions set forth in other sections of this code, the following words and phrases used in this Chapter shall have the meanings herein prescribed:

- A. *Adequacy Determination.* The findings and decision formally adopted by City Council of the analysis, also called an "Adequacy Recommendation", for a proposed development application in relation to the anticipated impact on the Minimum Service Capacity of the City's Public Facilities.
- B. *Adequacy Recommendation.* A specific analysis of a proposed development application in relation to the anticipated impact on the Minimum Service Capacity of the City's public facilities prepared by Staff and presented to Council for formal adoption as an Adequacy Determination.
- C. *Adequate Public Facilities.* Facilities which have the capacity to serve development without decreasing the acceptable minimum service levels adopted in this Chapter.

- D. *Available Public Facilities.* Facilities or services are in place, or that a financial commitment is in place to provide the facilities or services within a specified time.
- E. *Administrator.* Is the City Planner, or designee as assigned by the Mayor.
- F. *Committed Development.* Any development having received a minimum of Preliminary Approval, not to exceed one (1) year from the date of said approval; or any development having received Final Approval with a recorded Final Plat.
- G. *Development Application.* Any request for approval, permission, or other action made pursuant to the provisions of the Building Regulations (Title 8), Zoning Regulations (Title 9) or Subdivision Regulations (Title 10) of the Municipal Code. Such requests include, but are not limited to, building permits, preliminary plats, final plats, or re-zonings. A General Plan Amendment is not considered a development request.
- H. *Development Order.* Any action approving, denying or approving with conditions, an application for a development permit, including but not strictly limited to preliminary plats, final plats, re-zonings, or conditional use permits.
- I. *Equivalent Residential Unit (ERU).* Standardized unit used for measuring the impact or usage of a typical single-family home, usually in areas like water, wastewater services or stormwater management.
- J. *Formal Submittal.* A development request, where an application and fees are paid in full, all required items for that particular request have been submitted to the City, and at least one technical review has been completed identifying deficiencies. Subdivision Concept Plan Applications/Reviews or cursory concept development reviews are not considered a formal submittal.
- K. *Informal Submittal.* An application made with the City where an applicant is provided general comments and information regarding a conceptual development project or potential development request. These applications may or may not have applicable fees that must be paid in conjunction with its processing. Subdivision Concept Plan Applications/Reviews or cursory concept development review are considered an informal submittal.
- L. *Minimum Service Capacity.* An existing service level that is identified in this Chapter and is determined to be the minimum acceptable service or capacity in order to allow for additional demand from development to be placed on the system.
- M. *Public Facility.* A specific utility service provided by a Municipality or Service District to the public; herein specifically identified as Culinary Water, Secondary Water, Storm Drain, Sewer and Streets.

10-12-3 APPLICABILITY.

- A. This Chapter shall not apply to any use, development, project, structure, fence, sign or activity which does not result in a new equivalent residential unit (ERU). Refer to

Diagram 12.01 for the Adequacy Determination Process.

- B. It is the intent of this Chapter that adequacy determinations are adopted by City Council prior to formal submittal of a development request. Refer to Diagram 12.01 for the Adequacy Determination Process.
- C. It is the intent of this Chapter that further subdivision of properties that require the expansion of the City's culinary water system of additional ERUs, shall obtain a positive adequacy determination prior to the formal submittal of a development request.
- D. It is the intent of this Chapter that no rezoning to a zoning district which would increase the intensity or density of a parcel shall be approved unless a positive adequacy determination or a positive adequacy determination subject to conditions has been rendered by the City Council.
- E. The adequacy determination shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards or other applicable standards or requirements of the Garland Zoning Ordinance or Garland Subdivision Ordinance, all of which shall be operative and remain in full force and effect without limitation.
- F. All development shall adhere to minimum standards for public facilities, regardless of specific inclusion of this Chapter.

10-12-4 MONITORING.

The City shall develop, maintain, and update documents and information which shall provide support to the City officials and departments responsible for adequacy of public facilities review, monitoring and planning for Public Facilities.

- A. At a minimum, the following documents and information shall be available:
 - 1. Existing dwelling units and nonresidential development;
 - 2. Committed Development;
 - 3. The capacity of existing Public Facilities provided by Garland City as identified in the Capital Facility Plans for Culinary Water, Storm Drain, and Sewer.
 - 4. The current Capital Improvements Program; and
 - 5. The capacity created by the completion of proposed projects identified in the Capital Improvements Program for the current year.

10-12-5 ANNUAL REVIEW.

The Administrator in conjunction with the City Engineer shall annually prepare and submit to the City Council an Adequacy of Public Facilities Management Report.

B. The Adequacy of Public Facilities Management Report shall include the following:

1. Present availability of each resource, with a focus on sewer capacities and water sources and capacities;
2. Projected demand for the coming year, for five years and for ten years into the future as described in the City's most recently adopted Capital Facilities Plan; and
3. Recommended limitations, restrictions or allocations, if any, upon the use or reuse of each resource for purposes of short-term and long-term planning for the growth of the city in an orderly, efficient and environmentally sound use of resources;
4. Growth trends and projections;
5. Other data, analysis or recommendations as the Administrator and City Engineer may deem appropriate, or as may be requested by the Council.

C. *Effect of Review.* The annual Review may, in whole or in part, form the basis for City recommendations to the City Council and City Council actions to repeal, amend or modify this Section; other data, reports, analyses and documents relevant to such decisions as may be available may be used.

D. *Amendments.* Nothing herein precludes the City Council or limits its direction to amend this Chapter at such other times as may be deemed necessary or desirable.

10-12-6 APPLICATION AND SUBMITTAL REQUIREMENTS.

Prior to making application for any development approvals, an adequacy determination shall be adopted by the City Council. The application for an adequacy determination shall be made on a form prepared by the City and includes sufficient information to allow the City to determine the impact of the proposed development on Public Facilities pursuant to the adequacy determination procedures.

The information required shall include, but shall not be limited to:

- A. The location of the proposed development;
- B. For residential development and uses: The total number of lots (or dwelling units), type of dwelling units (including square footage), size of lots, total acreage of development and gross density of proposed development;
- C. For non-residential development and uses: A brief description on the type of use, the anticipated average water demand (per day) with any other unique demand depending on the time of day or time of year; and average traffic trip generation (per day);
- D. Identification of the Public Facilities impacted by the proposed development;
- E. Any other appropriate information as may be required by the City consistent with these provisions, and such items shall be stamped and signed by a licensed professional

engineer.

1. Such additional items required to be submitted, prior to submitting for any development application approval (e.g. re-zoning, subdivision, site plan or conditional use) may include, but is not limited to the following:
 - (i) Analysis of water demand for the proposed development
 - (ii) Will-serve letters from other utility service providers, if not a City utility,
 - (iii) Detailed analysis of traffic circulation and/or generation, including types of traffic and pavement structure impacts.

F. All applicable application fees shall be paid in full.

10-12-7 PROCEDURES FOR “ADEQUACY RECOMMENDATION”

A. *Technical Review.* The Administrator and City Engineer shall determine whether the application is complete and complies with the submission requirements set forth in this Chapter. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall notify the Applicant, specifying the deficiencies.

If the application is complete and the submission requirements have been complied with, the Administrator and City Engineer shall evaluate the proposed development for compliance with the Adopted Minimum Service Capacity Standards and shall submit an “Adequacy Recommendation” to the City Council.

B. *Recommendation Content.* The “Adequacy Recommendation” shall, at a minimum, include the following, based upon Staff recommendations:

1. The number of equivalent dwelling units proposed by the Applicant, by type, for each Public Facility;
2. The timing and phasing of the proposed development, if applicable;
3. The specific Public Facilities impacted by the proposed development;
4. The extent of the impact of the proposed development in the applicable Impact Areas;
5. The capacity of existing public facilities in the Impact Areas which will be impacted by the proposed development;
6. The demand on existing Public Facilities in the Impact Areas from existing and approved development;
7. The availability of existing capacity to accommodate the proposed development; and
8. If existing capacity is not available, Planned Capacity and the year in which such Planned Capacity is projected to be available, if known.

- C. *Re-zonings.* A proposed rezoning which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. The adequacy of public facilities review for the application for a rezoning shall compare the Capacity of Public Facilities to the maximum projected demand which may result from the proposed rezoning based upon the potential density of the affected area pursuant to the rezoning.
- D. *Positive Recommendation.* If the Administrator and City Engineer conclude that each Public Facility will be available concurrent with the impacts of the proposed development at the Adopted Minimum Service Capacity Standards, a positive adequacy recommendation will be made.
- E. *Negative Recommendation.* If the Administrator and City Engineer determine that any Public Facility will not be available concurrent with the impacts of the proposed development at the Adopted Minimum Service Capacity Standards based upon existing Public Facilities, a negative adequacy recommendation will be made.
- F. *Conditional Recommendation.* In rare circumstances, the Administrator and City Engineer may determine that stipulations may be included with the adequacy recommendation regarding the density of the proposed development, the timing and phasing of the proposed development, the provision of Public Facilities by the Applicant or any other reasonable conditions to ensure that all Public Facilities will be adequate and available concurrent with the impacts of the proposed development.

Conditional adequacy recommendations will not be considered for development approvals where the water or sewer Public Facilities has been deemed inadequate.

Conditional adequacy recommendations would be subject to one or more of the following:

1. Deferrals of further Development Orders until all Public Facilities are available and adequate. If Public Facilities in the Impact Area are not adequate to meet the Adopted Minimum Service Capacity Standard for the entire development proposal, consistent with the requirements of this Title and Table 12.01; or
2. Reduction of the density or intensity of the proposed development to a level consistent with the Available Capacity of Public Facilities; or
3. Commitment and construction by the Applicant of the Public Facility that will meet the Adopted Minimum Service Capacity Standard at the time that the impact of the development will occur. This commitment is subject to an enforceable Development Agreement, adopted and executed by the City Council no later than the approval of the Development Order.
 - (i) The proposed Public Facility must be a planned capital improvement and identified on the applicable Capital Facility Plan.
 - (ii) At the option of the City, and as identified in the Capital Facilities Plan, and only if the Planned Capital Improvement will provide capacity exceeding the demand generated by the proposed

development, reimbursement to the Applicant for the pro rata cost of the excess Capacity.

4. Additional items required to be submitted and approved, in conjunction with the development agreement, will include, but not limited to the following:
 - (i) An engineer's cost estimate for total project cost, which should include an estimate of the total financial resources needed to construct the Planned Capital Improvement and a description of the cost participation associated therewith;
 - (ii) A schedule for commencement and completion of construction of the Planned Capital Improvement with specific target dates for multi-phase or large-scale Capital Improvement projects;
5. *Withdrawal of Application.* The Applicant may withdraw the Application for Development Approval at any time by submitting a written request to the Administrator. Withdrawal may result in the forfeiture of all fees paid by the Applicant for the processing of the application.

10-12-8 PROCEDURES FOR "ADEQUACY DETERMINATION"

Upon receipt of an "Adequacy Recommendation" for a specific development application, the City Council may:

- A. Make and adopt a positive adequacy determination; or
- B. Make and adopt a negative adequacy determination; or
- C. Make and adopt a positive adequacy determination with conditions, subject to one or more of the stipulations stated in Title 12-7(F).

10-12-9 EFFECT OF ADEQUACY DETERMINATION.

- A. *Adequacy Determination Results.* An Adequacy Determination for a Development Order shall be deemed to indicate that:
 1. Public Facilities are available at the time of issuance of the Adequacy Determination.
 2. Public Facilities will be considered to be available through all subsequent stages of the development approval process up to the date of expiration of the final Development Order approval.
- B. *Adequacy Determination Not Evidence.* A positive adequacy determination shall not be deemed as evidence supporting a request for a General Plan Land Use Map amendment, nor shall it affect the need for the Applicant for a rezoning to meet all other requirements as set forth in the City's Municipal Ordinances.

10-12-10**EXPIRATION OF ADEQUACY DETERMINATION.**

- A. Should a formal submittal for a development request not be initiated within one (1) year, the Adequacy Determination shall expire. No extensions are permitted with an Adequacy Determination. A new application and fees will be required to be paid in full and proceed through the process established in this Chapter. A new Adequacy Determination must be adopted by the City Council.
- B. Otherwise, an Adequacy Determination shall be deemed to expire when the Development Order to which it is attached expires, lapses, is revoked, or if the Applicant has not complied with the conditions attached to its issuance.
- C. Time extension requests for Development Orders are subject to applying and obtaining an adopted Adequacy Determination prior to receiving an extension approval.
- D. If no expiration date is provided in the Garland City Municipal Code, in the conditions of the Adequacy Determination, or the Development Order approval, the Adequacy Determination shall expire within one (1) year after the adoption of the Adequacy Determination.
- E. If an Adequacy Determination attached to a rezoning expires, the City may initiate proceedings to rezone the property to its original zoning classification.

10-12-11 METHODOLOGY AND CRITERIA FOR AVAILABILITY AND ADEQUACY.

- A. *Availability of Public Facilities.* Public Facilities shall be deemed to be available if they meet the following standards:
 - 1. Public Facilities shall be deemed to be available within the applicable Impact Area if:
 - (i) The Public Facilities are currently in place or will be in place when the Development Order is granted; or
 - (ii) Provision of the Public Facilities are a condition of the Development Order and are guaranteed to be provided at or before the issuance of a final plat or building permit for proposed development on the subject property; or
 - (iii) The Public Facilities are under construction and will be available at the time that the impacts of the proposed development will occur; or
 - (iv) The Public Facilities are guaranteed by an enforceable development agreement which ensures that the Public Facilities will be in place at the time that the impacts of the proposed development will occur.

B. *Adequacy of Public Facilities.* Public Facilities shall be deemed to be adequate if it is demonstrated that they have Available Capacity to accommodate the demand generated by the proposed development in accordance with the following calculation methodology, unless otherwise indicated herein:

1. Calculate Available Capacity by subtracting from the total Capacity the sum of:

- (i) The demand for each Public Facility created by existing development; and
- (ii) The demand for each Public Facility created by the anticipated completion of Committed Development; and
- (iii) The demand for each Public Facility created by the anticipated completion of the proposed development under consideration for an adequacy determination.

C. *Minimum Service Capacity Standards.* Compliance with Minimum Service Capacity Standards shall be measured for each Public Facilities set forth in Table 12.01

10-12-12 ADMINISTRATION.

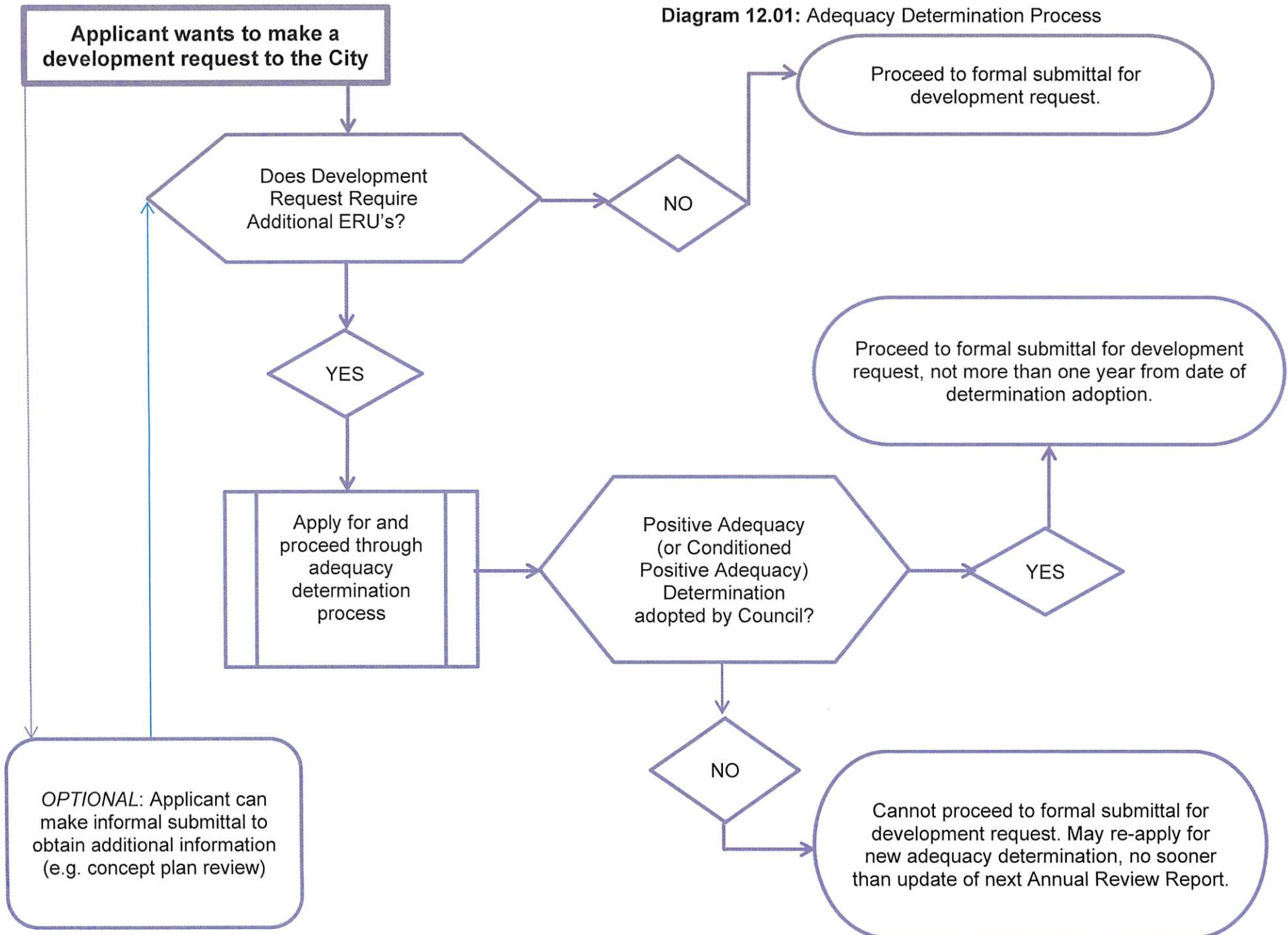
- A. **RULES AND REGULATIONS.** The City Council may adopt, by resolution, rules, regulations, administrative guidelines, forms, worksheets and processes as are necessary to efficiently and fairly administer and implement the Adequate Public Facilities Ordinance.
- B. **ADMINISTRATIVE FEES.** The City Council may establish by resolution, a fee schedule for each of the administrative procedures, determinations, approvals and certifications required by this Resolution.
- C. **CONFLICT.** To the extent of any conflict between other City resolutions or regulations and this Section, the more restrictive is deemed to be controlling. This Chapter is not intended to amend or repeal any existing City, resolution or regulation.
- D. **APPEAL.** Adequacy Determinations may be appealed to District Court within 30 calendar days of written notification of the decision from the City, or approval of the minutes of the meeting in which the action was taken, whichever occurs first.

Table 12.01: Minimum Service Capacity Standards

Public Facility	Minimum Capacity Service Standard	Affected Area
Culinary Water	<ul style="list-style-type: none"> ▪ Source: <ul style="list-style-type: none"> ○ Indoor – 800 gallons per day per connection (ERU) must be available (peak day) ○ Outdoor – 3.96 gallons per minute per irrigated acre ▪ Storage: <ul style="list-style-type: none"> ○ Indoor – 400 gallons per ERU ○ Outdoor – 2,848 gallons per irrigated acre ▪ Distribution System Minimum Pressure: <ul style="list-style-type: none"> ○ 40 psi – Peak Day Demand ○ 30 psi – Peak Instantaneous Demand ○ 20 psi – During fire flow conditions and Peak Day Demand ▪ Culinary water infrastructure must be available and ability to connect for the proposed development 	Citywide
Sewer	<ul style="list-style-type: none"> ▪ Impacts on entire system evaluated in sewer model ▪ Minimum service capacity standard as determined by the City 	Citywide
Storm Drain	<ul style="list-style-type: none"> ▪ Detention: 0.1 CFS per acre release rate ▪ Detention Basin Volume: 100-yr storm ▪ Piping System Capacity: 10-yr storm ▪ Impacts on entire system evaluated in storm water model. Consideration will be given for new, expansion or use of existing regional detention basins. 	Citywide
Streets	<ul style="list-style-type: none"> ▪ Two means of ingress/egress for a maximum of 50 dwelling units (this is determined to be an aggregate of both existing and proposed dwelling 	

	<p>units from the last public intersection that has two means of ingress/egress)</p> <ul style="list-style-type: none"> ▪ If projected site traffic (greater than) > 1,000 ADT, OR Projected peak hour traffic (greater than) > 200; a Traffic Study will be required. The level of traffic study required will be determined using the UDOT's Traffic Impact Study Levels (I, II, III or IV) 	Garland City Streets
	<ul style="list-style-type: none"> ▪ Approval of new or improved access 	State Roads (UDOT)

Diagram 12.01: Adequacy Determination Process



Chapter 10-9-4(F)

Preliminary Plat Approval. The approval of a Preliminary Subdivision Application shall be effective for a period of one (1) year from the date of approval by the Planning Commission, at the end of which time the applicant shall have submitted a final subdivision application for approval.

1. If a final subdivision application is not received by the City within the one (1) year period, the preliminary subdivision approval shall be void, and the applicant shall be required to submit a new Preliminary Subdivision Application, subject to the then existing application and approval requirements in effect, and all other applicable City, State and Federal requirements.
 - i. **Pursuant to Title 12 Adequacy Public Facilities, a new positive (or conditional) adequacy determination must be obtained and adopted by Council prior preliminary plat approval.**
2. For developments designed to be done in phases, the subsequent phases should be submitted within two (2) years of the previous phase being approved.

Chapter 10-9-6

Amendments to Preliminary Plat or Phasing Plans. At any time after preliminary plat approval and before submission of a final plat, the applicant may request of the City that an amendment be made in the approval or conditional approval of the preliminary plat.

- A. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more or increasing density in the subdivision by ten percent (10%) or more.
- B. If the proposed amendment is major, the revised plat would proceed through a review city with the DRC and referred to the Planning Commission for consideration at their next available regular meeting.
 1. The Planning Commission shall approve, conditionally approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment.
- C. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the Planning Commission, the applicant may withdraw the proposed major amendment. An applicant may not propose more than two (2) major amendments to any preliminary plat.
- D. The City Engineer, in consultation with and recommendation from the DRC may administratively approve the proposed amendments that are deemed to be minor. A decision letter of the approval, or conditional approval, of the amended plat (with a copy of the revised preliminary plat) shall be provided to the applicant.
 1. If consensus is not reached that the proposed changes are minor it may be referred to the Planning Commission for review and action.
- E. **Pursuant to Title 12 Adequacy Public Facilities, if the amended plat creates an increase demand on ERU's from the original plat a new positive (or conditional) adequacy determination must be obtained and adopted by Council prior amended plat approval.**
- F. The City Engineer, in consultation with and recommendation from the DRC may administratively approve amended phasing plans. A decision letter of the approval, or conditional approval, of the amended phasing plan (with a copy of the revised phasing plan) shall be provided to the applicant.

1. If the amended phasing plan creates complexities that the DRC identifies, the phasing plan may be referred to the Planning Commission for review and action.

Chapter 10-10-1

Final Plat Approval. The approval of a Final Subdivision Application shall be effective for a period of two (2) years from the date of approval by the City Engineer.

- a. If a final plat is not recorded within the two (2) year period, a request may be made to the City for an extension of time for up to one year. The extension request will be considered by the DRC and recommendation made to the City Engineer, who will provide in writing a decision on the extension request.
- b. **Pursuant to Title 12 Adequacy Public Facilities, if the final plat creates an increase demand on ERU's from the preliminary plat a new positive (or conditional) adequacy determination must be obtained and adopted by Council prior amended plat approval.**
 1. If after the one year extension, a final plat is still not recorded but the installation of subdivision improvements have already begun, but not completed, the City shall complete an inspection to determine what has been completed, what needs to be completed and the City may begin coordination with the escrow agent to obtain the escrow funds to go toward completing the subdivision improvements as originally designed and approved.
 2. Should the project have started construction and escrow either not yet been established and/or no escrow funds are available for the subdivision, the City reserves the right to record a lien on the property for the costs related to completing the subdivision improvements that are necessary for the public's health and safety.
- c. For developments designed to be done in phases, the subsequent phases should be recorded within two (2) years of the previous phase being recorded.