

# Title 9 – Land Management Code

## Chapter 9

### SUBDIVISIONS

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**9-9-1: PURPOSE:**

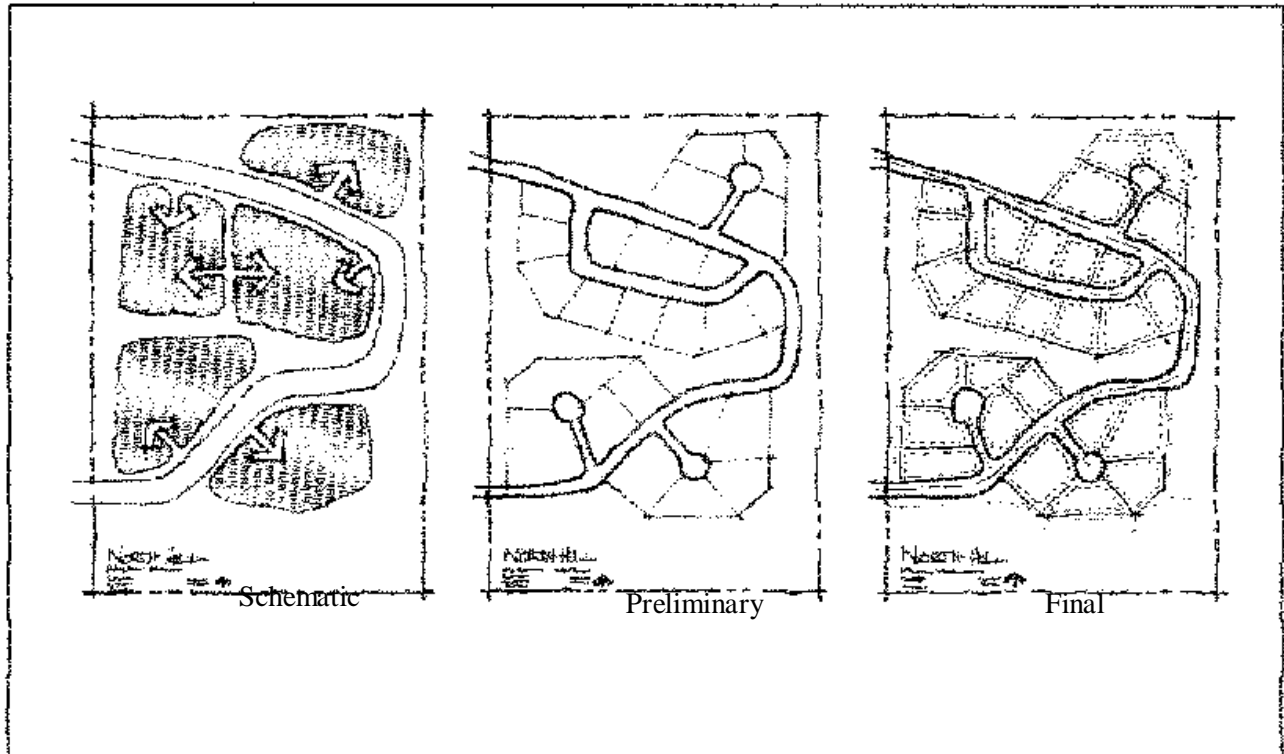
It is the town's intent to promote growth and development of subdivisions to meet local and state codes, and to conform to the Town General Plan, this title and design standards. (Ord. 08-016, 8-12-2008)

**9-9-2: SUBDIVISION CONTROL:**

Subdivision of land must comply with the provisions of this chapter and Utah Code Annotated section [10-9a-601](#) et seq. Until a final plat is recorded according to these provisions, the following may not occur: land transferred, sold or offered for sale, contracted for sale, deeded or conveyed, building permit issued on said land; terrain altered; any vegetation removed from the proposed subdivision site; or engaging in any site development. The steps of the subdivision process are as follows:

- A. Pre-application Conference/Staff; Developer Meeting: Prior to submission of formal materials for a proposed subdivision and one week prior to each Planning Commission meeting, a subdivider shall participate in a pre-application conference with the town staff. This will provide the subdivider an opportunity to consult with and receive assistance from the town regarding the regulations and design requirements applicable to the subdivision of the property prior to a significant investment in technical/engineering and legal work.

- B. Plan, Plat Review: A schematic plan review, preliminary plat and a final plat of such subdivision are approved in accordance with the process set forth in this title.
- C. Plat Recorded: The approved final plat is recorded in the office of the County Recorder by the Town Clerk, with all recording costs paid by the subdivider.
- D. Improvements: The improvements required in connection with the subdivision have been constructed or guaranteed as provided herein.



**Figure 9.1: The three stages of a subdivision approval require increasing levels of detail in design.**

(Ord. 08-016, 8-12-2008)

**9-9-3: SCHEMATIC PLAN REVIEW:**

- A. Purpose: The schematic plan is intended to be an abbreviated submittal, to allow the applicant and the review boards to determine the basic feasibility of the proposal before incurring the time and expense of the preliminary and final plats.

B. Review Process:

1. Submittal: See [chapter 4](#) of this title, tables 2 and 3, for the information to be included on or with the schematic plan.
2. Town Review: The Town Manager and/or staff shall review the documents submitted for schematic plan review to determine if they are complete as required in [chapter 4](#) of this title and meet the standards for review of subsection C of this section. The application and staff comments are then forwarded to the Planning Commission.
3. Planning Commission Review: Within a reasonable time after the town review, the Town Manager shall present the schematic plan to the Planning Commission at a regular meeting. During this review, the Planning Commission shall provide additional comments and input as they pertain to this title, to assist the applicant in preparing the preliminary plat application.

C. Standards For Review: The applicant shall demonstrate that:

1. Conformance To General Plan: The proposed subdivision conforms to the town general plan, zoning regulations, public works standards, design standards ([chapter 12](#) of this title) and other relevant sections of this title.
2. Water: The proposed water source is connected to the town's water distribution system and has adequate capacity and an adequate method of distribution within the subdivision. If applicable and also required, the applicant shall also demonstrate the existence of an agreement to provide water from the water provider and/or evidence of availability of water. (2010 Code, amd. Ord. 15-004, 4-28-2015)
3. Sewer: The proposed sewage system is connected to the town's sewer system and meets state and town standards and regulations. (2010 Code, amd. Ord. 15-004, 4-8-2015)
4. Fire Protection: The proposed method for fire protection complies with this title, and other regulations as applicable.
5. Appropriate Use: The proposed uses for the property are appropriate to the zone district and the layout/design is responsive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts and preservation of views.
6. Public Services: Adequate public services are available to meet the needs of the proposed subdivision, including roads, gas, electric, telecommunications, mail, police and fire protection, schools and recreation. If adequate services do not exist at the time of application, provision must be made for expansion of services concurrent to the subdivision development.

D. Staff Cannot Bind Town: The schematic plan review is intended to help the subdivider identify important issues and concerns before he or she incurs the expense and time involved in preparing more detailed plans. Town staff and Planning Commission

recommendations, suggestions and interpretations are advisory and shall not be considered binding on the town.

- E. Vested Rights: Submission of a schematic plan does not constitute the beginning of any vested rights for the applicant. Vested rights shall accrue only upon the filing of a complete preliminary plat application with all required information and fees. However, if there is a compelling, countervailing public interest or the town has initiated proceedings to amend this title or other applicable ordinances at the time of the preliminary plat application, then there shall be no vesting as it pertains to the compelling, countervailing public interest or pending ordinance change.
- F. Expiration; Extension: Application shall expire one year from completion of review with a one year extension available from staff, upon written request by the applicant submitted prior to the one year deadline. The developer shall pay all costs incurred with the extension. (Ord. 08-016, 8-12-2008)

#### **9-9-4: PRELIMINARY PLAT:**

- A. Purpose: The purpose of the preliminary plat is to review and resolve most of the technical details of the subdivision design in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat, and all information and procedures relating thereto, shall in all respects be in compliance with the provisions of this title and any other applicable ordinances.
- B. Standards For Review: The applicant shall demonstrate that:
  - 1. Compliance with Schematic Plan: The proposal complies with schematic plan review comments by both staff and Planning Commission.
  - 2. Water: The proposed water distribution system is connected to the town's water system and meets the requirements of the town; the proposal includes a schematic design of the water distribution system. (2010 Code, amd. Ord. 15-004, 4-28-2015)
  - 3. Sewer: Provision has been made for a public sewer collection system is connected to the town's sewer system and meets town requirements. (2010 Code, amd. Ord.15-004, 4-28-2015)
  - 4. Public Services: Preliminary engineering plans provide evidence that public services (roads, trails, fire, police, gas, electricity, telecommunications, schools and recreation) meet the requirements of this title and applicable codes.
- C. Review Process:
  - 1. Application: After completing the schematic plan review required in this title, the subdivider shall file an application for preliminary plat approval. See [Chapter 4](#) of this

title, [tables 2](#) and [3](#), for the information required to be included on or with the preliminary plat. The applicant shall provide the town with sufficient information so that it can provide notice by transmittal letter to such public agencies and utilities as deemed appropriate by the town manager, or designee, and in accordance with Utah Code Annotated section [10-9a-207](#), as amended. In the transmittal letter, the town shall request that each of the affected entities, as set forth in Utah Code Annotated section [10-9a-103\(1\)](#), as amended, forward a report of its findings and recommendations to the town staff and Planning Commission by the date of the public hearing set for the preliminary plat approval. The developer shall pay for all costs incurred.

2. Town Staff Review:

- a. Within a reasonable amount of time, the Town Manager and/or staff shall review the preliminary plat application for general compliance with these regulations, public works standards, design standards and other applicable ordinances. If the preliminary plat is not complete or not in general compliance, the Town Manager and/or staff shall notify the subdivider in writing and specify the respects in which it is deficient. When the submission is complete and in general compliance, the Town Manager, or designee, shall forward the preliminary plat to the Planning Commission.
- b. The Public Works Department and Town Engineer shall review submittals, plans and plats as to engineering requirements for street widths, grades, alignments, snow removal and storage, surface water flow and flood control, and for consistency of the proposed public improvements with this title and other applicable ordinances. (2010 Code, amd. Ord. 15-004, 4-28-2015)

3. Planning Commission Review: When the filing of a preliminary plat of a subdivision and any other information required is deemed complete and accurate by the staff, the Planning Commission shall hold a public hearing (commission with documentation as prescribed in [chapter 4](#) of this title) to review and recommend thereon. If the Planning Commission finds that the proposed plat complies with the requirements of this chapter and it is satisfied with the plat of the subdivision, it shall forward to the Town Council a recommendation to approve, or approve with conditions, the plat. If the Planning Commission finds that the proposed plat does not meet the requirements of this title or other applicable ordinances, it shall deny such plat.

4. Town Council Review: Upon receipt of a recommendation from the Planning Commission, the Town Council shall meet to approve as recommended, approve as modified by the Town Council, or deny the proposed preliminary plat.

D. Effect Of Approval Of Preliminary Plat: Approval of the preliminary plat shall in no way relieve the applicant of his responsibility to comply with all ordinances, all issues identified during the schematic plan review (unless formally waived by the Town Council), and to provide all improvements and easements necessary to meet town standards and specifications.

- E. Expiration Of Preliminary Plat Approval: Application for final plat approval shall be made within twelve (12) months after approval or conditional approval of the preliminary plat by the Town Council. This time period may be extended for no more than an additional twelve (12) months if the subdivider petitions for and the Planning Commission grants an extension prior to the expiration date. Only one extension may be granted. Failure to submit the application for final plat within the allotted time period shall cause the previous approvals to be null and void. Fees previously paid by the applicant shall not be refunded. (Ord. 08-016, 8-12-2008)

#### **9-9-5: FINAL PLAT:**

- A. Purpose: The purpose of the final plat is to require formal approval of detailed engineering and legal requirements by the Planning Commission before a subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this title. The final plat and improvement plans submitted shall conform in all respects to those regulations and requirements specified during the schematic plan and preliminary plat procedures. Pursuant to Utah Code Annotated sections [10-9a-603](#) and [10-9a-604](#), as amended, the Town Manager shall sign the final plat following Planning Commission approval.
- B. Standards For Review: The applicant shall:
1. Comply with all conditions of schematic and preliminary plat approval.
  2. Include acceptable final engineering plans for the water distribution system, final agreements from the water provider, and provisions for perpetual maintenance for the water system.
  3. Meet all planning, engineering and surveying requirements of the town for maps, data, surveys, analyses, studies, reports, plans, designs, documents, wetlands designations, and other supporting materials.
  4. Provide evidence to show that there is no encumbrance, lien or conveyance restricting the intended use of the lot.
  5. Provide evidence from the County Treasurer that all ad valorem taxes applicable to the property have been paid.
  6. Include all dedications for streets, roadways, easements, trails and/or rights of way, as necessary.
  7. Meet the requirements of [chapter 4](#) of this title, table 3.
  8. Provide signature blocks on the plat signed by a representative of public utilities which identify their approval as required by Utah Code Annotated.
- C. Review Process:

1. Application: The subdivider shall file an application for final plat approval with the Town Manager or staff in such form and quantities as prescribed by the town, including one reproducible Mylar copy for recording. See [chapter 4](#) of this title, table 3, for the information required on or with the final plat.
  2. Town Staff Review: The Town Manager shall ensure that the final plat and associated documents have been checked by the applicable town departments (Public Works, Public Safety), Town Engineer and Town Attorney for completeness and general compliance with this title and for incorporation of any changes required during the preliminary plat procedure, and that other applicable approval agencies have granted approval. If the submission is not complete, not in general compliance with or does not incorporate conditions of previous approvals, the town shall notify the applicant in writing and specify the respects in which it is deficient. When the submission is complete, in general compliance with applicable ordinances, and incorporates all prior conditions of approval, the town manager, or designee, shall forward the final plat to the Planning Commission for review.
  3. Planning Commission Review: Upon receipt of the final plat, the Planning Commission shall examine the plat to determine whether the plat conforms to the preliminary plat, all applicable town ordinances and codes, the standards of the town, and with all requirements imposed as conditions of previous acceptances. If the Planning Commission shall thereupon determine that the plat is in conformity therewith, it shall forward its recommendation onto the Town Council for final approval. (2010 Code, amd. Ord. 15-004, 4-28-2015)
  4. Town Council Review: Upon receipt of the final plat and the Planning Commission's recommendation, the Town Council shall examine the plat to determine whether the plat conforms to the preliminary plat, all applicable town ordinances and codes and the standards of the town, and with all requirements imposed as conditions of previous acceptances. If the Town Council determines that the final plat does not fully conform to the preliminary plat, standards and prior conditions of approval, it shall:
    - a) Disapprove the final plat and advise the subdivider in writing of the changes or additions that must be made for approval; or
    - b) Table or continue the application to allow the subdivider to make revisions. The subdivider shall be responsible for notifying the town that he or she is ready to go to the Town Council for final plat approval. (2010 Code, amd. Ord. 15-004, 4-28-2015)
- D. Security Agreement: Prior to recording a final plat, the subdivider shall obtain sufficient financial guarantee consistent with [chapter 13](#) of this title. The accompanying agreement may contain such provisions as approved by the Town Attorney and Town Engineer.
- E. Recording Final Plat: After final approval, filing of the bond agreements described in [chapter 13](#) of this title, and signing of the plat by the Town Manager, Mayor, Town Engineer, Town Attorney, utility companies and other required entities, the plat and covenants, conditions and restrictions (CC&Rs) for the subdivision shall be presented by the town to the County Recorder for recording. The subdivider shall pay all recording costs. (2010 Code, amd. Ord. 15-004, 4-28-2015)
- F. Expiration Of Final Plat Approval: If the requirements set forth above are not met by the subdivider within six (6) months from the date of final plat approval, such approval shall

be null and void. This time period may be extended for good cause shown, for additional six (6) month periods by the Town Manager. The subdivider must petition for an extension prior to the expiration of the original six (6) months, or an extension previously granted. Up to two (2) extensions may be granted, if the Town Manager finds that each extension will not be detrimental to the town. If any of the fees charged as a condition of subdivision approval, including, but not limited to, inspection fees, park fees, flood control fees, as well as the amounts the town uses to estimate bonds to ensure completion of improvements, have increased, the Town Manager may require the subdivider pay such increases as a condition of granting the extension. If the final plat is not recorded within the required time frame, the applicant will be required to work within the time constraints of the approved preliminary plat phase.

G. Amending Or Vacating Recorded Plat:

1. Any landowner whose land has been platted as provided in this title may, upon application to the town, have such plat, or portion thereof, or any street or alley therein contained, altered, amended or vacated.
2. The procedure for amending, altering or vacating a subdivision plat is the same as that provided by Utah Code Annotated sections [10-9a-608](#) and [10-9a-609](#), as amended.
3. The Planning Commission is the land use authority designated to hear and act on proposals to alter or amend a subdivision plat.
4. Fees shall be charged per the consolidated fee schedule or, if not specifically defined, a fee that most closely resembles the requested change. (Ord. 08-016, 8-12-2008)

**9-9-6: ACCEPTANCE OF SUBDIVISION IMPROVEMENTS:**

- A. Final Inspection; Acceptance Required: Subdivision improvements (see [chapter 12](#) of this title) or such conditions imposed under this title shall be deemed accepted by the town only upon complete final inspection by the appropriate town official and the issuance of a certificate of acceptance by the Town Manager, or designee.
- B. Conditions For Acceptance: In order for the subdivision public improvements such as streets, sewer and water to be accepted, the following shall occur:
  1. Upon substantial completion of the subdivision improvements, the developer shall submit a written request for the town to conduct a substantial completion inspection.
  2. Within a reasonable time of the request, and weather permitting, the town shall conduct an inspection of the improvements to ensure that they have been installed per the approved plans and specifications, and requirements of the town. The town shall issue a letter to the developer identifying required corrections to be completed prior to the one year warranty period beginning. The public improvement as built drawings shall be submitted to (in Mylar and approved electronic format) and accepted by the town



prior to the commencement of the one year warranty period. At the beginning of the warranty period, the town shall release all funds, except for a retention bond as allowed per Utah Code Annotated. During the one year warranty period, the town may provide services to the subdivision such as water, sewer, snow removal and garbage collection.

3. At the end of the one year warranty period, the developer may submit a written request to the town for a final acceptance inspection of the subdivision improvements. Upon completion of any required corrections or repairs, the town shall issue a letter of final acceptance and release any retention due to the developer. (Ord. 08-016, 8-12-2008)

### **9-9-7: LOT OR PARCEL SPLIT:**

- A. Purpose: The purpose and intent of the minor subdivision procedure is to allow owners of property located in R-1, R-2 and R-3 zones to divide their property into no more than two (2) legal sized parcels with a minimum of time and expense.
- B. Review Process:
  1. The subdivider shall file an application form (obtained from town) accompanied by the information specified in [chapter 4](#) of this title, table 2, for lot split and the appropriate fee as indicated on the consolidated fee schedule.
  2. The town staff and other appropriate agencies shall review the proposed subdivision. The developer shall pay all costs incurred.
  3. The parcel split may be approved, approved with conditions, or denied by the Building Official, the designated land use authority. The decision shall be made within a reasonable time period after receipt of the application.
  4. When the final plat is in compliance with all applicable ordinances and conditions, the plat shall be signed by the Town Manager.
  5. The resulting lots, including existing structures, must be consistent with current setback, height and other zoning district restrictions.
- C. Standards For Review: Approval of a lot or parcel split shall be based on the following standards:
  1. The proposed lot or parcel split will result in parcel sizes and uses that are consistent with the town general plan.
  2. The lots created as provided under this section shall retain their existing zoning.
  3. The proposed lot or parcel split will create lots consistent with current requirements of the applicable zone.

4. The proposed lot or parcel split shall comply with the applicable regulations of this title.
5. The lot or parcel split may create no more than one new lot or parcel (a total of 2 lots, including original lot).
6. A further lot or parcel split may not be requested for either resulting parcel sooner than three (3) years from the previous lot or parcel split, except as provided for in sections [9-9-3](#), [9-9-4](#) and [9-9-5](#) of this chapter. (Ord. 08-016, 8-12-2008)

#### **9-9-8: SUBDIVISION BY METES AND BOUNDS:**

##### **A. Purpose:**

1. The intent of subdivision by metes and bounds is to streamline the subdivision review and approval process for commercial or industrial lots in coordination with the street system, existing and proposed utility easements, sewer and water lines, storm drainage easements, and plans for future lot divisions.
2. When the subdivider is prepared to sell specific parcels of property not previously subdivided, he or she must demonstrate to the satisfaction of the town the following:
  - a. That proposed lots conform to the previously approved general plan and this title;
  - b. That the utility and/or vehicular access to remaining undeveloped property will not be impaired;
  - c. The proposed lots will have access to necessary utilities, unless otherwise approved by the town and applicable authority;
  - d. That remnant parcels are not created which, due to size, configuration or location, do not meet current zoning requirements and/or are not able to be developed; and
  - e. The proposed subdivision meets the criteria for exemption from the plat requirement set forth by the Utah Code Annotated section [10-9a-605](#), as amended.

##### **B. Review Process:**

1. Prior to the subdivision of any parcel or tract by metes and bounds, such subdivision shall be approved by the Zoning Administrator. The approval shall be based on the compliance of the proposed subdivision with the laws and ordinances of the town with respect to street improvements, installation of utilities, zoning requirements and flood control requirements.

2. If streets are to be dedicated to the public, a dedication plat shall be approved and recorded before specific lots are approved. If dedication is required for existing streets, a warranty deed shall be submitted for such dedication before lots are approved.
3. The subdivider shall submit a complete application, which shall include one reproducible copy and two (2) prints of the property survey and legal description certified by a licensed land surveyor, and any necessary improvement plans and bond agreements. At the time application is made, the owner shall pay an application fee as published in the consolidated fee schedule.
4. The town staff, along with other appropriate departments and agencies, shall review the proposed subdivision.
5. The subdivision may be approved, approved with conditions, or disapproved. The decision shall be made within a reasonable time period after receipt of the application. If the subdivision is not approved, the town staff shall notify the subdivider in writing and provide the reasons for the disapproval.
6. If the survey is in compliance with all applicable ordinances and conditions, the plat shall be signed by the Town Manager. (Ord. 08-016, 8-12-2008)

**9-9-9: VACATION OR ADJUSTING LOT LINES WITHIN SUBDIVISION PLAT:**

- A. Approving Body: The Planning Commission is hereby designated and appointed to hear and consider, with or without a petition, any proposed vacation of a lot line contained in a final recorded subdivision plat.
- B. Who May File Petition: Any fee owner of land within a subdivision plat, as shown on the last county assessment rolls, that has been laid out and platted as provided in this title, may, in writing, petition the town through the Planning Commission to have a lot line within the plat vacated as provided in this section.
- C. Petition Requirements: Each petition to vacate a lot line within a plat shall include:
  1. The names and addresses of all owners of record of the land contained in the entire plat;
  2. The names and addresses of all owners of record of land adjacent to any street that is proposed to be vacated, altered or amended;
  3. The signature of each of the owners under subsection C1 of this section who consents to the petition; and
  4. Payment of applicable fees per the town consolidated fee schedule.

- D. Requirements For Hearing Following Petition: If a petition is filed, the Planning Commission shall hold a public hearing within forty five (45) days after receipt of the petition if:
1. Any owner within the plat objects in writing to the petition within ten (10) days of mailed notification; or
  2. A public hearing is required because all of the owners have not signed the revised plat.
- E. Lack Of Consent Of All Owners: A petition that lacks the consent of all owners referred to in subsection C of this section may not be considered at a public hearing before the Planning Commission until the notice required by this section is given. The town shall give the notice with the petitioner paying all costs of such notice.
- F. Proposal By Town: If the town proposes to vacate a lot line within a subdivision plat, the Planning Commission shall consider the issue at a public hearing after giving notice as required by this title and in accordance with Utah Code Annotated section [10-9a-208](#), as amended.
- G. Notice Of Hearing For Lot Line Vacation: Whenever a hearing is required with regard to a proposed lot line vacation, the town staff shall give notice in compliance with section [9-1-8](#) of this title, of the proposed lot line vacation by mailing the notice to each owner of property located within three hundred feet (300') of the property that is the subject of the proposed lot line vacation, and addressed to the owners' mailing addresses appearing on the rolls of the County Assessor. The town staff shall ensure that the notice includes the date, place and time when a hearing will be held, if one is required, to consider the lot line vacation when written objections are received, or to consider any petition that does not include the consent of all landowners as required by subsection C of this section.
- H. Grounds For Vacation Of Lot Lines:
1. Within thirty (30) days after any public hearing required by this section, the Planning Commission shall consider the petition.
  2. If the Planning Commission is satisfied that neither the public nor any person will be materially injured by the proposed vacation and that there is good cause for the vacation, the Planning Commission may vacate the lot line.
  3. The Planning Commission may approve the vacation by amended plat, administrative order, or deed containing a stamp or mark indicating approval by the Planning Commission.
- I. Petitions To Adjust Lot Lines:
1. The Chief Building Official is appointed to hear and consider any proposed adjustment of any lot line of adjacent parcels described by either metes and bounds description or contained in a final recorded plat. Petitions to adjust lot lines between adjacent properties shall be approved without a hearing if:

- a. No new dwelling lot or housing unit results from the lot line adjustment;
  - b. The adjoining property owners consent to the lot line adjustment;
  - c. The lot line adjustment does not result in remnant land that did not previously exist; and
  - d. The adjustment does not result in violation of applicable zoning requirements.
2. If a lot line adjustment is approved, a notice of approval shall be recorded by the town in the office of the County Recorder. The notice of approval shall:
    - a. Be executed by each owner of property included in the lot line adjustment and by the chief building official;
    - b. Contain an acknowledgment for each party executing the notice of approval in accordance with the provisions of Utah Code Annotated [57-2a](#); and
    - c. Recite the descriptions of both the original parcels and the parcels created by the lot line adjustment.
  3. Upon approval of a lot line adjustment, the parties involved shall record an appropriate document exchanging title to the portions of the parcels involved in the lot line adjustment.

J. General Provisions:

1. Applications for lot line vacations or lot line adjustments are not finalized until the approval of such is recorded in the office of the County Recorder.
2. An aggrieved party may appeal the Planning Commission or Chief Building Official's decision to the Appeal Authority. (Ord. 08-016, 8-12-2008)

**9-9-10: CONVERTIBLE OR EXPANDABLE AREA FOR CONDOMINIUMS:**

Land use approvals depicted with convertible or expandable space shall comply with the requirements of Utah Code Annotated, title 57, chapter 8 and the declaration associated with the project. Conversions and expansions of units shall go through a plat amendment process unless the original plat approval specifically identifies the proposed conversions and expansions of the project, and the amended plat and declaration are in harmony and conformance with the original project approval. In such cases, the amendment documents may be recorded when they have been reviewed, signed and approved for recordation by appropriate town staff. (2010 Code, amd. Ord. 15-004, 4-28-2015)

### **9-9-11: APPEAL OF LAND USE AUTHORITY DECISION:**

Appeal may be made to the Appeal Authority of any final decision of the designated land use authority applying this chapter by an aggrieved person or by any officer, department, board or agency of the town affected by such action. Appeals shall be made by filing, in writing, with the Town Clerk within ten (10) days after the decision is made. The appeal shall be scheduled for hearing by the Appeal Authority within a reasonable time period and as agreed upon by both parties. The Appeal Authority may affirm, modify or overrule the decision being appealed. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the appeal authority. (Ord. 08-016, 8-12-2008)