

## Chapter 19.12. Subdivisions.

### Sections:

- 19.12.01. Purpose.
- 19.12.02. General.
- 19.12.03. Subdivision Process and Approval Procedure.
- 19.12.04. Condominium Process and Approval Procedure.
- 19.12.05. Performance and Warranty Assurances.
- 19.12.06. General Subdivision Improvement Requirements.
- 19.12.07. Minor Subdivision Approval Procedure.
- 19.12.08. Property Line Adjustments (Exchange of Title).
- 19.12.09. Vacating or Amending a Plat.
- 19.12.10. Vacating or Altering Public Streets, Rights-of-Way, Easements, or Alleys.

### 19.12.01. Purpose.

The purpose of this Chapter is to provide regulations and standards for the: development of residential and non-residential subdivisions and construction of improvements thereon, including the design and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, and other public facilities and utilities; dedication of land and streets; granting of easements or rights-of-way; and payment of fees and other charges for the approval of a subdivision.

### 19.12.02. General.

1. **Sales of portions of subdivision parcels.** No person shall sell, deed, or exchange, or offer to sell, deed, or exchange, any parcel of land that is a part of a subdivision or of a larger tract of land, or record in the office of the County Recorder any subdivision plat, unless the subdivision has been approved by the City according to the provisions of the City Code. Parcels created without such approval by the City shall be considered part of an illegal subdivision and not eligible for further subdivision, or building permits, or other development permits until the illegal subdivision is corrected. This Chapter shall be interpreted so as to be consistent with Utah Code Chapter 10-9a.
2. **All lots subject to ordinances.** All lots, plots, or tracts of land located within a subdivision shall be subject to the provisions of the City Code, regardless of whether or not the tract is owned by the applicant or a subsequent purchaser, transferor, or holder of the land.
3. **Severability.** If any section, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Chapter.
4. **Building and occupancy permits.**

- a. It shall be unlawful for any person to receive a building permit until all improvements, including utilities, are installed in accordance with City ordinances and standards, accepted by the City in writing, and secured by a warranty bond posted to guarantee that they remain free from defects and continue to meet City standards for a period of one or two years as allowed in Utah Code § 10-9a-604.5. The City may allow building permits to be issued before improvements are installed if a performance bond is posted (accompanied by a bond agreement) and when, in the opinion of the City Engineer, delaying those improvements will not cause public safety or utility service problems for the homes being issued permits. The bond agreement shall specify the timeframe in which the improvements must be completed.
  - b. There shall be no human occupancy of any building until all required improvements have been accepted in writing by the City, the building and lot are in compliance with the provisions of this Chapter and the City Code, and a certificate of occupancy has been issued. The City may allow occupancy before all required improvements are installed if a performance bond is posted (accompanied by a bond agreement) and when, in the opinion of the City Engineer, delaying those improvements will not cause public safety or utility service problems for the homes being issued occupancy permits. The bond agreement shall specify the timeframe in which the improvements must be completed.
5. **Duration.** Approvals for developments described in this Chapter are valid for twenty-four months from the date of approval. The City Council may grant extensions of time when such extensions will promote the public health, safety, and general welfare. Said extension must be requested within twenty-four months of Site Plan/Subdivision approval and shall not exceed twelve months.
  - a. For phased developments, if the first phase is not recorded within twenty-four months from final plat approval, the approval for all phases shall expire.
  - b. If the first phase is recorded within twenty-four months from final plat approval, the approval shall automatically be extended with each recorded phase for a period of twenty-four months measured from the date of most recent phase recordation.
6. **Phased Subdivisions.** If the construction of various portions of any development is proposed to occur in stages, then the standards for phased development subdivision is proposed to occur in stages, then the standards for phased development outlined in 19.13 shall be met.
7. **Utilities.** All utility lines shall be underground in designated easements. No pipe, conduit, cable, water line, irrigation line, gas, sewage, drainage, steam, electrical, or any other energy or service shall be installed or maintained upon any lot outside of any building above the surface of the ground except during construction.
  - a. No sewer, storm drain, culinary water, or irrigation water main shall be installed or maintained within a residential lot; all such utilities must be placed in an easement within protected open space or within rights-of-way. When placed outside rights-of-way they shall be located a minimum of 10' from any lot line

and paved access roads shall be provided to all manholes or other access points required for maintenance.

(Ord. 14-23, Ord. 14-4)

### **19.12.03. Subdivision Process and Approval Procedure.**

1. **Processing of development plans.** All subdivisions are subject to the provisions of Chapter 19.13, Development Review Processes. In addition, all residential and non-residential subdivisions shall comply with this Chapter.
2. **Preliminary Subdivision Plats.** All subdivisions must receive a Preliminary Plat approval. Upon receipt of an application for a Preliminary Plat, City staff shall review the application to determine whether the application is complete. If incomplete, the application shall not be accepted by the City and shall be returned to the applicant, along with a written list of the reasons why the application is incomplete. Once an application is deemed to be complete, City Staff shall review the proposed Preliminary Plat and determine whether it is in compliance with state law, federal law, and City standards, resolutions, and ordinances. The Planning Director is specifically charged with ensuring that all such requirements have been resolved before recommending land use authority action. If the Planning Director recommends that a proposed Preliminary Plat be approved, the City staff shall place it on the agenda of the next available meeting where the application may be properly considered. If the land use authority finds that the preliminary Plat meets state law, federal law, and City standards, resolutions, and ordinances, the land use authority shall approve the Preliminary Plat. If the land use authority finds that the preliminary Plat does not meet state law, federal law, and City standards, resolutions, and ordinances, the land use authority shall deny the Preliminary Plat. An application for a Preliminary Plat shall follow the approved City format and must contain the following information:
  - a. Application form, applicant certification, and application fee.
  - b. Preliminary title report.
  - c. Soils report.
  - d. Preliminary Hydraulic and Hydrologic report and storm drainage calculations.
  - e. Wetland delineation when required by City Engineer, Planning Commission, Development Review Committee, or the Army Corp of Engineers.
  - f. Preliminary traffic report. Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include the following:
    - i. an analysis of the average daily trips generated by the proposed project;
    - ii. an analysis of the distribution of trips on City street systems;
    - iii. a description of the type of traffic generated; and
    - iv. recommendations on what mitigation measures should be implemented with the project to maintain a level of service for existing and proposed residents that meets the standards of the Transportation Master Plan.
  - g. Data table including:
    - i. total project area;
    - ii. total number of lots, dwellings, and buildings;

- iii. square footage of proposed building footprints and, if multiple stories, square footage by floor;
  - iv. number of proposed garage parking spaces;
  - v. number of proposed total parking spaces;
  - vi. percentage of buildable land;
  - vii. acreage of sensitive lands and percentage sensitive lands comprise of total project area and open space area;
  - viii. area and percentage of open space or landscaping;
  - ix. area to be dedicated as right-of-way (public and private);
  - x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
- h. Evidence of compliance with all applicable federal, state, and local laws and regulations, if requested by City.
  - i. ALTA survey including deeds, easements, trees, utilities, structures, and other existing features and conditions.
  - j. Preliminary Plat: Full-size 24" x 36" copies of the Preliminary Plat at a scale no smaller than 1" = 100' and 11 x 17 inch reductions as identified on the application form, along with digital copies as outlined below. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda. Each copy shall conform to the City's standard plat layout and contain at a minimum the following items:
    - i. General Layout.
    - ii. Name and address of owners of land and name and address of developer if different than owner.
    - iii. Name of land surveyor.
    - iv. The location of the proposed subdivision with respect to surrounding property and streets.
    - v. The name of all adjoining property owners of record, or the names of adjoining developments.
    - vi. The names and location of adjoining streets and all facilities within 100 feet of the platted property.
    - vii. Street and road layout with centerline bearing and distance labels, dimensions, and names of existing and future streets and roads, (with all new names cleared through the City GIS Department).
    - viii. Subdivision name cleared with Utah County.
    - ix. North arrow.
    - x. A tie to a permanent survey monument at a section corner.
    - xi. The boundary lines of the project with bearings and distances and a legal description.
    - xii. Layout and dimensions of proposed lots with lot area in square feet.
    - xiii. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, recreational amenities, and trails.
    - xiv. Location of prominent natural features such as rock outcroppings, woodlands, steep slopes, etc.
    - xv. Proposed road cross sections.
    - xvi. Proposed fencing.

- xvii. Vicinity map.
- xviii. Signature blocks for preliminary approval by Planning Commission and City Council.
- xix. The Preliminary Plat shall be prepared and stamped by a professional surveyor or engineer licensed in Utah.
- xx. Proposed methods for the protection or preservation of sensitive lands.
- xxi. Location of any flood plains, wetlands, and other sensitive lands.
- xxii. Location of 100-year high water marks of all lakes, rivers, and streams.
- xxiii. Projected Established Grade of all building lots.
- k. Preliminary Construction drawings containing, at a minimum, all items specified in the City's "Standard Technical Specification and Drawings" manual. Applicant shall provide full-size 24" x 36" copies and 11 x 17 inch reductions as required on the application form. Additional copies may be required prior to adding the application to the Planning Commission agenda.
- l. Landscaping plan drawn by certified landscape architect, including planting plan, data table including vegetation types and percentages, percentage of turf, and other information consistent with the standards and requirements in Section 19.06.
- m. Phasing plan including a data table with the following information for each phase:
  - i. total area in square feet and acres;
  - ii. number of lots or dwelling units;
  - iii. open space area and percentage;
  - iv. utility phasing plan;
  - v. number of parking spaces;
  - vi. recreational facilities to be provided.
- n. Lighting plan including photometric information for the site and for immediately adjacent properties, and fixture design, height, and placement consistent with the requirements in Section 19.11.
- o. File of all plans, documents, and reports in pdf format.
- p. A copy of the Utah County plat map showing ownership and parcel numbers.
- q. A document from UDOT Region 3 stating that UDOT has granted approval for all proposed accesses onto any State road.
- r. Geolocated KMZ file or GIS Shapefile including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.
- 1. **Final Plat.** Upon approval of a preliminary subdivision plat by the City Council, or concurrently with the preliminary plat, the developer must submit a final subdivision plat application to the City.
  - a. The developer may submit a Final Plat application with the Planning Director at any time after the Preliminary Plat application for a subdivision has been submitted and all applicable fees have been paid so long as any Preliminary Plat approval has not expired; Final Plat approval may not occur until after Preliminary Plat approval but applications may be processed concurrently and considered at the same meeting.
  - b. Upon receipt of an application for a Final Plat, the following process shall be followed:
    - i. City staff shall review the application to determine whether the application is complete. If incomplete, the application shall not be accepted by the City

and shall be returned to the applicant, along with a written list of the reasons why the application is deficient.

- ii. Once an application is deemed to be complete, City Staff shall review the proposed Final Plat and determine whether it is in compliance with the approved Preliminary Plat, other provisions of the City Code, and any modifications, requirements, findings, and conditions made during Preliminary Plat approval. If the proposed Final Plat fails to comply, the Planning Director shall direct the City staff to return it to the developer, along with a written list of deficiencies. The Planning Director is specifically charged with ensuring that all significant conditions required for Final Plat have been resolved before taking action.
- iii. If the Planning Director finds that the Final Plat is in its final form and complies with the City Code and with the terms and conditions of the approved Preliminary Plat, it shall authorize the Mayor to sign the proposed Final Plat. If the Planning Director determines that the Final Plat does not comply with the City Code and with the terms and conditions of the approved Preliminary Plat, they shall return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the Planning Director will authorize the Mayor to sign it.
- iv. If the Final Plat application contains requested deviations from the approved Preliminary Plat, the City staff shall place it on the agenda of the next available City Council meeting where the application may be properly considered. If the City Council finds that the Final Plat and requested deviations are in final form and comply with the City Code and with the terms and conditions of the approved Preliminary Plat, it shall authorize the Mayor to sign the proposed Final Plat. If the City Council determines that the Final Plat and requested deviations do not comply with the City Code and with the terms and conditions of the approved Preliminary Plat, it shall return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.
- v. The City Recorder, or his or her designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

3. **Final Plat Application Requirements.** Applications for Final Plats shall be on an approved-City form and include the following items:
  - a. Application form, applicant certification, and paid application fee.
  - b. Signed easements and agreements with adjacent property owners for necessary off-site facilities.
  - c. Signed and recorded articles of incorporation bylaws, and conditions, covenants, and restrictions of the Home Owners Association, if any.
  - d. Certificate of Existence and Certificate of Good Standing from the State of Utah for the Home Owners Association, if any.

- e. Final Hydraulic and Hydrologic storm drainage report and calculations
- f. **Final Traffic report.** Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include, but not be limited to, the following:
  - i. an analysis of the average daily trips generated by the proposed project;
  - ii. an analysis of the distribution of trips on City street systems;
  - iii. a description of the type of traffic generated; and
  - iv. recommendations on what mitigation measures should be implemented with the project to maintain an level of service for existing and proposed residents acceptable to the City.
- g. **Data table** including:
  - i. total project area;
  - ii. total number of lots, dwellings, and buildings;
  - iii. square footage of proposed building footprints and, if multiple stories, square footage by floor;
  - iv. number of proposed garage parking spaces;
  - v. number of proposed parking spaces;
  - vi. percentage of buildable land;
  - vii. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area;
  - viii. area and percentage of open space or landscaping;
  - ix. area to be dedicated as right-of-way (public and private);
  - x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
- h. **Final Subdivision Plat:** Full-size 24" x 36" sheets and 11" x 17" copies shall be submitted at a scale no smaller than 1" = 100' as outlined on the application form, along with digital copies as outlined below. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda. Each Copy shall conform to the City's standard plat layout and contain at a minimum the following items:
  - i. Subdivision name and location.
  - ii. Name and address of owners of land and name and address of developer if different than owner.
  - iii. Name of land surveyor.
  - iv. The location of the proposed subdivision with respect to surrounding property and streets.
  - v. The name of all adjoining property owners of record, or the names of adjoining developments.
  - vi. The names and location and ROW widths of adjoining streets and all facilities within 100 feet of the platted property.
  - vii. Subdivision name cleared with Utah County.
  - viii. North arrow.
  - ix. A tie to a permanent survey monument at a section corner.
  - x. The boundary lines of the project with bearings and distances and a legal description with total project area in SF and acres.

- xi. Layout and dimensions of proposed lots with lot area in square feet and acres. Lot boundaries shall include dimensions and bearings. Building envelopes shall be shown with dimensions and areas on each lot where slopes are greater than ten percent.
- xii. Lot Numbers
- xiii. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, trails, and recreational amenities.
- xiv. Location of prominent natural features such as rock outcroppings, woodlands, steep slopes, etc.
- xv. Proposed road ROW widths.
- xvi. Vicinity map.
- xvii. Signature blocks for preliminary approval by Planning Commission and City Council.
- xxviii. The Preliminary Plat shall be prepared by a professional engineer licensed in Utah.
- xix. Proposed methods for the protection or preservation of sensitive lands.
- xx. Fencing plans.
- xxi. Location of any flood plains, wetlands, and other sensitive lands.
- xxii. Flood plain boundaries as indicated by the Federal Emergency Management Agency as well as the location of 100-year high water marks of all lakes, rivers, and streams.
- xxiii. Existing and Proposed easements.
- xxiv. Street monument locations.
- xxv. Fire hydrant locations.
- xxvi. Street light locations (at intersections and every 300 feet, placed on alternating sides of streets).
- xxvii. Lot and road addresses and addresses for each intersection. Road names must meet the requirements of Chapter 19.27 and be approved in writing by the City GIS department before being added to the subdivision plat.
- xxviii. Final Established Grade of all building lots.
- i. **Final Construction Drawings** containing, at a minimum, all items specified in the City's "Standard Technical Specification and Drawings" manual. Applicant shall provide three full-size 24" x 36" copies and five 11 x 17 inch reductions. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda.
- j. **Landscaping and irrigation plans** drawn by certified landscape architect, including planting plan, data table including vegetation types and percentages, percentage of turf, installation details and other information consistent with the standards in 19.06. .
- k. Phasing plan including a data table with the following information for each phase:
  - 1.8.01 Subtotal area in square feet and acres;
  - 1.8.02 number of lots or dwelling units;
  - 1.8.03 open space area and percentage;
  - 1.8.04 utility phasing plan;
  - 1.8.05 number of parking spaces;
  - 1.8.06 recreational facilities to be provided;
  - 1.8.07 overall plan showing existing, proposed, and remaining phases.

- l. **Lighting plan** including photometric information for the site and for immediately adjacent properties, and fixture design, height, and placement consistent with the requirements in Section 19.11.
- m. File of all plans, documents and reports in pdf format.
- n. A document from UDOT Region 3 indicating that UDOT has granted approval for all proposed accesses onto any State road.
- o. **Geolocated KMZ file or GIS Shapefile** including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.
- p. **Title Report.** A title report shall be provided that is current within 30 days of recording the final plat.
- q. **Mylar Final Plat:** After receiving Final Plat approval from the Planning Director or City Council and in a form approved by the City, a 24” x 36” copy of the Final Plat shall be provided to the City on reproducible Mylar for recording with Utah County. The Mylar Final Plat shall be presented with all utility and owner signatures and appropriate notarizations.

(Ord. 15-29, Ord. 14-23, Ord. 14-4)

#### **19.12.04. Condominium Process and Approval Procedure.**

1. All condominium projects shall receive Site Plan or Preliminary Plat approval as required by this Title. Both approvals may occur concurrently.
2. Upon approval or filing of a Site Plan or Preliminary Plat for a condominium project, the developer shall submit to the city a Declaration of Condominium prepared in accordance with the requirements of the Utah Code and a Record of Survey Map (also referred to as condominium plat) meeting the requirements of the Utah Code.
3. The developer may submit a condominium plat application with the Planning Director at any time after the Site Plan or Preliminary Plat for a condominium development has been approved and all necessary fees have been paid.
4. Upon receipt of an application for a condominium plat, the Final Plat process outlined in this Chapter shall be followed.
5. Condominium Plats shall be prepared in accordance with all applicable titles of the Utah Code (e.g., Title 57) and all Final Plat requirements deemed necessary by City staff.

(Ord. 15-29, Ord. 14-23)

#### **19.12.05. Performance and Warranty Assurances.**

1. **Performance Assurances.**
  - a. **In General.** Completion of the improvements identified in subdivision approvals, City ordinances, regulations, or standards, or a development agreement shall be

guaranteed by one of the methods listed below. A separate assurance shall be required for each phase of the development identified in the development agreement or subdivision approvals. A bond agreement approved by the City Attorney shall accompany each assurance.

- b. **Types of Assurances.** The developer shall guarantee installation of subdivision improvements by posting a bond to guarantee the successful and timely completion of improvements. A separate assurance shall be required for each phase of the development. Each assurance shall be accompanied by, or included as part of, a bond agreement on a form approved and provided by the City Attorney. An assurance may be in any of the following forms:
    - i. Escrow account;
    - ii. Irrevocable standby letter of credit; or
    - iii. Cash deposited with City.
  - c. **Amount of Assurance.** Each assurance shall be in an amount equal to 115% of the City Engineer's estimated costs of the improvements. The additional 15% shall be retained by the City as payment for its overhead and administrative costs in completing the improvements and administering and enforcing the bond agreement. The bond amount and the accumulated interest, minus the amount covering the City's costs, may only be released after the City has inspected and accepted the required improvements in writing as meeting all City ordinances, regulations, standards, and approved plans.
  - d. **Use of Bond Proceeds; Release.** If required improvements are not completed as provided in a development or bond agreement, the City shall use as much as necessary of the bond amount to complete those improvements including reimbursement of any administrative or legal costs incurred by the City. A development agreement or bond agreement may provide for the phased release of portions of the bond proceeds as work proceeds, but at least twenty percent of the total shall be retained until all required improvements are installed, inspected, and accepted by the City in writing. Once all required improvements are installed, inspected, and accepted by the City in writing, the bond proceeds may be released so long as an amount equal to 10% of the City Engineer's estimated cost of improvements for the warranty bond as specified in subsection 3. below is retained.
  - e. **Guarantor/Obligor.** Other than for cash bonds deposited with the City, each guarantor or obligor of a bond must be licensed and regulated by the Department of Financial Institutions of the State of Utah or its successor, have an office in the State of Utah, and be insured by the Federal Depository Insurance Corporation or National Credit Union Share Insurance Fund.
2. **Inspection and Acceptance of Improvements.** Required improvements shall be inspected by the City Engineer before acceptance. Such acceptance shall be in writing and shall be approved by way of a bond release by the City Manager, following submission of the developer's written request for acceptance and receipt of the City Engineer's report that all improvements have been inspected and are in compliance with City ordinances, regulations, standards, and approved plans. Fees for the inspection of required improvements shall be set in the City's adopted fee schedule.

3. **Warranty of Public and Private Improvements.** After acceptance in writing by the City, required improvements shall be guaranteed by the developer for materials and workmanship for one year, or two years if the requirements of Utah Code § 10-9a-604.5 are met.
  - a. Such a warranty provision shall be included in all development agreements and bond agreements.
  - b. A warranty agreement shall be submitted for approval by the City Manager and the City attorney, unless equivalent warranty provisions have been included in a performance assurance bond agreement.
  - c. Enforcement of the warranty shall be assured by one of the following:
    - i. Retention of ten percent of the total cost of all requirement improvements to be placed in an escrow account for the duration of the warranty period;
    - ii. An irrevocable standby letter of credit for no less than ten percent of the cost of all required improvements for the duration of the warranty period; or
    - iii. An escrow account in an amount no less than ten percent of the cost of all required improvements that shall be released upon expiration of the warranty period.
  - d. At the conclusion of the one or two year warranty period, the City must issue a Certificate of Final Acceptance before the retained ten percent can be released.
  
4. **Default.** In the event that the owner, developer, or contractor is in default or fails or neglects to satisfactorily install the required improvements within one year from the date of posting the performance bond (or other period of time as specified per agreement with the City), or fails to correct, repair, or replace the defective improvements during the one or two year warranty period, the City may declare the bond proceeds forfeited and may, in its sole discretion, install or cause the required improvements to be installed, repaired, or replaced using the bond proceeds. The City may also use the bond proceeds to pay for administrative and legal costs incurred and may take any other action legally available.

#### **19.12.06. General Subdivision Improvement Requirements.**

1. **Subdivision Layout.** This Section contains general requirements regarding overall subdivision design and layout. The following provisions apply to new subdivisions:
  - a. The subdivision layout should be generally consistent with the City's adopted Land Use Element of the General Plan, and shall conform to any land use ordinance, any capital facilities plan, and any impact fee facilities plan.
  - b. The maximum length of blocks shall be 1,000 feet. In blocks over 800 feet in length, a dedicated public walkway through the block at approximately the center of the block will be required.
    - i. Such a walkway shall not be less than fifteen feet in width unless otherwise approved by the City.
    - ii. Blocks intended for commercial or industrial uses shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.

- iii. A block shall be measured from the centerline of one intersection to the centerline of the next intersection or apex of the nearest cul-de-sac. For purposes of measuring block length, an intersection may include two-way, three-way, or four-way intersections of roadways.
- c. The City will require the use of connecting streets, pedestrian walkways, trails, and other methods for providing logical connections and linkages between neighborhoods.
- d. Private roads may be constructed as approved as part of the Preliminary Plat approval and so long as such roads meet the same standards identified in the Saratoga Springs Standard Street Improvement Details.
- e. Where the vehicular access into a subdivision intersects an arterial road as defined in the Transportation Master Plan, driveways shall not be placed on the intersecting road within 100' of the arterial connection as measured from edge of the arterial right of way to the nearest edge of driveway surface to avoid vehicles backing into the stacking area for the arterial and for public safety.
- f. Access:
  - i. Two separate means of vehicular access onto a collector or arterial road shall be required when the following threshold is met:
    - 1. Whenever the total number of dwelling units served by a single means of access will exceed fifty.
  - ii. Exceptions: where no point of second access is available within five hundred feet (500'), and where all units are provided with an approved sprinkler system, a second access shall not be required until the number of units reaches double the above limits.
  - iii. Where two means of access are required, the points of access shall be placed a minimum of 500 feet apart, measured along the center of the driving lane from center of right-of-way to center of right-of-way. The City Fire Chief may require a greater distance than 500 feet if:
    - 1. an essential link exists between a legitimate governmental interest and the requirement; and
    - 2. the requirement is roughly proportionate, both in nature and extent, to the impact of the proposed development.
- g. Driveways:
  - i. Construction: single driveways in the A, RA, and RR zones that are constructed of road base or gravel shall include a concrete apron at the entrance to the garage and at the intersection with the street, each a minimum of five feet in depth. Single driveways in all other zones, and shared driveways in all zones, shall be constructed of concrete or asphalt.
  - ii. Shared driveways: shared driveways shall be a minimum of twenty-six feet in width and shall direct all runoff to a public or private drainage system. All dwellings on shared driveways shall provide enclosed garages or other covered parking. Shared driveways accessing more than four dwellings shall also provide a minimum of twenty feet of parking space between the garage and shared driveway. Shared driveways with four or fewer dwellings, if not providing a minimum of twenty feet of parking space, shall install a remote garage door opener prior to issuance of

Certificate of Occupancy. All requirements of the Fire Code shall also be met.

2. **Lot Design.** The following provisions apply to new lots:
- a. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots that would make improvement impracticable due to size, shape, steepness of terrain, location of watercourses, sanitary sewer problems, driveway grades, or other physical constraints and considerations.
  - b. All lots or parcels created by the subdivision shall have frontage on a street or road that meets the City's ordinances, regulations, and standards for public roads.
  - c. Flag lots may be approved with less frontage when the Planning Commission determines that the creation of such a lot would result in an improved design or better physical layout for the lot based on the following criteria:
    - i. For subdivisions with 20 or less lots: no more than 10% (rounding down) of the total lots are allowed to be flag lots;
    - ii. For subdivisions with 50 or less lots: no more than 7.5% of the total lots are allowed to be flag lots; and
    - iii. For subdivision with more than 50 lots: no more than 5% of the total lots are allowed to be flag lots.
  - d. Land dedicated as public roads and rights-of-way shall be separate and distinct from land included in lots adjacent to public roads and rights-of-way. In no case may land dedicated for public roads and rights-of-way be included in the area calculation of any lots.
  - e. Side property lines shall be at approximately right angles to the street line or radial to the street line.
  - f. Corner lots for residential use shall be platted ten percent larger than the required minimum lot size in each zone, not including any approved lot size reductions, in order to facilitate conformance with the required street setback for both streets.
  - g. No lot shall be created that is divided by a municipal or county boundary line. Each property boundary line shall be made a lot line.
  - h. Remnants of property shall not be left in the subdivision that do not conform to lot requirements or are not required or suitable for common open space, private utilities, public purposes, or other purpose approved by the City Council.
  - i. Double access lots are not permitted with the exception of corner lots.
  - j. Driveways for residential lots or parcels shall not be allowed to have access on major arterials such as Redwood Road, Crossroads Boulevard, Pioneer Crossing, and Pony Express. Exceptions may be made for large lots (at least 1 acre in size) or for lots where the home is set back over 150 feet from the arterial roadway. Approval by UDOT may be required.
  - k. All subdivisions along arterial roadways shall conform to the City's requirements and adopted street cross-section including pedestrian walkways, park strips, landscaping, and fencing.

3. **Timing of Installation; Phasing.** The City permits developers to separate approved preliminary plats into phases for review, approval, and recording subject to the following conditions:
- a. Bonding for each phase is required and shall include (in addition to the requirements of 19.12.05):
    - i. improvements required for that phase;
    - ii. major off-site improvements needed for the completion of the entire approved preliminary plat; and
    - iii. subdivision-wide improvements of major importance such as neighborhood parks, trails, open space, or other neighborhood amenities that will otherwise be installed for the entire project as set forth in the development agreement, subdivision approvals, construction drawings, and approved plans.
  - b. Each phase shall have at least two contiguous and paved accesses to ensure adequate circulation and access for the duration of the construction of one or more phases.
  - c. Open space and improvements shall be provided as required under phasing in Section 19.13.
  - d. Improvements must be completed within twenty-four months of recording the Final Plat, unless a shorter period is otherwise provided in a development or bond agreement.
  - e. Road access must be provided as approved by the City Engineer and Fire Department.
  - f. Fire hydrants or alternative fire protection methods must be operational before any home construction within the subdivision will be allowed to proceed above foundation level. Other restrictions contained in the Building Code may also apply. Exceptions for model homes may be approved in accordance with Section 19.05.02.

(Ord. 14-23, Ord. 14-11, Ord. 14-4)

#### **19.12.07. Minor Subdivision Approval Procedure.**

Applications to subdivide a parcel into a maximum of four parcels may follow the process described herein as the Minor Subdivision Approval Procedure. The process of effectuating the subdivision of land as a Minor Subdivision shall commence with the submission of a complete Minor Subdivision application to the City. Upon receipt of an application for a Minor Subdivision approval, the following process shall be followed and criteria met:

##### **1. Limitations.**

- a. A Minor Subdivision is a one-time process. To ensure adequate infrastructure, lots contained in an existing recorded subdivision plat are not eligible to apply for a Minor Subdivision.
- b. The minimum lot size for lots created through a Minor Subdivision shall be one acre, or the minimum allowed by the zone, whichever is greater.

- c. Lots created through a Minor Subdivision may not be buildable until all other applicable State and local requirements are met.
  - 2. **Complete Application.** The Planning Director and City Staff shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.
  - 3. **DRC Review.** Once an application is deemed to be complete, the Development Review Committee shall complete a review of the proposed plat and submit a report to the Planning Commission prior to the meeting where the Planning Commission will review the Final Plat application.
  - 4. **Approval.** The Planning Director shall review the proposed Final Plat to determine whether it is in compliance with the City Code.
    - a. If the proposed plat complies, the Planning Director shall approve the plat and authorize the Mayor to sign the plat.
    - b. If the proposed plat fails to comply, the Planning Director shall deny the plat, or may continue the decision and return it to the developer along with a written list of deficiencies that must be corrected before the Planning Director will authorize the Mayor to sign it.
    - c. The Planning Director is specifically charged with ensuring that all significant conditions required for plat approval have been resolved before taking final action.
  - 5. **Recordation.** The City Recorder, or designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plat shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.
  - 6. **Application Requirements.** Applications for Minor Subdivision plats shall include the following items:
    - a. application form completed and application fee paid;
    - b. updated Preliminary Title Report;
      - i. The Title Report must also demonstrate that the proposed minor subdivision has not been involved in any prior minor subdivision;
    - c. Minor Subdivision Plats shall conform to all of the requirements for Final Subdivision Plats layouts as provided in section 19.12.03.
- (Ord. 15-29, Ord. 14-23, Ord. 14-4)

**19.12.08. Property Line Adjustments (Exchange of Title).**

- 1. **Standards.** Owners may adjust property lines between adjacent parcels that are described by a metes and bounds description, by exchanging title portions of those parcels after approval if:
  - a. no new dwelling lot or dwelling results from the property line adjustment;

- b. the number of lots or parcels does not increase;
  - c. the adjoining property owners consent to the property line adjustment;
  - d. the property line adjustment does not result in remnant land that did not previously exist; and
  - e. the adjustment does not result in a violation of applicable zoning requirements.
2. **Application.** The owners shall file an application requesting a property line adjustment together with all required documents.
  3. **Planning Director Review.** The Planning Director shall review all the documents to determine if they are complete and that they comply with the requirements set forth above. If the Planning Director determines that documents are complete, the Planning Director will take action on the Property Line Adjustment.
    - i. The Planning Director shall determine whether the property line adjustment complies with the requirements of this section and this Title; and
    - ii. The Planning Director shall approve, approve with conditions, or deny the amendment.
  4. **Notice of Approval and Conveyance of Title.** After approval by the Planning Director, the applicant shall:
    - a. Prepare a Notice of Approval which:
      - i. is executed by each owner included in the exchange;
      - ii. is signed by the Planning Director;
      - iii. contains an acknowledgment for each party signing the Notice as required by State law for real property; and
      - iv. recites the description of both the original parcels and the parcels created by the property line adjustment; and
    - b. Record a deed which conveys title as approved;
    - c. Record the Notice of Approval; and
    - d. Provide City staff with a recorded copy of the Notice of Approval.
  5. **Property Line Adjustment Not a Subdivision.** A property line adjustment shall not be deemed a subdivision of property and shall not be required to follow the subdivision process of this Title.
  6. **Other Divisions of Land.** Other divisions of land not meeting the definition of subdivision in Utah Code § 10-9a-103, as amended, shall be allowed so long as the process in this Section is complied with and all requirements of § 10-9a-103 are met.

(Ord. 14-23)

#### **19.12.09. Vacating or Amending a Subdivision Plat.**

1. **Plat Amendment.** The City shall follow the process outlined in Utah Code Chapter 10-9a for the vacation of any public street, right-of-way, easements, or alley.

2. **Applicability.** Owners may petition to vacate or amend a recorded subdivision plat if the petition seeks to:
  - a. join two or more of the petitioning fee owner's lots; or
  - b. adjust internal lot lines between two or more of the petitioning fee owner's lots; or
  - c. vacate or alter private streets, rights-of-way, easements, or alleys, or
  - d. adjust internal restrictions subject to the standards of this Title and applicable conditions of approval for the original plat, or
  - e. adjust the boundary of the plat to include adjacent property to one or more lots in the existing subdivision, subject to the limitations of the State Code.
  
3. **Standards.** Plat amendments may be approved if:
  - a. no new dwelling lot or dwelling results from the plat amendment; and
  - b. the number of lots or parcels does not increase; and
  - c. the amendment does not result in remnant land that did not previously exist; and
  - d. the amendment does not violate conditions of approval for the original plat; and
  - e. the amendment does not result in a violation of applicable zoning requirements; and
  - f. if all requirements of Utah Code Chapter 10-9a are met.
  
4. **Application.** The owners of affected lots shall file an application on an approved City form and include the following items:
  - a. Application form, applicant certification, and paid application fee.
  - b. Amended Plat that conforms to all of the requirements of a Final Plat as provided in section 19.12.03.
  - c. Data table including
    - i. total project area
    - ii. total number of lots, dwellings, and buildings
    - iii. number of proposed garage parking spaces
    - iv. number of proposed parking spaces
    - v. percentage of buildable land
    - vi. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area
    - vii. area and percentage of open space or landscaping, and recreational amenities
    - viii. area to be dedicated as right-of-way (public and private)
    - ix. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
  - d. A copy of the Utah County plat map showing ownership and parcel numbers.
  - e. File of all plans, documents, and reports in pdf format.
  - f. Geolocated KML file or GIS Shapefile including lot line(s), lot number(s), road centerline(s), building footprint(s), open space, and sensitive lands.
  
5. **Title Report.** A title report shall be provided that is current within 30 days of recording the final plat.
  
6. **Land Use Authority.**

- a. The Planning Director is hereby designated as the land use authority for all plat amendments involving only lot combinations or lot line adjustments, plat amendments required to formalize a variance that has been granted by the Hearing Examiner, and all other plat amendments and vacations that do not affect public or private roads or easements or conditions of approval.
  - b. The Planning Commission is hereby designated as the land use authority for all other plat amendments and vacations that do not affect a public road.
  - c. The City Council is hereby designated as the land use authority for all plat amendments and vacations that affect a public road, per Section 19.12.10.
7. **Planning Director Review.** The Planning Director shall review all the documents to determine if they are complete and that they comply with the requirements set forth above.
- a. For plat amendments where the Planning Director is the Land Use Authority, if the Planning Director determines that documents are complete the Planning Director shall take action on the application.
    - i. the Planning Director shall determine whether the amendment complies with the requirements of this section and this Title; and
    - ii. the Planning Director shall approve, approve with conditions, or deny the amendment.
  - b. For plat amendments where the Planning Commission or the City Council is the Land Use Authority, if the Planning Director determines that documents are complete, the Planning Director shall schedule the plat amendment for the next available meeting.
8. **Planning Commission Review and Action.**
- a. For amendments where the Planning Commission is the Land Use Authority:
    - i. the Planning Commission shall determine whether the amended plat complies with the requirements of this section, this Title, and Chapter 10-9a of the Utah Code;
    - ii. the Planning Commission may approve, approve with conditions, or deny the amendment; and
    - iii. if the Planning Commission approves an amended plat, the Mayor shall sign a plat showing the alteration and direct that the plat be recorded in the office of the Utah County Recorder.
  - b. **Public Hearing.**
    - i. A public hearing shall not be held if all the property owners in the plat sign the amendment.
    - ii. Notice. Prior to the public hearing, the City shall provide the notice required by Utah Code Chapters 10-9a and 52-4. The applicant shall pay the cost to post and provide notice to all property owners within 300 feet of the application, prior to final approval.
9. **Plat Amendment Not a Subdivision.** A plat amendment meeting these requirements, as well as the requirements of the Utah Code, shall not be deemed a subdivision of property

and shall not be required to follow the subdivision process of this Title.

(Ord. 14-23)

**19.12.10. Vacating or Altering Public Streets, Rights-of-Way, Easements, or Alleys.**

2. **Vacating Public Streets, Rights-of-Way, Easements, or Alleys.** The City Council shall follow the process outlined in Utah Code Chapter 10-9a for the vacation of any public street, right-of-way, City easements other than Public Utility Easements, or alley.
3. **Altering Public Streets, Rights-of-Way, Easements, or Alleys.** This Subsection shall only apply if a subdivision plat is not being amended and no portion of a public street, right-of-way, easement, or alley is being vacated. Amending street or road names are not considered an alteration.
  - a. **City Council Review and Determination.** The City Council is hereby designated as the land use authority to consider the alteration of any portion of a public street, right-of-way, easement, or alley. The City Council may, with or without a petition or request, alter any public street, right-of-way, easement, or alley whether within a subdivision or not, following the procedures set forth below:
    - i. the City Council shall hold a public hearing after providing notice as set forth hereafter;
    - ii. the City Council shall determine whether good cause exists for the alteration;
    - iii. the City Council may approve, approve with conditions, or deny the alteration; and
    - iv. if the City Council alters any portion of a public street, right-of-way, easement, or alley, the Mayor shall sign a plat showing the alteration and direct that the plat be recorded in the office of the Utah County Recorder.
  - b. **Notice.** Prior to the public hearing, the City shall provide the notice required by Utah Code Chapters 10-9a and 52-4.

(Ord. 16-01)