

## Chapter 19.12. Subdivisions.

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### **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.

(Ord. 13-16, Ord. 11-9)

### **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.
  - a. 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.
  - b. Subdivisions creating remnant parcels outside of the subdivision shall only be permitted when the remnant parcel is shown to be of a sufficient size and configuration to enable future development approvals.
  - c. 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.** It shall be unlawful for any person to receive a building or occupancy permit until all infrastructure improvements, as defined by Utah Code Section 10-9a-103, and public landscaping improvements are installed, accepted by the City in writing, and secured by a warranty bond as required by Section 19.12.05. In the case of uninstalled infrastructure and public landscaping improvements that are not essential to meet the requirements of the City's adopted building and fire code, a person is eligible for building or occupancy permits in accordance with the City's building and occupancy permit policies if performance and warranty bonds are posted (accompanied by a bond agreement) in accordance with Section 19.12.05.
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. 23-37, Ord. 23-20, Ord. 20-35, Ord. 18-30, Ord. 17-14, Ord. 14-23-1, Ord. 14-4, Ord. 13-16, Ord. 12-9, Ord. 11-9)

### **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. **Land Use Authority.** See Chapter 19.13.04.
3. **Pre-Application Meeting.** A pre-application meeting is required for all subdivision applications except residential subdivision plats regulated by Title 19 (excluding plats in the Planned Community, Mixed Residential and Mixed Waterfront zones) for single-family dwellings, two-family dwellings, or townhomes. If a pre-application meeting is requested by an applicant for residential subdivision plats for single-family dwellings, two-family dwellings, or townhomes, the City shall, within 15 business days after the request, schedule a meeting to review the concept plan and give initial feedback.
  - a. At the pre-application meeting, City staff shall provide or have available on the City's website the following:
    - i. copies of applicable land use regulations;
    - ii. a complete list of standards required for the project;
    - iii. preliminary and final plat application checklists; and
    - iv. feedback on the concept plan.
4. **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 inform applicant of the complete status and review the proposed Preliminary Plat to determine whether it is in compliance with state law, federal law, and City standards, resolutions, and ordinances.
  - a. City Staff shall complete the initial review of the application, including subdivision improvement plans. For residential subdivision plats regulated by Title 19 (excluding plats in the Planned Community, Mixed Residential and Mixed Waterfront zones) for single-family dwellings, two-family dwellings, or townhomes, the initial review shall be completed no later than 15 business days after the day on which an applicant submits a complete preliminary subdivision plat application, including subdivision improvement plans.
  - b. In reviewing a subdivision application, the City may require additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information. Such a request shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans and shall be logged in an index of requested modifications or additions.
  - c. The City may only require up to four review cycles for a subdivision application, except additional reviews may be required for the review of subdivision applications affecting property within identified geological hazard areas.

- d. Subject to subsection (4)(d)(i), Unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipalities subdivision improvement plan review is waived.
    - i. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
    - ii. If an applicant makes a material change to a subdivision improvement plan, the City has the discretion to restart the review process at the first review of the subdivision improvement plan review; but, only with respect to the portion of the subdivision improvement plan that the material change substantively affects.
  - e. If an applicant does not submit a revised subdivision improvement plan within 20 business days after the city requires a modification or correction, the city has an additional 20 business days to respond to a revised subdivision improvement plan.
  - f. 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 of the appropriate land use authority for that application, as indicated in Section 19.13.04., where the application may be properly considered.
  - g. 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.
5. **Required Information on Preliminary Plat.** An application for a Preliminary Plat shall follow the approved City format and must contain the following information in order to be considered complete:
- 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. Evidence of compliance with all applicable federal, state, and local laws and regulations, if requested by City.

- h. ALTA survey including deeds, easements, trees, utilities, structures, and other existing features and conditions. The boundary survey portion of the ALTA survey shall be filed with the Utah County Surveyor's Office pursuant to the Utah Code. Proof of filing shall be included with the subdivision application.
- i. 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. Data Table including:
    - 1. total project area;
    - 2. total number of lots, dwellings, and buildings;
    - 3. where buildings are included, square footage of proposed building footprints and, if multiple stories, square footage by floor;

4. for multi-family developments, the number of proposed garage parking spaces and number of proposed total parking spaces;
  5. percentage of buildable land;
  6. acreage of sensitive lands and percentage sensitive lands comprise of total project area and open space area;
  7. area and percentage of open space or landscaping;
  8. area to be dedicated as right-of-way (public and private);
  9. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
- xx. The Preliminary Plat shall be prepared and stamped by a professional surveyor or engineer licensed in Utah.
  - xxi. Proposed methods for the protection or preservation of sensitive lands.
  - xxii. Location of any flood plains, wetlands, and other sensitive lands.
  - xxiii. Location of 100-year high water marks of all lakes, rivers, and streams.
  - xxiv. Projected Established Grade of all building lots.
- j. 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.
  - k. 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.
  - l. 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.
  - m. 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.
  - n. File of all plans, documents, and reports in pdf format.
  - o. A copy of the Utah County plat map showing ownership and parcel numbers.
  - p. A document from UDOT Region 3 stating that UDOT has granted approval for all proposed accesses onto any State road.
  - q. 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.
6. **Final Plat.** Upon approval of a preliminary subdivision plat by the Land Use Authority, as indicated in Section 19.13.04., 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. City staff shall complete a review of each complete application for a Final Plat. The review of a residential subdivision regulated by Title 19 (excluding plats in the Planned Community, Mixed Residential and Mixed Waterfront zones) for single-family dwellings, two-family dwellings or townhomes shall be completed within 20 business days after the day on which an applicant submits a complete application.
  - iv. The following provisions shall apply to reviews of residential subdivision plats regulated by Title 19 (excluding plats in the Planned Community, Mixed Residential and Mixed Waterfront zones) for single-family dwellings, two-family dwellings, or townhomes:
    1. The City may perform up to four review cycles on a given Final Plat application. A review cycle is not considered complete until the applicant has adequately addressed all of the red-lines identified by the City in the current review cycle. After the first review cycle, the City may only add new redlines in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.
    2. If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the Final Plat application, but only with respect to the portion of the plan set that the material change substantively effects.
    3. If an applicant does not submit a revised plan within 20 business days after the City requires a modification or correction, the City shall have an additional 20 business days to respond to the plans.
    4. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the City's previous review cycle, the City may not require additional revisions if

- the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
5. In addition to revised plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
    - a. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
    - b. If an applicant fails to address a review comment in the response, the review cycle is not complete and the next review cycle shall not begin until all comments are addressed.
  6. If, on the fourth or final review, the City fails to respond within 20 business days, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
    - a. for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah State Code § 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
    - b. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to City's Hearing Examiner.
- v. If the Planning Director finds that the Final Plat, except those plats requiring approval by the City Council, is in its final form and complies with the City Code and with the terms and conditions of the approved Preliminary Plat, they 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.
  - vi. If the Final Plat application, excepting residential subdivision plats regulated by Title 19 (excluding plats in the Planned Community, Mixed Residential, and Mixed Waterfront zones) for single-family dwellings, two-family dwellings, or townhomes, 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.

- vii. The City Recorder, or designee, shall be responsible for recording subdivision plats. The Developer 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.

7. **Final Plat Application Requirements.** Applications for Final Plats shall be on an approved-City form and include the following items in order to be considered complete:

- 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 a level of service for existing and proposed residents acceptable to the City.
- g. 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.
- xviii. The Final 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. Data table including:
  - 1. total project area;
  - 2. total number of lots, dwellings, and buildings;
  - 3. where buildings are included, square footage of proposed building footprints and, if multiple stories, square footage by floor;
  - 4. for multi-family developments, the number of proposed garage parking spaces and the total number of proposed parking spaces;
  - 5. percentage of buildable land;
  - 6. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area;
  - 7. area and percentage of open space or landscaping;
  - 8. area to be dedicated as right-of-way (public and private);

9. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
- xxix. Final Established Grade of all building lots.
- h. Title Report. A title report shall be provided that is current within 30 days of recording the Final Plat.
- i. 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.
- j. Recordation. The City Recorder, or designee, shall be responsible for recording subdivision plats. The developer shall pay for all recording fees at the time of recordation and shall ensure that all rollback taxes on the property are paid in advance prior to recordation. No Final Plat shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

(Ord. 25-02, Ord. 23-37, Ord. 20-43, Ord. 18-30, Ord. 17-08, Ord. 15-29, Ord. 15-17, Ord. 14-23-1, Ord. 14-4, Ord. 13-16, Ord. 12-9, Ord. 11-9)

#### **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. 14-23-1, Ord. 13-16, Ord. 12-9, Ord. 11-9)

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

1. **Performance Assurances.**
  - a. **In General.** Completion of i) infrastructure improvements, as defined in Utah Code Section 10-9a-103, and ii) required public landscaping improvements 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. A performance assurance shall be required for all such infrastructure improvements and public landscaping improvements prior to subdivision plat recordation or construction on a site plan, except if the project is a commercial project a performance assurance shall only be required for public improvements and public landscaping improvements.

- b. **Types of Assurances.** The developer shall guarantee installation of required improvements in subsection a. by posting a bond to guarantee the successful and timely completion of improvements. A separate assurance shall be required for each plat 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 100 percent of the City Engineer's estimated costs of the improvements. The bond amount may only be released after the City has inspected and accepted the required improvements in writing as meeting all City ordinances, regulations, standards, development agreements, and approvals.
  - d. **Use of Bond Proceeds; Release.** If required improvements are not completed as provided in the 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 up to four phased releases 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 percent of the City Engineer's estimated cost of improvements for the warranty bond as specified in subsection 3. below is provided separately as part of a warranty bond. The developer and City may agree in the bond agreement that the warranty bond and performance bond will be combined in one agreement.
  - 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 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's report that all improvements have been inspected and are in compliance with City ordinances, regulations, standards, bond agreements, development agreements, and approvals. Fees for the inspection of required improvements shall be set in the City's adopted fee schedule.

3. **Warranty of Improvements.** Infrastructure improvements, as defined in Utah Code § 10-9a-103, and public landscaping improvements shall also be guaranteed by the developer for materials and workmanship for one year, or longer as allowed by the Utah Code. Such warranty bond shall be required prior to subdivision plat recordation or construction on a site plan, except if the project is a commercial project a warranty bond shall only be required for public improvements and public landscaping improvements.
  - a. Such a warranty provision shall be included in all development agreements and bond agreements.
  - b. A warranty bond 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 required 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 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 two years 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 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.

(Ord. 23-20, Ord. 20-35, Ord. 17-17, Ord. 13-16, Ord. 12-9, Ord. 11-9)

#### **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, any impact fee facilities plan, and the transportation master 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 in accordance with other applicable standards approved by the City Council.

- 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 shall require the use of connecting streets, pedestrian walkways, trails, and other methods for providing logical connections and linkages between neighborhoods.
- d. Group mailboxes shall be accessed only from a local street, and shall not be placed on a collector or arterial street, unless a bulbout is provided with space for a minimum of three vehicles to park outside the lane of travel and shoulder.
- e. 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.
- f. Access:
  - i. Two separate means of vehicular access onto a collector or arterial road shall be required to be constructed to City road standards when the total number of equivalent residential units (including adjacent developments and neighborhoods) served by a single means of access will exceed thirty.
  - ii. Exceptions: where no point of second access is available within five hundred feet, 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. Driveway and Driveway Approaches:
  - 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.

1. Shared Driveways may be used for clustered single-family lots.
    - a. When there are more than two units sharing a driveway, the maximum length shall be 150 feet.
    - b. The maximum amount of units accessing a shared driveway shall be six.
  2. Shared driveways may be used for two-family, three-family, and multi-family units.
    - a. The maximum length shall be 150 feet.
    - b. The maximum amount of units accessing a shared driveway shall be ten.
  3. Number of Driveway Approaches: Only one driveway approach is allowed per property frontage. A circular driveway is considered one driveway approach if installed in accordance with the provisions of this section.
    - a. Corner lots may have one driveway approach per street frontage.
    - b. Circular driveways must have at least 15' between the two closest edges of the driveway approach at the property line and meet all other conditions of this code.
  4. Driveway Approach widths: Residential driveway aprons shall not exceed 30 feet in width, except as follows.
    - a. Driveway aprons may be increased up to 45-ft in width if the home has a 3 car garage and/or parking pad and the combined width of all drive approaches on a single frontage does not consume more than 60 percent of the total property frontage and all other conditions of the section are met.
- iii. Driveway Widths:
1. Driveways shall be a minimum of twenty feet deep and eight feet wide for a single-wide driveway and sixteen feet wide for a double-wide driveway.
  2. Rear-load alley product, as approved as part of a Community Plan, Village Plan, or Neighborhood Plan, may have an apron in lieu of a driveway approach for access to the garage from the alley. The apron shall be a minimum of five feet deep and shall not count towards required parking.
- iv. Driveway Approach Locations: Driveway approaches shall be a minimum of 5' from any property line where water meters are located, except for corner lots as specified below.
1. For corner lots, or where the vehicular access into a subdivision intersects a collector or arterial road as defined in the Transportation Master Plan, the minimum driveway approach distance, as measured from the edge of the right of way to the nearest edge or driveway surface shall be as follows: Local = 15 feet; Collector = 40 feet, Arterials = 100 feet.
  2. Residential lots or parcels shall not be allowed to have accessways onto arterial roads 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.

- v. The City may reject any permit or proposal for a driveway approach where staff has determined the proposed location would be dangerous or where it conflicts with any permanent improvements, existing or master planned utilities, or waterways.

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, parcels, or units created by the subdivision shall have frontage on a street or road that meets the City's ordinances, regulations, and standards for public or private roads.
- c. Flag lots may be approved with less frontage when the Land Use Authority 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 percent (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 percent (rounding down) of the total lots are allowed to be flag lots; and
  - iii. For subdivision with more than 50 lots: no more than 5 percent (rounding down) 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, except for nonconforming 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 Land Use Authority.
- i. 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 an approval, development agreement, 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.
4. **Connectivity Standards.** All new subdivisions shall provide connectivity with adjacent developed and undeveloped properties and with adjacent open space, amenities, parks, and natural areas. All new subdivisions are required to:
- a. Extend streets, sidewalks, and trails at least once in each direction to adjacent properties; and
  - b. Connect to all existing vehicular and pedestrian access points on adjacent developed properties; and
  - c. Install and connect public trails into all adjacent public open space, parks, and trails, which includes but is not limited to connections to trail corridors with public access easements; and
  - d. Stub public streets at least every 1,000 feet into all adjacent sides of undeveloped properties; and
  - e. Connect or stub into all adjacent master-planned rights-of-way, sidewalks, trails, and public transportation stops, stations, and facilities.
  - f. Exceptions: Connectivity Standards may be reduced by the Land Use Authority for Preliminary Plats, Final Plats, or Site Plans, as applicable, if the applicant provides clear and convincing evidence that it is impracticable to achieve due to the following:
    - i. Right-of-way, intersection, or access spacing cannot meet the Standard Technical Specifications and Drawings for City of Saratoga Springs; or
    - ii. The property is adjacent to the Jordan River, Utah Lake, delineated wetlands, slopes exceeding 30%, drainage channels, natural features, open space, or waterways that do not allow for a crossing or an access; or
    - iii. The property is adjacent to fully developed property that does not have any vehicular or pedestrian access points.
    - iv. Exceptions shall be construed narrowly by the Land Use Authority.

- v. These exceptions shall not apply to trail connections.

5. **Arrangement of Streets.** The arrangement of streets in new developments shall make provision for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width per the City's Standard Technical Specifications and Drawings). Exceptions below shall be construed narrowly and only granted if the developer provides clear and convincing evidence to the Land Use Authority that the exception is met.
- a. In order to develop a public street grid throughout the City, public right-of-way connections through and between developments shall be made at a minimum of every 1000 feet and in a manner that will provide safe and convenient access to existing or planned arterial/collector streets, schools, public parks, public trails, private parks or trails with public access easements, employment centers, commercial areas, or similar neighborhood activity centers. The connections may be completed over time in phases as part of a circulation plan. This requirement does not apply to commercial development; however, all streets and trails on the Transportation Master Plan and Parks, Recreation, Trails, and Open Space Master Plan shall be included and shall be public streets.
  - b. A public street connection shall be provided to any existing or approved public street right-of-way stub abutting the development, unless it is demonstrated that a connection cannot be made because of the existence of one of the following conditions:
    - i. Physical conditions that preclude development of a public street meeting the City's Standard Technical Specifications and Drawings. Such conditions may include, but are not limited to, topography, natural resource areas, such as wetlands, ponds, streams, channels, rivers or lakes, or slopes exceeding 30%.
    - ii. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, which obstruct a connection now and in the future.
  - c. Public rights-of-way shall be extended/stubbed to adjacent undeveloped or partially developed contiguous land (i.e. land that can be further subdivided by provisions of this Title) in locations which will not prevent the adjoining property from developing consistent with applicable standards, unless it is demonstrated that a connection cannot be made because of one of the following conditions:
    - i. Physical conditions that preclude development of a public street meeting the City's Standard Technical Specifications and Drawings. Such conditions may include, but are not limited to, topography, natural resource areas, such as wetlands, ponds, streams, channels, rivers or lakes, or slopes exceeding 30%.
    - ii. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, which obstruct a connection now and in the future.
6. **Circulation Plan.** A circulation plan shall be provided as part of a preliminary subdivision plat or site plan application.

- a. The circulation plan shall include connections to adjacent parcels and shall address street, sidewalk, and trail connectivity and shall include facilities shown on the City's adopted Master Plans.
- b. The circulation plan shall show the connectivity, block length dimensions, cul-de-sac length dimensions, bike and pedestrian trails, and any proposed traffic calming features.
- c. The circulation plan shall include proposed connections to and across adjacent properties.

(Ord. 24-16, Ord. 22-21, Ord. 22-7, Ord. 17-17, Ord. 17-14, Ord. 15-17, Ord. 14-23-1, Ord. 14-11, Ord. 14-4, Ord. 13-16, Ord. 12-9, Ord. 11-9)

#### **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 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. Approval.** The Land Use Authority shall review the proposed Final Plat to determine whether it is in compliance with the City Code.
- a. If the proposed plat complies, the Land Use Authority shall approve the plat and authorize the Mayor to sign the plat.
  - b. If the proposed plat fails to comply, the Land Use Authority 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 Land Use Authority 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.

##### **4. Recordation.** The City Recorder, or designee, shall be responsible for recording subdivision plats. The developer shall pay for all recording fees at the time of recordation and shall ensure that all rollback taxes on the property are paid in advance prior to

recordation. No Final Plat shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

5. **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 17-17, Ord. 17-08, Ord. 15-29, Ord. 14-23-1, Ord. 14-4, Ord. 13-16, Ord. 12-9, Ord. 11-9)

#### **19.12.08. Boundary Adjustments.**

1. **Standards.** Owners may adjust a common boundary between adjacent parcels or lots through a boundary adjustment as follows:
  - a. Simple Boundary Adjustment.
  - b. Full Boundary Adjustment.
2. **Application.** The owners shall file an application requesting a boundary adjustment together with all required documents outlined in Sections 19.12.08.3 and 19.12.08.4 below, as applicable.
3. **Simple Boundary Adjustment**
  - a. A proposal for a Simple Boundary Adjustment shall follow the process outlined in Utah Code Chapters § 10-9a-523 and § 57-1-45.5.
  - b. If the proposed boundary adjustment does not comply with the process outlined in Section 19.12.08.3.a above, then it shall be processed as a Full Boundary Adjustment
4. **Full Boundary Adjustment**
  - a. A proposal for a Full Boundary Adjustment shall follow the process outlined in Utah Code Chapters § 10-9a-523 and §57-1-45.5
5. **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 the documents are complete, the Planning Director will take action on the Boundary Adjustment.
  - a. The Planning Director shall determine whether the boundary adjustment complies with the requirements of this section and this Title; and
  - b. The Planning Director shall approve, approve with conditions, or deny the adjustment.
6. **Notice of Approval and Conveyance of Title.** After approval by the Planning Director, the applicant shall:
  - a. Prepare a Notice of Boundary Adjustment Approval which:
    - i. is signed by the Planning Director; and

- ii. recites the description of both the original parcels and the parcels created by the boundary adjustment; and
  - iii. Record a deed which conveys title as approved;
  - iv. Record the Notice of Boundary Adjustment Approval; and
  - v. Provide City staff with a recorded copy of the Notice of Approval.
7. **Boundary Adjustment Not a Subdivision.** A boundary adjustment shall not be deemed a subdivision of property and shall not be required to follow the subdivision process of this Title. A boundary adjustment between a single lot and an adjoining lot or parcel is not considered a subdivision plat amendment.
8. **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 25-46, Ord. 23-20, Ord. 17-17, Ord. 14-23-1, Ord. 13-16, Ord. 12-9, Ord. 11-9)

#### **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.** This Section applies to and regulates the vacating or amending of a recorded subdivision plat in the following circumstances:
  - a. join two or more of the petitioning fee owner's lots; or
  - b. vacate or alter private streets, rights-of-way, easements, or alleys, or
  - c. adjust internal restrictions subject to the standards of this Title and applicable conditions of approval for the original plat, or
  - d. 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 for Residential Subdivisions.** 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. **Standards for Commercial Subdivisions.** Plat amendments may be approved if:
  - a. The amendment does not result in remnant land that did not previously exist; and
  - b. The amendment does not violate conditions of approval for the original plat; and
  - c. The amendment does not result in a violation of applicable zoning requirements; and
  - d. All requirements of Utah Code Chapter 10-9a are met.
5. **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.
  - g. Letters from the holders of public utility easements approving the vacation or amendment of any public utility easement, unless there are no public utilities currently installed in the easement and the easement is being replaced by an equal or better easement near or in the same location.
6. **Title Report.** A title report shall be provided that is current within 30 days of recording the Final Plat.
7. **Land Use Authority.**
- a. The Planning Director is hereby designated as the Land Use Authority for all plat amendments involving only lot combinations or boundary 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, municipal utility easements as defined in Utah Code 10-9a., 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.
8. **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. 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.
- a. the Planning Director shall determine whether the amendment complies with the requirements of this section and this Title; and
  - b. the Planning Director shall approve, approve with conditions, or deny the amendment.

- c. 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.

**9. 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 or objection has not been received within 10 day of written notice from any property owner within the proposed amended subdivision plat.
  - 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 service providers affected by the amendment and to all property owners within 300 feet of the application, prior to final approval.

**10. 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 25-46, Ord. 23-37, Ord. 23-28, Ord. 23-20, Ord. 18-30, Ord. 17-17, Ord. 15-21, Ord. 15-17, Ord. 14-23-1, Ord. 13-16, Ord. 12-9, Ord. 11-9)

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

- 1. 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.
- 2. 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 and numbers are not considered an alteration but are subject to the process and requirements in Chapter 19.27.
  - 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. 17-17, Ord. 16-01, Ord. 13-16, Ord. 12-9, Ord. 11-9)