

**CITY OF GARDEN CITY
ORDINANCE NO 2024-__**

SUBDIVISION REGULATIONS UPDATED

AN ORDINANCE OF THE CITY OF GARDEN CITY, UTAH, REPEALING AND RE-ENACTING TITLE 11E ENTITLE “SUBDIVISION” TO COMPLY WITH STATE LAW; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garden City (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, the state legislature has required the City to update its Subdivision Regulations;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on _____, to take public comment on this proposed Ordinance, and subsequently gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of the City of Garden City as follows:

TITLE 11E - LAND USE – SUBDIVISION
CHAPTER 11E-100 General Provisions

11E-101 Administration - The Garden City Planning Commission shall have the duty of administering the regulations contained in this ordinance, and shall prepare and require the use of such forms as are necessary for the reasonable administration of these regulations.

11E-102 Purpose

- A. The underlying purpose and intent of this Ordinance is to promote the health, safety, convenience and general welfare of the inhabitants of Garden City in the matter of subdivision of land and related matters affected by such subdivision.
- B. Any proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the Planning Commission.
- C. Before any changes are made, i.e.; to commercial zones, lot split, or lot line adjustments, all property shall conform to city ordinances.
- D. In cases where unusual topographical or other exceptional conditions exist

exceptions from this Ordinance may be granted by the ~~Town Council after recommendation by the~~ Planning Commission.

Approved April 10, 2014

11E-103 Scope of Ordinance If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance. All Resolution of Ordinances found to be in conflict with this Ordinance be, and the same are hereby, rescinded.

- A. No person shall subdivide any tract of land which is located wholly or in part within the boundaries of Garden City except in compliance with this Ordinance.
- B. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the County Recorder any deed, conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to an in accordance with the provisions of this Ordinance provided, that this Ordinance shall not apply to the bona fide division of land for agriculture, purposes. The word subdivision and any derivative thereof shall have reference to the term subdivision as herein defined.

CHAPTER 11E-200 Definitions

11E-201 Definitions. – See Section 11A-200 for all Definitions

CHAPTER 11E-300 Subdivision Procedure

11E – 301 Administration - The ~~Town Council~~, Planning Commission, Planning Commission Chair or designee with assistance of the Town Clerk or Assistant Clerk, have the duty of administering the regulations contained in this ordinance, and shall prepare and require the use of such forms as are necessary for the reasonable administration of these regulations.

11E-302 Procedure

- A. Before dividing any tract of land into two or more lots, a subdivider shall:
 - 1. Each lot within a subdivision must be surveyed and have permanent markers.
 - 2. Any person desiring to subdivide or re-subdivide land shall submit ~~an a~~ a complete application therefore to the Clerk. ~~fourteen (14) days prior to the Planning Commission meeting for which the applications is to be considered.~~
 - 3. ~~Meet with the Planning Commission to discuss the proposed subdivision.~~
 - 4. If Developer is phasing within development (Look at definition 11A-200 – Stand Alone Phasing) each phase shall stand alone.

CHAPTER 11E-400 Preliminary Plat.

A. Preliminary Plat Procedure.

Prior to the submission of an application, the applicant may attend a conference with the Commission to discuss the application and procedures. The applicant may also request to be placed on the Commission's agenda to discuss general concepts but no approvals shall be given prior to the submission of an application.

1. ~~Application. Any person desiring to subdivide or re-subdivide land shall submit a completed application and digital preliminary plat data as required to the Clerk, twenty one (21) days before noon prior to the Planning Commission meeting for which the preliminary plat is to be considered. The clerk will submit the application and digital copy to the town engineer and attorney for their review. They will have seven (7) days to review and send their comments to the clerk and/or the developer. The developer then can work with their engineer/attorney to make any changes required. They will then bring in their completed plans to the clerk by noon seven (7) days before the meeting.~~
2. Acceptance by Clerk. Upon receipt of the completed preliminary plat application and data, the Clerk shall declare the application as complete and affix the date of acceptance thereon. A complete application is required to be filed with the City before the Review Cycle commences. The determination of whether an application is complete is made by the Clerk or designee. An application shall not be considered complete, and the first review cycle shall not begin unless and until the Applicant has submitted the following items:
 - a. A completed application as provided by the City.
 - b. Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
 - c. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - d. Current Rich County ownership plat depicting property proposed for subdivision and all contiguous property around land proposed to be subdivided.
 - e. A recent Title Report covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
 - f. Will serve letters from all affected entities.
 - g. A digital copy of the preliminary plat as outlined in the Public Works Standards.
 - h. A digital copy of the preliminary improvement plans to include at a minimum the following:
 - i. Grading and drainage plan.
 - ii. Storm Drain calculations.
 - iii. Low Impact Design (LID) analysis and Water Quality Report
 - iv. Utility plan.

i. Payment of all applicable fees.

Thereafter, the Clerk shall place said preliminary plat on the Commission agenda for consideration at a regular meeting of the Commission.

1. Review by Departments and Agencies. After receipt of a completed preliminary plat application, the Clerk shall transmit one copy of the application and preliminary plat to other Town departments and to such other government agencies as have jurisdiction over, or interest in, the proposed subdivision for their recommendation and review. If no written recommendation or request for extension of time is received from any such department or agency within fourteen (14) days from date of transmittal, the approval of the preliminary plat by such department or agency will be considered before the final plat is approved. The departments and agencies to which preliminary plats may be referred include the Public Works Dept., district health department, Utah Public Utilities Commission, Commissions of other governing bodies having joint jurisdiction, appropriate utility companies, soil conservation district, and such other departments or agencies as the Planning Commission deems necessary in order to carry out the full intent of this Ordinance.

2. Review by Commission. The Commission shall review the preliminary plat application and data as well as the recommendations received from the various departments and agencies to insure that said application and plat are in conformance with all applicable rules and regulations. ~~The Commission Chair shall report, verbal or written, and make recommendations to the Council.~~

11E-401 Approval of Preliminary Plat

- A. ~~The Planning Commission, Town Council, and other interested departments, agencies or utility operator may review the preliminary plat and visit the site of the proposed subdivision. Following this investigation, the Planning Commission shall recommend the approval or disapproval of the preliminary plat as submitted or modified. There may be multiple thirty (30) business day reviews for the preliminary plat review cycle. There may be multiple review cycles of thirty (30) business days for a preliminary plat.~~
 1. A single review cycle shall be considered complete when:
 - a. Complete Application is submitted to the Clerk;
 - b. The Review is complete;
 - c. The Applicant Response to Review is complete; and
 - d. The provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.
 2. Review Cycle, exceptions as follows:
 - a. Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.
 - b. Additional Time for Review. If the Applicant does not submit a revised plat within thirty (3) business days after the requires a modification or correction, the Administrative Land Use Authority shall have an additional thirty (30) business days to respond.
- B. ~~The Planning Commission shall not take action to approve or disapprove the plat until written approval is received from each of the interested departments, agencies or utility operator. If no written comments are received within fourteen (14) days the Planning Commission will move forward without comment from the reviewing departments/agencies. If the preliminary plat is approved, the Clerk shall send one copy of the plat signed by the Planning Commission Chair or designee to the Town Council with any conditions attached. The Clerk shall retain one (1) signed copy of the plat for the Town files. If the preliminary plat is recommended to be disapproved, the Planning Commission shall indicate its disapproval by distributing signed copies of the plat bearing the reasons for the recommended disapproval.~~
- C. ~~Council Action on Preliminary Plat. Submission of a preliminary plat upon review by the Commission to the Council shall be mandatory. The Council shall~~

~~consider the subdivision application at its next available regular meeting. The subdivider, at his request, shall be entitled to at least one continuance. The Council shall consider the preliminary plat, subdivision application and data, the report and recommendations of the Commission, and shall hear testimony of the subdivider and any witnesses in his behalf, and testimony of representatives of the Commission, and any witnesses including interested citizens. Upon conclusion of its consideration of the preliminary plat, the Council shall approve, conditionally approve, or disapprove the plat and make findings consistent with law and this Ordinance. Upon approval of the preliminary plat by the Council, the subdivider shall prepare required improvement design plans in accordance with this ordinance and additional condition(s) imposed by the Council. The receipt of a signed copy of the approved preliminary plat shall authorize the subdivider to proceed with the preparation of the final plat. Upon approval of the improvement designs by the City engineer, the subdivider shall commence construction on the required improvements.~~

11E-402 Preliminary Plat Requirements

- A. Contents of Preliminary Plat.
 - 1. The preliminary plat, together with all forms required with the application, deeds, or other documents showing current ownership, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall show the following (unless otherwise indicated):
 - 2. Preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements.
 - 3. An electronic copy of the preliminary plat and preliminary engineering plans.
 - 4. Vicinity Map. An 8-1/2" x 11" vicinity map, suitable for public presentation drawn to a scale of 1" = 300' or larger (i.e., 1" = 200', etc.) which includes the proposed development and sufficient area around it to provide adequate orientation and landmark identification for someone unfamiliar with the vicinity. All the following elements are to be included:
 - a. A minimum distance of 600' beyond all boundaries of the proposed development.
 - b. A north point.
 - c. Location and names of all streets and roadways, including the nearest collector or arterial in both north/south and east/west directions.
 - d. Clear identification of the boundary of the proposed development and its proposed roadway alignments labeled with proposed street names.
 - 5. Legal description of the area platted.
 - 6. Lot area of each lot.
 - 7. Description. In a title block located in the lower right-hand corner of the sheet shall appear the following:

- a. The proposed name of the subdivision, which shall not be the same or confusing with the name of any other subdivision in Garden City or Rich County, Utah.
 - b. The location of the subdivision including the address and the section, township and range.
 - c. The names and addresses of the owner of, subdivider if other than the owner, and the engineer or designer of the subdivision.
 - d. Date of preparation, scale (minimum of 1" = 100 ft. in standards subdivisions and 1" = 200 ft. in recreational subdivisions), and north point.
- B. Documentation. The preliminary plat application shall include copies of the following documents:
 1. A copy of the owner's recorded deed to the property subdivided shall be provided at the time that the application for preliminary plat approval is filed with the Clerk.
 2. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application.
 3. Any other information determined by the Town to be necessary for review of the preliminary plat application.
 4. A statement of the intended use of the proposed subdivision.
- C. Existing Conditions. The plat shall show:
 1. Existing zoning of the tract.
 2. A list of the owners of the properties within three hundred (300) feet of the exterior boundaries of the proposed project. The owners list shall include the name of all owners, their addresses, and a general description of the property owned by each.
 3. The names and the intersection boundary lines of adjoining subdivisions and parcels of property.
 4. The approximate location of existing buildings with approximate distances shown to proposed property lines, water bodies or courses.
 5. The boundaries of the floodplain and/or floodways shall also be clearly delineated and marked on the preliminary plat.
 6. Approximate location and identification of known (to either the applicant or his representatives or the reviewing agency) potentially dangerous areas, including geologically hazardous areas, areas subject to inundations, or flood hazard, and areas of high groundwater.
 7. The location of the nearest benchmark or monument.
 8. The boundary of the proposed subdivision and the acreage included.
 9. Boundary description and the area of the tract.
 10. All property under the control of the subdivider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdividers' land shall be submitted, and the street system of the part submitted shall be considered in the light of existing master street plans or other Planning Commission studies.

11. The location, width and names of all existing streets within two hundred (200) feet of the subdivision and of all prior platted streets or other public ways, and utility right-of-ways, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements and section and corporation lines, within adjacent to the tract.
 12. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries.
 13. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location.
 14. The location, size, and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers (a minimum distance of one hundred (100) feet), water mains, and storage facilities, street improvements, street lighting, curbs, and gutters, and all proposed utilities (may be shown only on the engineering plans).
 15. Existing ditches, canals, natural drainage channels and open waterways, and proposed realignments.
 16. The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat. The approximate location, size and type of all irrigation ditches, channels, pipes, structures within and immediately adjacent, a minimum distance of one hundred (100) feet, to the proposed subdivision (may be shown only on the engineering plans).
 17. Boundary lines of adjacent tracts of un-subdivided land, showing ownership where possible.
 18. Contours at vertical intervals of not more than two (2) feet in standard subdivisions and not more than ten (10) feet in recreational subdivisions. High-water levels of all water courses, if any, shall be indicated in the same datum for contour elevations.
- D. Proposed Plan. The subdivision plan shall show:
1. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys and easements.
 2. Two ingress/egresses are required in a subdivision when there are 31 or more dwelling units or lots.
 - a. ~~The Planning Commission and Town Council~~ may grant a special exception to allow a subdivision to have only one point of ingress/egress, after considering a recommendation from the Town Engineer and Fire Chief under the following circumstances:

1. One or more cul-de-sacs, hammerheads, or other approved turnarounds that comply with all development standards exits.
2. The future extension of a stub street that will provide additional access, where a temporary turn-around may be required.
3. The City Engineer has reviewed the potential for impairment of such single access resulting from vehicle congestion, condition of terrain, climatic conditions, safety, or other factors that could limit access and have made either a positive or negative recommendation to the Planning Commission ~~or Town Council~~ with regards to a single point of ingress/egress.
3. The layout, numbers and typical dimensions of lots.
4. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
5. The location, approximate size, and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
6. Building setback lines - including showing dimensions where required by the Planning Commission.
7. Easements for water, sewers, drainage, utility lines and other purposes, if required by the Planning Commission.
8. The boundaries of record of the tract, area of the tract, the proposed location, approximate grade, right-of-way width and pavement width of streets and alleys, locations of sidewalks; the proposed location and width of easements and setback lines, proposed lot lines, the radii of all curves, lot size and approximate lot dimensions.
9. A contour map of the subdivision with contour lines and a maximum interval of five feet to show the configuration of the land based upon the United States Geodetic Survey data, or other data approved by the City engineer,
10. Typical street cross-sections and grade of streets where required by the Planning Commission.
11. A tentative plan or method by which the subdivider proposes to handle storm water drainage for the subdivision.
12. The direction of drainage, flow, and approximate grade of all streets (may be shown only on the engineering plans).
13. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.

14. A plan that ensures that open space areas are adequately maintained.
15. For multi-phase developments, the proposed boundaries of each phase and the sequence of phases to be developed. The phasing sequence used should utilize consistent lot and block numbering patterns.
16. If a development is constructed in phases, each phase shall have not less than a pro-rata share of the amenities proposed for the entire project. Initial phases of a development shall include not less than a pro-rata share of the entire development's proposed amenities, with initial phases having priority to such pro-rata share for amenities than subsequent for later phases of the development.
17. Corner lots shall contain a building envelope outside of a seventy-five (75') foot radius from the intersection of the streets.

11E-403 Improvements

- A. The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat unless the conditions of Section C. Guarantee of Completion of Improvements are met.
- B. Departmental Standards. Standards for design, construction, specifications and inspection of street improvements, curbs, gutters, sidewalks, standards for water distribution, sewage disposal facilities by the Bear River Health Department or the Bear Lake Special Service District, storm drainage, and fire hydrants, all shall be stipulated by ordinance. All subdividers shall comply with the standard established by such departments and agencies.
- C. Design Standards. The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the Planning Commission and by other departments and agencies. Design standards shall be approved by the Planning Commission as outlined in this ordinance herewith.

CHAPTER 11E-500 Final Plat.

11E-501 Final Plat After approval of the preliminary plat, the subdivider shall cause the subdivision to be surveyed and a final plat to be prepared in conformance with the preliminary plat as approved, and the Utah Code. Upon completion of said final plat, the subdivider shall file same, the title report and CC&R's, and all other documents required, with the Clerk. Then the Clerk shall ~~place send~~ said final plat ~~upon~~ to the Planning Commission Chair or designee for review within 40 business days from receipt of a completed application. The review cycles shall not exceed four review cycles of 40-business days. ~~next available regular meeting agenda.~~

In the event that the Commission finds that the final plat does not substantially conform to the approved preliminary plat, the Commission shall consider said plat a revised preliminary plat and schedule an additional public hearing and review. Once the Commission has approved the final plat, the subdivider shall submit the final plat and plan specifications of all required improvements together with a current title report showing proof of ownership in the land to be subdivided. ~~Upon receipt by the Clerk of a final plat in compliance with all requirements and all conditions placed upon the preliminary plat, the Clerk will place the Final Plat on the next Council available regular meeting agenda. Based on the recommendation of the Planning Commission the Council shall approve or disapprove the final plat. Unapproved Final Plats are remanded back to the Commission for their action with the applicant.~~

Once the Final Plat is approved by the Planning Commission Chair or designee ~~Council~~, the subdivider shall provide to the Clerk, a mylar copy of the approved Final Plat bearing all required certificates, acknowledgments and signatures. The Mayor shall affix the date of acceptance and his signature thereon indicating final approval of said Final Plat.

11E – 502 Acceptances of Dedications ~~Approval~~ Acceptance of the final plat by the Council shall constitute acceptance of all dedications for public streets, rights-of-way, easements, and

other lands dedicated for public purpose or use as shown thereon. As a condition precedent to the acceptance of any streets or required improvements, the Council shall require that the subdivider

install said improvements in accordance with the construction standards, and that condition shall be noted on the final plat.

11E – 503 Time Limitations ~~The failure to obtain final plat approval by the Council of an approved preliminary plat within twelve months after approval by the Council shall cause all approvals of said preliminary plat to be null and void unless the subdivider applies for, and is granted, a written extension by the Council.~~

- A. The final plat shall be filed with the Rich County recorder within twelve (12) months after final plat approval by the Council Planning Commission Chair or designee. Failure to file said final plat within that time shall cause all approvals of said final plat to be null and void.
 1. No lots shall be sold and no building permit shall be issued with regard to any parcel of land within a proposed subdivision until the final plat has been recorded.
 2. The ~~Town Council~~ Planning Commission Chair or designee may grant an extension of the time limitations set forth in subsection A of this section. Applicant must file with the Clerk in writing, prior to the expiration of said one year period or the time limits imposed.

11E -504 Contents of Final Plat;

- A. Description and Delineation.

The final plat shall be drawn at such a scale and contain such lettering as to enable same to be placed upon sheets of twenty-four (24) inch by thirty-six (36) inch paper with no part of the drawing nearer to the edge than one-half inch, and shall be in conformance with the provisions of Utah Code. The reverse side of said sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certificates, signatures, and other information.

Following approval of the final plat, the developer must have the final plat prepared and signed with ink by a land surveyor currently licensed in the State of Utah on a sheet of approved tracing linen or matte Mylar 24" X 36" scaled 1" = 100'; the top of the final plat shall be either north or east, whichever accommodates the drawing best; a copy of the submitted plats for subdivisions must be provided on 18" X 18" Mylar, scaled 1" = 100' for plats containing one or more lots of less than 2 acres; and 1" = 200' for plats containing one or more lots of 2 to 5 acres; and 1" = 400' for plats containing all lots of greater than 5 acres. (All submitted 18" X 18" plats must conform to standard drawing 11E-504.) The plat shall contain all information required on the preliminary plat except contours and shall comply with Garden City Ordinance 11E-504 ~~as stipulated by the Town Council~~. The completed Mylar shall also require the following:

1. Addresses shall be provided for each lot on the final plat Mylar. The lots

shall be numbered consecutively throughout each block.

2. ~~Review by the Mayor and the Planning Commission Chair or designee~~ prior to recording.
3. Following the final review the prepared plat will be signed by the required entities and will be recorded at the Rich County Recorder's Office.

B. The plat shall contain all information required on the preliminary plat except contours and shall comply with the following:

1. The name of the subdivision which name has been reviewed and approved by the Rich County Clerk.
2. Names and locations of all adjoining subdivisions.
3. Tract boundary lines, property lines, lot lines, street right-of-way and center lines, other rights-of-way and easement lines, building envelopes as required on the preliminary plat, lot area of each lot, boundaries of floodplain and floodway, all with bearings, accurate dimensions in feet and decimals thereof, in degrees and minutes and radii, arcs, central angles, tangents, and chord lengths of all curves to the above accuracy.
4. An identification system for all lots and blocks and name and right-of-way width of each street and other public rights-of-way. Lot lines shall show dimensions in feet and decimals thereof. Total area of each lot will also be shown to the nearest square feet for lots under one acre and to the nearest one tenth of an acre for lots over one (1) acre.
5. Location, width, names of all existing or dedicated streets, and other public ways within or adjacent to the proposed subdivision.
6. An address block shall be provided on each lot as a placeholder for the final address on the mylar.
7. True angles and distances to the nearest established street lines or official monuments shall be accurately described in the plat and shown by appropriate symbol.
8. Radii, internal angles, points of curvature, points of tangency, length of long chords, tangent lengths, and lengths of all arcs shall be shown.
9. The accurate location of all monuments and fire hydrants to be installed shown by the appropriate symbol. All United States, state, county or other official benchmarks, monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position.
10. The dedication to the Town all streets and highways included in the proposed subdivision which are identified by the Planning Commission to be dedicated. Street monuments shall be installed by the subdivider's engineer or land surveyor at such points designated on the final map as are approved by the Town engineer.
11. Pipes or other such physical markers as shall be placed at each lot corner.
12. The outline of any property other than a street, alley, or easement which is offered for dedication to public use, fully dimensioned by distances and bearings with the area marked "Dedicated to the Town of Garden City for Public Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated.

13. Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement

and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in an approved form.

14. The plat shall be accompanied by a letter from the Rich County Treasurer indicating the proper taxes are paid and current.
15. Location, dimension, and purpose of all easements, public or private.
16. Point of beginning of subdivision description tied to at least two governmental survey corners/bench marks.
17. Scale, north arrow and date.

C. The final plat shall require the following certifications, legal reviews, and approvals:

1. Certification and signature of reviewing surveyor verifying that the subdivision meets all Town requirements. Certificate by registered surveyor preparing the map certifying to the accuracy of surveying plat,
2. The owner's "Certificate of Dedication".
3. A notary public's "Acknowledgment".
4. The Utah State Board of Health's "Certificate of Approval", or Bear Lake Special District "Certificate of Approval".
5. The Garden City Public Works Director "Certificate of Approval."
6. Certification and signature of the Town engineer verifying that the subdivision and design standards meet all Town requirements.
7. The Town Attorney's "Certificate of Approval".
8. Certification and signature of the Clerk of the Town of Garden City attesting that the subdivision has been approved by the Council .
9. Certification of owner(s) of record, and all holders of security interest(s) of record with regard to said property.
10. A provision in the owner's certificate referencing the county recorder's instrument number where the condominium declaration(s) and/or articles of incorporation of homeowner's association governing the subdivision are recorded.
11. Notation of any additional restrictions imposed by ~~the Council~~ or the Fire District Fire Chief on the development of said subdivision to provide for the public health, safety, and welfare.
12. A current title report of all property contained within the plat. The title report shall include the name of the subdivision, the name of the Town, if appropriate, county and state, and the location and description of the subdivision referenced to section, township, and range.
13. Certification that all water rights have been transferred to the Town of Garden City.
14. A one-and-one-half by five-inch space in the lower right-hand corner of the drawing for official agency use.
15. Twenty (20) copies of the final plat shall be filed with the Clerk prior to being placed upon the Commission's agenda. One (1) copy shall be 24" x 36". The remaining copies may be 18" x 18". One copy of the final plat as approved by the Council and signed by the Mayor shall be filed with

the Clerk and retained by the Town. An additional copy of the final plat

as approved by the County and signed by the Mayor will be filed with the Rich County Recorder.

16. An electronic copy of the final plat shall be provided to the Clerk in PDF Format.
17. A copy of the provisions of the articles of incorporation and by-laws of homeowner's association and/or condominium declarations to be filed with the final plat of the subdivision.

(Updated 2/8/2024)

11E-505 Infrastructure

- A. The infrastructure set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat unless the conditions of Section C. Guarantee of Completion of Infrastructure are met. Construction design plans thereof shall be submitted and approved by the Town engineer. All such infrastructure shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the Town.
- B. Infrastructure Plans - Prior to approval of final plat by the Planning Commission Chair or designee ~~Commission~~, the subdivider shall file two copies with the Clerk and the Town engineer shall approve construction plans for all infrastructure required in the proposed subdivision. Said plans shall be prepared by a civil engineer licensed in the State of Utah.
- C. Guarantee of Completion of Infrastructure: In lieu of the actual installation of infrastructure required for the subdivision before filing of the final plat, the subdivider may elect to provide one of the acceptable forms of completion assurance set forth below in accordance with the terms and conditions of this Section.
 1. Amount of the completion assurance. The completion assurance shall be in an amount equal to one hundred ten percent (110%) of the total estimated cost for completing construction of the required infrastructure shall include not only the estimated cost of materials and labor but also the estimated costs the Town may incur in having to assume responsibility to complete the infrastructure including, without limitation, the cost of hiring new contractors as well as any administrative costs.
 2. Time to complete the improvements. If the subdivider provides a completion assurance in compliance with this Section, the subdivider shall complete the construction of the required infrastructure within eighteen (18) months of the date of approval of the final plat unless otherwise approved by the Town Council in a written development agreement recorded on title to the property being subdivided (referred as the "construction period" and the end thereof referred to as the "completion deadline"). The completion assurance

provided by the subdivider must be valid for at least ninety (90) days past the completion deadline to allow the Town sufficient time to execute on the same after a default.

3. Type of completion assurance. The subdivider may provide one of the following types of completion assurance:
 - a. Cash Deposit in Escrow. The subdivider may deposit completion assurance funds with a bank, title company, or other professional escrow, which is acceptable to the Town and upon execution of an escrow agreement that is approved by the Town Attorney. The escrow must agree to hold and apply the proceeds completion assurance only for the required infrastructure for the subdivision. The agreement must give the Town the right to withdraw those funds necessary to complete any required infrastructure not installed by the completion deadline.
 - b. Letter of Credit. The subdivider may provide an irrevocable letter of credit as a completion assurance. The letter of credit must be with a federally insured bank or savings institution and be in a form as approved by the Town Attorney.
4. Partial Release. The subdivider may apply to the Town for partial or pro-rata releases of the completion security if: (1) a request is not made more frequently than every sixty (60) days. (2) the request for required infrastructure that has been completed, inspected, and approved by the Town, (3) a proportionate warranty assurance for the required infrastructure has been received by the Town.
5. Default by Subdivider. In the event the subdivider fails to complete the installation of all required infrastructure by the completion deadline, the Town shall have the right to complete or cause to be completed the installation of the required infrastructure. The subdivider shall indemnify and hold the Town harmless for, and the Town may collect from the completion assurance, all costs and expenses the Town incurs in completing the installation of the required infrastructure, including without limitation all engineering, legal, and contingent costs and any and all damages the Town may sustain on account of the subdivider's failure to timely complete the installation of the required infrastructure. The Town need not wait until after the infrastructure is completed to draw upon the completion assurance but may collect therefrom in order to obtain the funds necessary to complete the installation of the required infrastructure.
6. Warranty of Improvements. The subdivider shall warrant that all installed infrastructure shall remain in good condition and free from all defects in performance, materials and workmanship during the warranty period. The warranty period shall commence on the date the Town approves and accepts the installed infrastructure and shall terminate one (1) year thereafter.

7. **Warranty Assurance.** Before the Town may approve and accept any infrastructure installed by the subdivider, the subdivider shall provide a warranty assurance that meets the same requirements for a completion assurance set forth in this Section, except that the

amount of the warranty assurance shall be 10% of the lesser of (i) the estimated cost of completion of the infrastructure as determined by the Town Engineer or (ii) the subdivider's reasonable proven cost of completion.

8. Defects in improvements. In the event the Town discovers any defect in any of the infrastructure installed by the subdivider during the construction period of the warranty period, the Town shall provide notice of the same to the subdivider. The subdivider shall repair or replace the defective infrastructure within ninety (90) days of receipt of the notice from the Town (the "repair deadline").
 9. Default on Warranty. In the event the subdivider fails repair or replace the defective infrastructure set forth in the notice provided by the Town by the repair deadline, the Town shall have the right to complete or cause to be completed the repair or replacement of the defective infrastructure. The subdivider shall indemnify and hold the Town harmless for, and the Town may collect from the warranty assurance, all costs and expenses the Town incurs in completing the repair or replacement of the defective infrastructure, including without limitation all engineering, legal, and contingent costs and any and all damages the Town may sustain on account of the subdivider's failure to timely complete the repair or replacement. The Town need not wait until after the repair or replacement is completed to draw upon the warranty assurance but may collect therefrom in order to obtain the funds necessary to complete the repair or replacement of the defective infrastructure.
 10. Building Permits. No Building Permits may be issued until all infrastructure required by the Planning Commission or designee ~~the Town Council~~ are complete and signed off by the Public Works Dept., Sewer Dist. and Town Engineer, or until a completion assurance that meets the requirements of this Section has been provided in accordance with the terms and conditions required in this Section. Nothing herein supersedes the requirements of the State Building and Fire Codes which also must be met before a building permit may be issued.
 - a. Building permits will be issued in accordance with Garden City Code 11H-101.
- D. 1. To the extent of any conflict between this Ordinance and any other ordinance(s) or regulation(s) of Garden City, the provisions of this Ordinance shall be controlling.

2. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.
3. This Ordinance shall become effective upon posting in the manner required by law.

(Updated January 11, 2024)

Chapter: 11E – 506 Readjustments of Lot Lines or Lot Splits

- A. An owner or subdivider wishing to readjust lot lines, as hereinabove defined, shall be required to file one copy of the plat, a survey, a deed for both lots/parcels and a completed application with the Clerk for administrative review. The Clerk shall provide written notice of said application to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on said application. Following expiration of the said comment period, and upon a finding by the Public Works Director, ~~Planning Commission or designee and Mayor~~, or his designee, that the plat conforms to the readjustment of lot line definition and is in compliance with the provisions of this ordinance, the ~~Public Works Director, Planning Commission or designee and Mayor, or his designee~~, shall approve same or approve with conditions necessary to find same in compliance with the provisions of this ordinance.

~~Upon a finding by the Planning Commission Chair or designee and Mayor, or his designee, that the application does not conform to said definition or is not in compliance with this ordinance, the Planning Commission Chair or designee and Mayor, or his designee, shall deny said application and shall state the reasons therefore in writing and a copy signed by the Planning Commission Chair or designee and Mayor, or his designee, attached to one copy of the plat shall be returned to the applicant. Upon approval of an application and upon satisfaction by the applicant of any conditions attached thereto, the Planning Commission Chair or designee and Mayor, or his designee, shall inform the Town Clerk. Any questions with regard to the interpretation and/or applicability of this section or other sections shall be referred to the Council by the Planning Commission Chair or designee and Mayor, or his designee, for determination.~~

B. Lot Splits

1. The lot split procedure cannot evade the Town's requirements for subdivisions using multiple lot splits and must be reviewed by the

Public Works Director, ~~Planning Commission and Mayor~~, or his designee. The lot-split procedure may be used to create only one additional lot. That lot must conform to the underlying zone. The lot created by the lot split and the parent parcel may not be further divided for five years.

2. Both lots must meet the requirements of the zone of the parcel being split, i.e. minimum lot size, setbacks, etc. Both lots must have safe legal access, including access for utilities.

3. If the parent parcel is later subdivided the lot created by the lot split will be required to be included in the subdivision and all improvements required for subdivision will be made to the lot from the original split.
4. Non-conforming lots cannot be created as a result of a lot split.
5. All lot splits shall require a Lot Split Covenant to Run With the Land on both the parent parcel and the lot created that requires a 3-year waiting period on the splitting of lots from the original split.
 - a. The Commercial buildings within the Commercial zones do not need to wait 3 years to split.
6. The Public Works Director or designee ~~Commission Chair and Mayor~~, or his designee, shall determine whether the proposed lot split is in compliance with the General Plan and this ordinance. If they find that the proposed lot split complies, they shall approve the application. If they find that the proposed lot split is not in compliance, they shall disapprove or deny the application. The applicant may request a final review by the ~~Planning Commission~~ or Board of Adjustments. Conditions may be attached to an approval, as provided herein.
7. The Clerk shall notify the developer and interested parties of the decision within 10 days. A deed for both lots/parcels shall be filed with the Town Recorder.
8. The final decision may be appealed to the Board of Appeals using the appeals procedure in the Board of Appeals Chapter.
9. Approval of a lot split does not constitute or imply approval of a permit for any prospective use of the lot created.

11E - 507 As-Built Drawing. Prior to acceptance by the Council of any improvements installed by the subdivider, two sets of "as-built" plans and specifications certified by the subdivider's engineer shall be filed with the Town engineer. Within ten (10) days after completion of improvements and submission of "as-built" drawings, the Town engineer shall certify the completion of the improvements and the acceptance thereof, and shall submit a copy of said certification to the Clerk and the subdivider. Thereafter, the Town Clerk shall release the performance bond upon application by the subdivider.

11E – 508 Monumentation Following completion of construction of the required improvements and prior to certification of completion by the Town engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, type of material as shown on the subdivision plat. The monuments shall be located as follows:

- A. All angle points in the exterior boundary of the plat,
- B. All street intersections, points within and adjacent to the final plat,
- C. All street corner lines ending at boundary line of final plat,
- D. The point of beginning of the subdivision plat description.

11E – 509 Lot Requirements

- A. Lot size, width, depth, shape, and orientation, and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings,
- B. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contain land with a slope in excess of twenty-five (25) percent based upon natural contours, or create corner lots at the intersection of two or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, water courses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "buildable lot." Building envelopes shall be established outside of hillsides of twenty-five (25%) percent and greater and outside of the floodway,
- C. Corner lots shall have a property line curve or corner of a minimum radius of twenty-five (25) feet unless a longer radius is required to serve an existing or future use,
- D. Side lot lines shall be within twenty (20) degrees to a right angle or radial line to the street line,
- E. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot(s) be created out of necessity, then such lot(s) shall be reversed frontage lot(s),
- F. Minimum lot sizes in all cases shall be reversed frontage lot(s),
- G. Every lot in a subdivision shall have a minimum of twenty (20) feet of frontage on a dedicated public street unless the Council approves a private street.

11E – 510 Block Requirements

- A. The length, width, and shape of blocks within proposed subdivisions shall conform to the following requirements:
- B. No block shall be longer than one thousand sixteen hundred (1,600) feet, nor less than four hundred (400) feet between the street intersections, and shall have sufficient depth to provide for two tiers of lots,

- C. Blocks shall be laid out in such a manner as to comply with the lot requirements,
- D. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, water courses and topographical features,
- E. Blocks shall be wide enough to adequately accommodate two tiers of lots.
- F. Dedicated walkways through the block may be required where access is necessary to a point designated by the Planning Commission.
- G. Blocks intended for business or industrial use shall be designed specifically for such purpose with adequate space set aside for off-street parking and delivery facilities.
- H. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.
- I. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning ordinance, if any for the zone in which the subdivision is located and to the minimum requirements of the Town of Garden City Public works Department, Utah State Board of Health, Bear River District Health Department and Bear Lake Special Service District for water supply and sewage disposal. The minimum width for any residential building lot shall not be less than that specified by the zoning ordinance. The minimum area of such lot shall be not less than that approved by the Utah State Board of Health, or that required by the zoning ordinance, whichever area is largest.
- J. Each lot shall, unless otherwise approved by the Planning Commission, abut on a street shown on the subdivision plat or on an existing publicly dedicated street which has become public by right of use and which is more than eighteen (18) feet wide. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.
- K. Sidelines of lots shall be approximately at right angles, or radial to the street lines.
- L. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.

11E – 511 Sewers

- A. All subdivision sewer systems within the Town area of impact shall be connected to a public sewer system provided that such service is available. Septic sewer systems will be allowed upon approval by the Bear River District Health Department. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the Town

engineer, Council, the Bear Lake Special Service District, and Utah Health Department prior to final plat approval.

The central collection system shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins, and shall be connected to an adequate outfall. A storm water drainage system subject to the approval of the Planning Commission shall be provided, and shall be separate and independent of the sanitary sewer system. The final plans for the drainage system shall be prepared by a licensed engineer.

- B. Storm Drainage - No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch, canal company, or of the water users for such use. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch.

11E – 512 Water All subdivisions/developments or commercial uses wanting to maintain private access must provide a compound/bulk meter and comply with the specifications as outlined by the Garden City Public Works Standards Specifications & Drawings. Connection to the Town of Garden City water system is required for all lots, unless other arrangements for water have been made and approved by the Garden City Town Council. All water connections are subject to the approval of the Garden City Town Council upon recommendation from the Town Water Rights Engineer and the Town of Garden City Public Works Department. All applications for water or submittal of water rights to the Town will be made to the Town Water Rights Engineer. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the City under the supervision of the Garden City Fire District and other regulatory agencies having jurisdiction thereover. All water systems installed shall be looped extensions and no dead-end systems shall be permitted. All water systems in an area of Town impact shall be connected to the municipal water system and shall meet the standards of all required agencies.

The subdivider will furnish to the Public Works Director or designee ~~Planning Commission~~ a complete mapping system of all water lines, fire hydrants, water meters, and water tanks that will be constructed throughout the entire subdivision.

This mapping system will include; line size/s, hydrant location/s, meter size/s and location/s, valve/s and location/s, pump station/s and specific pump size/s, tank location/s and size/s, and bulk meter location/s if applicable. All electric that will be needed for the water system will be included. A construction easement and maintenance easement will be identified in the mapping system. The subdivider will work in accordance with the Town engineer to meet the Town water system requirements. Fire hydrant requirements and flow measures will be handled through the Garden City Fire District.

11E – 513 Utilities In addition to the terms mentioned hereinabove, all utilities including but not limited to, electricity, natural gas, telephone, and cable serves shall be installed underground as a

required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and

underneath streets shall be installed by the subdivider prior to construction of street improvements.

- A. Rocky Mountain Power's electrical distribution system policy for developers in residential developments (subdivisions) based on Tariff No. 43, Electrical Regulation No. 12, Line Extensions.
- B. For all lots the Power Company designs the electrical system based on the plat map. The developer is responsible for all trenching and transformer pads, junction boxes, switching cabinets and any other equipment foundations or pads for underground equipment.
- C. In developments where transformer placement can be determined prior to homes being built (generally lots up to one acre in size) the developer pays to make secondary voltage service (120/240 volt single-phase) available to each lot. For underground systems the secondary voltage at the lot line may be at either: the secondary lugs of the transformer; or, if the transformer does not border the lot, a secondary junction box. The cost of the service from the lot line to the home is the individual lot owner's responsibility.
- D. In developments where transformer placement can not be determined prior to homes being built (generally lots over one acre in size) the developer pays to make primary service available to each lot. The cost of extending the primary onto the lot, and transformer and service necessary to serve each home is the individual lot owner's responsibility.
- E. The Phone system will be in compliance with local communications provider.

11E – 514 Street Improvement Requirements

- A. The arrangement, character, extent, width, grade, and location of all streets put in the proposed subdivision shall be in harmony with the intent to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land.
- B. At least ten (10) days prior to the commencement of any road or street construction including the cutting of any road or street, the subdivider shall furnish to the ~~Planning Commission~~ Public Works Director of designee a complete set of construction plans and profiles of all streets existing and proposed, within the subdivision. Paved roads may be required in certain zones. Plans are to be prepared by a licensed professional engineer and shall be accompanied by the final plat. The ~~Planning Commission~~ Public Works Director of designee shall, within a reasonable time not to exceed thirty (30) days from the receipt of the plans, notify the subdivider of approval or disapproval, and in case of disapproval of the reasons therefore. Such plans and profiles shall include:
 - 1. The designation of limits of work to be done.
 - 2. The location of the benchmark and its true elevation according to Rich County datum, all profiles to be referred to that datum.
 - 3. Profiles which indicate the finished and existing grades for each side of the street. Separate profiles, clearly designated, shall be made for each

side of the street.

4. Construction plans which include the details of curb and gutter if required and street cross-sections, location and elevation of manholes, catch basins and storm sewers, elevations and location of fire hydrants and any other detail necessary to simplify evaluation of improvements.
 5. Complete data for field layout and office checking.
 6. On curb returns, at least two additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to insure drainage of intersections.
 7. The street address of the project if applicable.
- C. All Garden City streets (roads) shall not exceed 10% grade. Private roads shall not exceed 12% grade. All roads with intersections must have 100 feet of not more than 4% grade approaching all intersections. The Town Council may grant exceptions to these guidelines.
 - D. All streets within a subdivision shall be improved to an overall width in accordance with the standards rules and regulations adopted by the Town of Garden City.
 - E. Where a subdivision abuts or contains an existing or proposed arterial street, railroad, or limited access highway right-of-way, the Council Public Works Director of designee may require a frontage street, planting strip or similar design features.
 - F. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods and designed to accommodate for future expansion.
 - G. In general, partial dedications shall not be permitted, however, the Council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the Council finds it practical to require the dedication of the remainder of the right-of-way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right-of-way shall be dedicated.
 - H. Dead-end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead-end street serves more than two lots, a temporary turn-around easement shall be provided which easement shall revert to the adjacent lots when the street is extended.
 - I. A cul de sac, court, or similar type street shall be permitted only when necessary to the development of the subdivision. **See ordinance 11A-200 for cul-de-sac requirements and 11A-200 for court requirements.**
 - J. Pavements where required shall be constructed in accordance with the regulations adopted by the Town of Garden City.
 - K. Sidewalks, curbs, and gutters may be a required improvement installed by the subdivider. Curbs and gutters where required shall be concrete of the standard

high-back type unit, not less than two feet six inches in overall width, and not less

than seven inches thick where the curb abuts the street pavement.

- L. Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the Town Engineer.
- M. All curb corners shall have a radius of not less than twenty-four feet and at intersections involving collector or major streets of not less than twenty-five feet.
- N. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- O. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Public Works Director of designee Planning-Commission. New streets must connect with existing public streets.

Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All street names shall be approved by the Rich County Clerk/Recorder. The subdivider shall obtain approval of all street names within the proposed subdivision from the Commission before submitting same to Council for preliminary plat approval,
- P. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80°) degrees.
- Q. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy (70) degrees.
- R. Where any street deflects an angle of ten (10) degrees or more, a connecting curve shall be required having a minimum center line radius of three hundred (300) feet for arterial and collector streets, and one hundred twenty-five (125) feet for minor streets.
- S. Streets with center line off-sets of less than one hundred twenty-five (125) feet shall be prohibited.
- T. Fire hydrants shall be installed in all subdivisions in accordance with the regulations adopted by the Garden City Fire District.
- U. Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. Where a lot runs along a side lot line the lot is required to incorporate the required easements are recorded with the Rich County Recorder. The subdivider shall work with irrigation, drainage or ditch companies as to:
 - 1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision.
 - 2. The size of pipes and culverts shall be set by the respective Canal or Irrigation Company.

- V. Street name signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of Garden City shall be provided by the developer at all street intersections. Installation shall be made in accordance with adopted standards to insure uniformity.
- W. Street lighting may be required by the Public Works Director of designee ~~Commission or Council~~ where appropriate, and shall be installed by the subdivider as a required improvement.
- X. Private streets may be allowed upon recommendation by the Public Works Director of designee ~~Commission and approval by the Council~~. Private streets shall be constructed to meet the design standards of public streets as specified in this Ordinance and other applicable standards, including right of way width.
- Y. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat and all landscaping and irrigation systems shall be installed as required improvements by the subdivider.
- Z. Street alignment design shall follow natural terrain contours to result in safe streets, useable lots, and minimum cuts and fills. All cuts and fills shall be revegetated.
- AA. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets.
- BB. In general, the center line of a street shall coincide with the center line of the street right-of-way and all crosswalk markings shall be installed by the subdivider as a required improvement.
- CC. Bridges. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, said construction or improvement shall be a required improvement by the subdivider. Said construction or improvement shall be in accordance with adopted standard specifications therefore.
- DD. In R1, C1, C2, C3, C4 and PUD/PRUD zones all streets providing access to four (4) or more dwelling units shall either have sidewalks, or a paved non-motorized trail on at least one side of the street in a manner to provide for continuation of non-motorized traffic. Alternative pedestrian accesses may be allowed upon recommendation by the Public Works Director of designee ~~Commission and approval by the Council~~.

11E – 515 Alley Improvement Requirements. Alleys shall be provided in business, commercial and industrial zoning districts. The width of an alley shall be not less than twenty-six (26) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead-end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in this section.

- A. Required Easements. Easements, as set forth hereinafter, shall be required for location of the utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.
1. A public utility easement at least ten (10) feet in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet in width shall be required within any property boundary as determined by the Town engineer to be necessary for the provision of adequate public utilities.
 2. Where a subdivision contains or borders on a water course, drainage way, channel or stream, an easement shall be required of sufficient width to contain said water course and provide access for private maintenance and/or reconstruction of said water course.
 3. All subdivisions which border a watercourse shall dedicate a ten (10) foot scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the river bank and to protect structures from damage or loss due to river bank erosion.
 4. No ditch, pipe, or structure for irrigation water or irrigation waste water shall be constructed, re-routed, or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights thereto. A written copy of such approval shall be filed as part of required improvement construction plans.
 5. Public non-vehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements may be required and if required, shall be dedicated to include public use and access.
 6. No subdivision shall eliminate any historic public access to public lands that is still in current use. A ten (10) foot easement shall be provided to allow the public to access such public lands. The Council may approve a relocation of the historic access point provided that the relocated access does not significantly impair public access.

11E – 516 Planting Strip Improvements. Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, commercial or industrial districts or off-street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for said planting strip with the preliminary plat application and the landscaping shall be a required improvement.

11E – 517 Cuts, Fills, and Grading Improvements Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:

- A. A preliminary soil report prepared by a qualified engineer may be required by the Public Works Director of designee Commission and/or Council as part of the preliminary plat application.
- B. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Said plan shall contain the following information:
 - 1. Proposed contours at a maximum of five (5) foot contour intervals;
 - 2. Cut and fill banks for building pad elevations;
 - 3. Drainage patterns;
 - 4. Areas where trees and/or natural vegetation will be preserved;
 - 5. Location of all street and utility improvements including driveways to building envelopes. Any other information which may reasonably be required by the Public Works Director of designee Commission, or Council to adequately review the affect of the proposed improvements.
- C. Grading shall be designed to blend with natural land forms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.
- D. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology may be allocated for open space for the benefit of future property owners within the subdivision.
- E. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for re-vegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as said re-vegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.
- F. Where cuts, fills, or other excavation are necessary, the following development standards shall apply:
 - 1. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.
 - 2. Fills shall be compacted to at least ninety-five (95) percent of maximum density as determined by AASHO T99 (Am. Assoc. State Highway Officials) and ASTM D698 (Am. Stnd. Testing Methods).
 - 3. Cut slopes shall be no steeper than two horizontal feet to one vertical foot. Subsurface drainage shall be provided as necessary for stability.
 - 4. Fill slopes shall be no steeper than two horizontal to one vertical. Neither cut nor fill slopes shall be located on natural slopes of three to one or steeper, or where fill slope toes out within twelve (12) feet horizontally of the top and existing or planned cut slope.
 - 5. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet plus one-fifth of the height of the cut or the fill, but

may not exceed a horizontal distance of ten (10) feet; tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet plus one-fifth of the height of the cut or the fill. Cuts and slopes shall be re-vegetated as provided in Section N (5). Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.

11E – 518 Drainage Improvements. For all subdivisions the subdivider shall submit with the preliminary plat application, such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the Town on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all major subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways, or improved public easements and shall extend across and under the entire improved width thereof including shoulders.

- A. Culverts to be a minimum of 12" in diameter with a crush resistance as defined by AASHTO T99 Standards.
- B. Natural drainage channels should be used when available.
- C. Catchment basins to be designed to contain runoff during a one (1) 25 year storm event.
- D. All runoff to be contained on site.
- E. Measures should be taken to prevent storm water from entering irrigation canals.
- F. Easements shall be provided along drainages adequate to contain that watercourse and any further width necessary for maintenance of reconstruction.

11E – 519 Off-Site Improvements. Where the off-site impact of a proposed subdivision is found by the Public Works Director of designee Commission or Council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities. Such off-site improvements must be roughly proportional to the impacts of the proposed subdivision and must have a rational nexus to the impacts of the proposed subdivision.

11E – 520 Landscaping Improvements

- A. Substantial landscaping is to be provided, which is in scale with the development and which provides relief from and screening of hard surfaces. Total building surface area and street frontage will be considered when determining whether substantial landscape is being provided ("landscaping" shall be defined as trees, shrubs, planters, hanging plants, ground cover and other living vegetation),
- B. Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and compliment the neighborhood and townscape. Consideration should be given to the use of native, drought resistant plant materials and the use of

- designed xeriscapes shall be encouraged,
- C. The preservation of existing significant trees, shrubs and important landscape features shall be encouraged, and
- D. Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets, and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.

11E – 521 Fire Protection

Fire protection facilities, hydrants or other appurtenances shall be included in the development plan and delineated thereon, adequate provision for access by firefighting personnel and equipment to and from all such fire protection facilities, including, but not limited to hydrants and appurtenances. Such access shall be approved by the fire chief and the owner may be required to dedicate to the Town as a condition of approval of the development plan, an easement sufficient for access by firefighting equipment to such fire protection facilities. All such access easements shall be maintained in such a manner as to provide clear and unobstructed ingress and egress by fire-fighting personnel and equipment at all times.

- A. On-site fire protection facilities may be altered or repaired with the written consent of the fire chief subject to the provisions of this ordinance.
- B. Fire hydrants shall comply with NFPA Standards and be a two (2) butt hydrant, minimum of 6" piping,
- C. Water mains shall be a minimum 8",
- D. Fire hydrant spacing: No dwelling or place of business may be more than 500' from a hydrant as measured along the logical fire access route. Hydrants shall have equal spacing of 700'.
- E. On site storage capacity and fire flow shall be designed according to the Utah Department of Environmental Quality specifications.
- F. The subdivider shall encourage xeriscaping and/or fire wise landscaping in conditions covenants and restrictions when development is within close proximity of the wildland urban interface.

11E – 522 Emergency Services

- A. All direction and location signs to be constructed of non-flammable material.
- B. Lettering and numbering of location and direction signs to be of sufficient size to be easily read from 75' and constructed of light reflecting material.
- C. Signs shall be located in the dedicated Town right-of-way or in the case of private roads, signs shall be placed 15 feet from travel surface.

11E – 523 Vacations and Dedications:

- A. **Application** - Any property owner desiring to vacate an existing public street, alley or easement right-of-way, or desiring to dedicate a street or alley right-of-way shall file an application with the Town Clerk. Upon receipt of the completed application and other information reasonably required by the Clerk, the date of acceptance of the application shall be affixed thereon. Thereafter, said application shall be placed upon the Commission agenda for consideration at a regular meeting of the Commission, and the procedures followed for such vacations shall comply with Utah Code including subsequent amendment or codification.
- B. **Commission Action** - The Commission shall consider the application and testimony of the applicant, and such other information as may come before it with regard to the proposed vacation or dedication. The Commission shall consider the interests of the adjacent property owners, public utilities, conformance of the proposal with the comprehensive plan, and the future development of the neighborhood, and shall make its recommendations for accepting or rejecting said application. If dedication of a street is accepted, recommendations for improvements to be made prior to the acceptance shall be made by the Commission.
- C. **Council Action** - In considering an application for vacation of an existing street, alley or easement right-of-way, the Council shall establish a date for public hearing and give such notice as required by law. The Council shall hear and consider the public testimony, applicant testimony, recommendations of the

Commission, and any other information as may be brought before the Council.
Whenever the Council vacates an existing public street, the Town shall provide

adjacent property owners with a quitclaim deed for the said vacated street as prescribed by law. Said vacation shall become effective upon delivery of said deed(s). When considering an application for dedication to the public of a street, alley or easement right-of-way, the Council may require certain improvements be constructed or performance bond furnished prior to acceptance of the dedication. To complete the acceptance of any dedication, the Council shall accept same by resolution or by approval of a final subdivision plat.

- D. The provisions of this section shall not apply to the widening of any street which is shown in the comprehensive plan or the dedication of non-vehicular easements to the Town.

11E – 524 Condominiums

- A. **Purpose** - The purpose of this section is to set forth special provisions for property created or converted pursuant to Utah Code, as amended, revised, or compiled. The provisions of this section are found necessary in order to provide for the public health, safety, welfare of purchasers and residents of such condominiums.
- B. **Preliminary Plat Procedure** The sub-divider of the condominium project shall submit with the preliminary plat application a copy of the proposed by-laws and condominium declarations of the proposed condominium development and follow 11E-400 through 500 procedures. Said documents shall adequately provide for the control and maintenance of all open areas, recreational facilities, and common areas.
- C. **Final Plat Procedure** - The final plat procedure contained herein shall ~~be followed~~ follow 11E-400 through 500 procedures. However, the final plat shall not be signed by the Mayor and recorded until the condominium has received:
1. An approved life safety inspection of the building shell blue print and all open areas from the Garden City Building Official; and
 2. Prior to final plat approval, the sub-divider shall submit to the Town a copy of the final by-laws and condominium declarations, which shall be approved by the Council and filed with the Rich County Recorder, including the instrument number(s) under which each document was recorded.
- D. **Garage** - All garages shall be designated on the preliminary and final plat and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.
- E. **Storage Areas** - Adequate storage areas shall be provided for boats, campers, and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.
- F. **Maintenance Building** - A maintenance building or room shall be provided of

adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.

- G. **Open Space** - The subdivider shall dedicate open space of such shape and area useable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access. A plan must be provided that ensures the continued and perpetual maintenance of open space.
- H. **General Applicability** - All other provisions of this ordinance and all applicable ordinances, rules and regulations of the Town and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.

11E -525 Townhouses

- A. **Purpose** - The purpose of this section is to set forth provisions for real property subdivided into townhouse sublots, said provisions found necessary in order to provide for the public health, safety, and welfare of purchasers and residents of such townhouse developments.
- B. **Townhouse Owners' Documents** - The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the Town a final copy of said documents and shall file said documents prior to recordation of the plat, which shall reflect the recording instrument numbers thereupon.
- C. **Preliminary Plat Procedure** - The subdivider may apply for preliminary plat approval from the Commission pursuant to the procedures ~~herein in 11E-400 through 500 procedures~~. The Commission may recommend, not recommend or conditionally recommend said preliminary plat. ~~The preliminary plat, other data, and the Commission's findings shall then be transmitted to the Council. The Council shall act on the preliminary plat pursuant to the procedures herein.~~
- D. **Final Plat Procedure** - The final plat procedure contained herein shall ~~be followed~~ follow 11E-400 through 500 procedures. However, the final plat shall not be signed by the Mayor and recorded until the townhouse has received an approved life safety inspection of the building shell blue print and all common areas from the Garden City Building Official.
- E. **Garage** - All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots, provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate

from any dwelling unit(s) within the townhouse development.

- F. **General Applicability** - All other provisions of this ordinance and all applicable ordinances, rules and regulations of the Town and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions.

11E -526 Special Improvement Provisions Parks, School Sites and Other Public Places. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other areas for public use. Any provision for such open spaces should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency. Additionally, some developers of subdivisions may want to provide common or other open spaces as amenities in the subdivision or to designate certain areas as Non-Buildable Areas within the subdivision for a variety of reasons (See definition for Non-Buildable Areas in 11A-200-92). In any case, the following paragraphs regulate the manner by which common or otherwise open spaces may be designated and ownership and maintenance of such is ensured.

Design standards. The design of the preliminary and final plats of subdivisions for lots, condominiums and townhouses in relation to streets, blocks, lots, common areas and open spaces and other design factors shall be in harmony with the intent of Zoning Ordinances, elements of the General Plan that have been adopted, and design standards recommended by the Planning Commission. Streets shall be so designated as to take advantage of open space vistas and to create drives with a rural or open space character.

- A. **Provisions for Common Open Space.** The subdivider of a subdivision shall submit plans of landscaping and improvements for any Common Open Space to be so designated within the subdivision. The Developer shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed, the planned future ownership of the land, and how the area is to be maintained. The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the property, including plans for disposition or re-use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners. An open space usage management plan shall be provided for approval of the Commission .
- B. **Guarantee of Common Areas and Open Space Improvements.** As assurance of completion of common areas and open space improvements, the subdivider may be required to file with the Town Recorder a cash bond or performance bond, guaranteeing such completion within two (2) years of such filing, in a manner satisfactory to the Planning Commission. Upon completion of the improvements for which a cash bond or performance bond has been filed, the subdivider shall call for inspection by the Planning Commission, such inspection to be made within fourteen (14) days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the cash bond or performance bond therefore shall be released. If

the cash bond or performance bond is not released, refusal to release and reasons therefore shall be given the subdivider in writing.

- C. Maintenance of Common Areas and Open Space, etc. Assurance of maintenance of the common areas and open space and other improvements where so required. If any designated Open Space or designated Non-Buildable Areas are to be part of a lot, and thus owned by a single owner, such should be so designated on the plat. In the even Common Areas, other Open Spaces, or Non-Buildable Areas are to be owned by other than a single owner, the subdivider shall cause to be formed prior to the recording of the final plat, a Lot Owners Association, and shall establish articles of incorporation of the Association, bylaws and covenants outlining the purpose, organization and operation of the Association. Such articles of incorporation and covenants shall, among other things, provide:
1. That membership shall be mandatory for each lot purchases and any successive buyer;
 2. That Common Areas and Open Space restrictions must be permanent, not just for a period of years, except in the event such Common Areas or Open Space are to be dedicated to the City for public use, and doing so is approved by the City and the required members of Lot Owners Association as provided for in its bylaws and covenants;
 3. That the Association must be responsible for liability insurance local taxes, and the maintenance of recreational and other facilities;
 4. That lot owners must pay their pro rata share of the costs;
 5. That the assessment levied by the Association can become a lien on the property.
 6. That the Association must be able to adjust the assessment to meet changed needs.
 7. In the event that the Lot Owners Association does not maintain the common areas or open space and improvements as proposed and indicated at the time of subdivision, the Town may, at its option, do or contract to have done the required maintenance and recover the costs incident hereto by means of a lien against the involved properties of the members of the Lot Owners Association.
- D. The designated open or common space land reserved shall either be granted through easement to the owners of the project area for the use of each owner who buys property within the development or dedicated to the public and retained as open space for parks, recreation, and related uses. Public utility and similar easements and rights-of-way for water courses and other similar channels may be designated as dedicated for public use when such land or right-of-way is usable as a trail or other similar purpose and approved by the Council. The developer, before approval of the final plat, shall specify the responsibility for the maintenance of all common or open spaces.
- E. Building Height - No building or structure shall exceed the height the zone allows.

(This ordinance was updated January 14, 2021)

11E – 527 Impact Statements

- A. **Impact Statement Required** - The subdivider proposing a subdivision of more than two (2) lots or condominium units, or a planned unit development will be required by the Commission or Council to prepare an impact statement prior to approval of a final plat. The statement shall discuss the potential effects of the proposed development upon the Town in terms of impact upon economics, public facilities, or environment as set forth herein.

- B. **Requirements** - The impact statement may be a simple statement and shall include a study of the potential impact upon:
 - 1. Sewer facilities,
 - 2. Domestic water facilities,

3. Fire protection, including fire protection water supply,
4. Police protection,
5. Emergency Services,
6. Utilities,
7. Schools,
8. Roads and traffic,
9. Other public facilities,
10. Noise, water, and air pollution,
11. Environmental impact, including impact upon vegetation, wildlife, and wildlife habitat, ground and surface water, and soil erosion,
12. Public transportation,
13. Public easements, created or threatened, and recreational availability,
14. Avalanche hazard and flood hazard,
15. Drainage,
16. Grading of slopes,
17. Adjacent properties and the neighborhoods,
18. Snow removal areas and services,
19. Designating and defining impact upon areas of historical significance,
20. Effects upon agriculture.

C. Additional Requirements.

The Commission ~~or Council~~ may reasonably require the impact statement to be extended to include other factors and criteria not listed above due to unusual characteristics of the land or character of the proposed development or improvements thereon. Furthermore, the subdivider may be required to provide additional information and studies with regard to any of the factors or criteria required in the impact statement.

11E – 528 Vacating or changing a subdivision plat. The Town Council may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat.

- A. If a petition is filed, the Planning Commission shall hold the public hearing within forty-five (45) days after receipt of petition if:
 1. The plat change includes the vacation or amendment of a public street or alley;
 2. Any owner within the plat notifies the municipality of their objection in writing within ten (10) days of mailed notification; or
 3. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- B. The Planning Commission shall forward their recommendation to the Town Council within thirty (30) days after the proposed vacation, alteration, or amendment is referred to it.
- C. Before the Town Council may consider a proposed vacation, alteration, or

amendment under subsection (A)(1) or (F) of this section, the responsible

officer shall refer the proposal to the Planning Commission for its recommendation.

- D. The Town Council, by motion, may approve any request to vacate, alter, or amendment a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat if all conditions of the ordinances are met. If the conditions of these ordinances are not met the Town Council, by motion, shall deny such request.
- E. Any owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the Town Council to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
- F. Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:
 - 1. The name and address of all owners of record of the land contained in the entire plat;
 - 2. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
 - 3. The signature of each of these owners who consents to the petition.
- G. A petition that lacks the consent of all owners referred to in subsection D of this section may not be scheduled for consideration at a public hearing before the Planning Commission until the notice required by State Code is given.
 - 1. The petitioner shall pay the cost of the notice.
- H. Subject to **subsection B** of this section, if the Town Council proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by State Code.
- I. The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to subsection (G)(2) of this section.
 - 1. The surveyor making the amended plat shall certify it.
 - 2. An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.

11E-529 Grounds for vacating or changing a plat.

- A. Within thirty (30) days after the public hearing required by this part, the Town Council shall consider the petition.

1. If the Town Council is satisfied that the public will not be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the county commission may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.

2. The Town Council may approve the vacation, alteration, or amendment by signing the amended plat or making a motion indicating approval.
3. The Town Recorder shall ensure that the vacation, alteration, or amendment is recorded in the office of the Rich County Recorder.
4. An aggrieved party may appeal the decision to the Board of Appeals.

11E - 530 Waivers and Appeal See CHAPTER 11~~B-400-534~~ Board of Appeals.

11E – 531 Fees. The subdivider shall pay to the Town by depositing \$3,000 with the Town Clerk for certain fees and costs. There shall also be a preliminary plat application fee, and a final plat application fee. At the time of submission of an application for a plat, the applicant shall pay a processing fee in accordance with the fee schedule established by the Council. The Council shall establish the amount of the plat fee and shall include pertinent engineering, legal, planning, postage, publication, copying fees and all other costs incurred by the Town in processing the application. If such cost reimbursement exceed the initial \$3,000 deposited the Town Clerk will notify the applicant of expenditures and request additional funds to be placed on deposit. All funds remain in the deposit account will be returned to the applicant. All outstanding fees and cost must be paid before a plat application will be approved. Fees shall be set by resolution by the Council.

11E – 532 Time Periods for Approval Reserved

- ~~A. The Planning Commission shall each have sixty (60) days to examine and consider all applications made pursuant to this ordinance and to make its recommendations with regard thereto. Said sixty (60) day period shall commence upon the first meeting at which said Commission considers such an application. If no recommendation is made within said period, the application shall be placed upon the appropriate agenda without recommendation.~~
- ~~B. The Council shall have sixty (60) days to examine and consider all applications made pursuant to this ordinance and make its finding(s) and/or decision(s) with regard thereto.~~
- ~~C. The time periods set forth above may be extended for a reasonable period of time by the Planning Commission or Council upon a finding, that due to the complexity of an application, or changes made in an application during the review process, additional time to examine or consider same is reasonably required.~~

11E – 533 Enforcement, Violations and Penalties

- A. **Enforcement** - It shall be the duty of the Town Building Official to investigate compliance with these regulations and to bring to the attention of the Council and the City attorney any violations of this ordinance.
- B. **Violations and Penalties** - Any person, firm, association, or corporation that fails to comply with or violates any of these regulations shall be subject to a fine not more than three hundred dollars (\$300.00), and/or imprisonment for a period not exceeding six months, or both. Each day that said violation continues shall be

considered a separate offense.

- C. **Civil Enforcement** - Appropriate actions and proceedings at law or in equity may be instituted by the Town attorney to prevent or rectify illegal subdivisions, to recover damages, to restrain, correct, or abate any violation, or to prevent illegal occupancy of a building, structure or premises. These remedies shall be accumulative and in addition to the penalties described herein above.
- D. **Conditions** - Regulation of the subdivision of land and the attachment of reasonable conditions thereto are a proper exercise of valid police power granted to the Town by the Utah Constitution. The subdivider has the duty of compliance with reasonable conditions laid down by the Council and Commission for design, dedication, improvement, and restrictive use of land so as to conform to the physical and economic development of the Town and the safety and general welfare of future plat owners in said subdivision and the public at large.
- E. No owner, or agent of the owner, shall transfer, sell, encumber by mortgage or deed of trust an unsubdivided parcel of real property before a final plat thereof has been approved by the Council and filed with the office of the Rich County recorder as required by law.
- F. The subdivision of any lot or of any parcel of land by the use of a metes and bounds description for the purpose of sale, transfer, encumbrance by mortgage or deed of trust, or lease shall not be permitted, without the filing of a final plat as herein required. All such divisions of land shall not be recognized by the Town or shall building permits be issued for any improvements thereon until such subdivisions have received final plat approval and met all requirements of this Ordinance.

11E-534. Appeals.

(a) Appeals of decisions on an applicant's plat application shall be filed with the Town Clerk and heard by a three-person panel comprised of one licensed engineer designated by the Town, one licensed engineer designated by the land use applicant, and one licensed engineer agreed upon by the two earlier designated engineers. Unless otherwise agreed in writing, the hearing of the appeal panel shall commence within 10-business days of receiving a request from the applicant.

No panel member shall have an ownership interest in the application in question. The applicant shall pay 50% of the total cost of the panel and the Town's appeal fee. The Town shall pay the remaining 50%. The panel's decision is final. Any further appeal of the panel's decision must be filed with the district court within 30 days of the date of the panel's decision.

An appeal of any issue that is not related to approval of a subdivision (e.g., Town standards, regulations, etc.) shall follow the procedures and requirements for appeals under Title 11E.

(Approved April 10, 2008)