TOQUERVILLE CITY
ORDINANCE 2024.XX

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY, TITLE 10, CHAPTER 19: SUBDIVISIONS OF THE TOQUERVILLE CITY CODE TO MEET THE REQUIREMENTS ESTABLISHED BY THE UTAH STATE CODE.

RECITALS

WHEREAS Toquerville City ("the City") is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council ("City Council"), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT OF CHAPTER 19, TITLE 10 OF THE TOQUERVILLE CITY CODE. Title 10, Chapter 19 (Subdivisions) of the Toquerville City Code is hereby amended and restated in its entirety as follows:

CHAPTER 19
SUBDIVISIONS

ARTICLE A. GENERAL PROVISIONS

SECTION:
10-19A-1: Overview
10-19A-2: Short Title
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10-19A-1: OVERVIEW:

A. The activities related to the use, sale and development of land have been determined by federal and state law to be in the public interest for local government to oversee and regulate in order to bring about the safe and orderly creation (and maintenance) of communities. These activities may include subdividing land into lots for sale, building structures, constructing roads, constructing trails and/or installing utilities.

B. In order to effectively regulate these activities, communities are empowered to establish review and permitting processes. This Chapter contains the review and permitting processes for conventional subdivision developments, including simple subdivisions, master planned developments (MPD) and phased subdivisions. (Ord. 2012.04, 1-18-2012)

10-19A-2: SHORT TITLE:
This Chapter shall be known as the TOQUERVILLE SUBDIVISION ORDINANCE. (Ord. 2012.04, 1-18-2012)

10-19A-3: STATEMENT OF PURPOSE:
This Chapter, and any rules, regulations and specifications hereafter adopted, are adopted for the following purposes:

A. To promote and protect the public health, safety and welfare.

B. To promote cohesive, orderly growth and development by efficient layout and use of building lots, roads and public services and utilities.

C. To encourage and promote the conservation, wise use and management of natural resources in order to preserve the integrity, stability and beauty of the community and value of the land.

D. To maintain and enhance property values.

E. To minimize conflict among the uses of lands and buildings.

F. To implement the goals and objectives of the City General Plan.

G. To implement the goals and objectives of the City design guidelines and standard specifications for design and construction.

H. To inform the public of the requirements and conditions necessary to obtain approvals and permits to change or create property boundaries (subdivide land).

I. To preserve the natural beauty of the City, and preserve the natural, cultural and historic features and enhance the quality of life in the City.

J. To minimize cuts and fills and unnecessary excavations of building sites, particularly the unnecessary excavation of the natural vegetation on building lots.

K. To minimize traffic congestion and enhance mobility.

L. To encourage efficiencies in public services and promote a sustainable community.

M. To protect view corridors and privacy.

N. To promote and preserve open space including parks, trails, streetscape buffers, perimeter landscaping, natural washes and other natural undeveloped areas.

O. To eliminate or minimize nuisances, clutter and visual blight, and to prevent pollution or degradation of air, streams, ponds and the night sky. (Ord. 2012.04, 1-18-2012)

10-19A-4: INTERPRETATION:

A. Greater Restrictions Prevail: In their interpretation and application, the provisions of this Chapter shall be considered as minimum requirements. Where the provisions of this Chapter impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this Chapter shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provision of this Chapter, the provisions of

such statute, other regulation, ordinance or covenant shall prevail.

B. Rounding: Rounding to whole numbers may be used to determine distance or height, but not in determining maximum or minimum area or other quantitative standards or requirements. A decimal ending with five (5) or greater may be rounded up to the next whole number.

C. Time Computation: Unless otherwise specified herein, a period of time specified in this Chapter shall be calendar days beginning on the day after the act, event or decision to which the time period refers, and ending at eleven fifty nine o'clock (11:59) P.M. the last day of the time period. (Ord. 2012.04, 1-18-2012; amd. 2014 Code)

10-19A-5: COORDINATION WITH OTHER DOCUMENTS:

This Chapter, together with the City General Plan, other provisions of this Title, City design guidelines and City design standards and specifications for construction shall guide the use of all land within the municipal boundaries of the City. (Ord. 2012.04, 1-18-2012)

10-19A-6: ORDERLY DEVELOPMENT REQUIRED:

Subdivisions, site plans, and other developments shall be developed in an orderly manner and in such a way that the required improvements will be continuous and available as necessary during construction activities within the project, and that all of the improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferee or lessee of any of the lands developed within the time herein provided or in phases specified. Developments shall be planned and developed to accommodate continuation of roads, utilities, drainage and other infrastructure to adjoining properties. Oversizing of lines or infrastructure in the development may be necessary to accommodate future development outside of the project. (Ord. 2012.04, 1-18-2012)

10-19A-7: COMPLIANCE REQUIRED:

A. No tract of land shall be divided, subdivided, reconfigured, developed or redeveloped except in conformance with provisions of this Chapter and all other provisions of this Title and all other applicable ordinances and regulations and provisions of Utah Code Annotated. No plat, condominium, subdivision amendment or reconfiguring of property shall be recorded except in accordance with the provisions of this Chapter. All licenses, permits, agreements and plans issued or approved by the City shall comply with all requirements and standards of City ordinances. All subdivisions, condominiums, site plans, construction and infrastructure shall be designed and constructed in conformance with City ordinances, engineering regulations and requirements. All uses shall be conducted in conformance with City ordinances, approved plans and requirements. Land to be subdivided shall not be transferred, sold or offered for sale prior to recording the subject plat or until all requirements of this Chapter for subdivisions, condominiums or other developments are met.

B. No building permit may be issued for any structure or development on any land that has been divided, subdivided, reconfigured, developed or redeveloped in a manner not in conformance with the provisions of this Chapter and all applicable provisions of this Title, and all other applicable municipal ordinances

and regulations, and state statutes. (Ord. 2012.04, 1-18-2012)

10-19A-8: AMENDMENTS:

A. The City Council may, from time to time, in a manner consistent with the City general plan, amend any provision of this Chapter. Amendments shall be approved in accordance with all public notice and public hearings required pursuant to Utah Code Annotated and this Chapter.

B. Any amendment or revision to this Chapter shall supersede any prior provisions or ordinances. Provisions of this Chapter not affected by the amendment or revision shall continue to be valid and shall not be considered a new enactment when amendments or revisions are adopted. Any prior provisions of City ordinances, which do not conform to provisions of this Chapter, are declared void. Any uses, structures or buildings which were conforming to previous provisions of this Chapter but do not now conform shall be nonconforming uses, structures or buildings. (Ord. 2012.04, 1-18-2012)

10-19A-9: PUBLIC NOTICE:

A. Required Notice: Any public hearing required by ordinance or statute shall be scheduled and held by the Planning Commission or City Council and notice provided according to the provisions of Utah Code Annotated sections 10-9a-201 through 210, as applicable to the specific zoning action and corresponding hearing as outlined in those sections of Utah Code Annotated.

B. Notice To Neighboring Entities: Notice as appropriate or required to neighboring entities will be provided according to the provisions of Utah Code Annotated section 10-9a-201 et seq., as the statutes may apply. (Ord. 2012.04, 1-18-2012)

10-19A-10: APPEALS:

A. Appeal Authority: Pursuant to Utah Code Annotated section 10-9a-701(1)(b), the City Council has established the Toquerville Appeal Authority to act as the Appeal Authority for decisions applying land use ordinances. (Ord. 2018.07, 12-13-2018)

B. Procedures: Appeals of decision applying this Chapter shall proceed under the procedures outlined in section 10-3-2 of this Title. (Ord. 2012.04, 1-18-2012)

ARTICLE B. TYPES OF SUBDIVISIONS

SECTION:

10-19B-1: Scope
10-19B-2: Simple Subdivision
10-19B-3: Conventional Subdivision
10-19B-4: Phased Subdivisions

10-19B-1: SCOPE:

A. All subdivisions of land shall be divided, subdivided, reconfigured, developed or redeveloped in accordance with the provisions of this Chapter, and other applicable provisions of this Title, the state land sales practices act, the City General Plan, and all other applicable City resolutions and ordinances and Utah Code Annotated.

B. Specific procedures for each type of subdivision are outlined in Articles of this Chapter as noted in this Article. General subdivision procedures are outlined in Article C of this Chapter. General design regulations are outlined in Article D of this Chapter. Procedures for simple subdivisions, lot and parcel splits, master planned developments and phased subdivisions have additional requirements and/or relaxed requirements as outlined in this Chapter. (Ord. 2012.04, 1-18-2012)

10-19B-2: SIMPLE SUBDIVISION:
The intent of this simple subdivision process is to take advantage of the Utah State Code exemption to allow for a subdivision with no more than three (3) or fewer lots to be processed in a shorter time frame as a simple subdivision. This code outlines a separate process for a simple subdivision with three (3) or fewer lots. In this process, an applicant may elect to divide property through a metes and bounds record of survey. See Article E of this Chapter for the approval process and required improvements. (Ord. 2012.04, 1-18-2012)

10-19B-3: CONVENTIONAL SUBDIVISION:
The purpose and intent of the conventional subdivision procedure is to allow the division of land in all zones in a standard and more traditional configuration of lots. While creative and innovative land development is encouraged, the conventional subdivision may be best suited for smaller acreage subdivisions and/or tract developments. See Article C of this Chapter for approval process and Article D of this Chapter for required improvements. (Ord. 2012.04, 1-18-2012)

10-19B-4: PHASED SUBDIVISIONS:
Conventional and master planned developments may be phased subdivisions if the project is proposed to be completed in designated phases. The purpose of the phased subdivision procedure is to provide general development parameters for subdivision phases in the phased subdivision master plan prior to the detailed and comprehensive requirements of the preliminary plat and final plat. The developer and/or owner shall enter into a development agreement (see section 10-19C-5) that outlines the duties, responsibilities, obligations, commitments and promises of the City and the owner and developer. See Article C of this Chapter for the approval process, Article D of this Chapter for required improvements, and Chapter 21 of this Title, general design standards, for additional standards and requirements. (Ord. 2012.04, 1-18-2012)

ARTICLE C. APPLICATION AND REVIEW PROCESS

SECTION:
10-19C-1: Application And Review Required
10-19C-2: Pre-Application Process
10-19C-3: Preliminary Plat
10-19C-4: Final Plat
10-19C-5: Development Agreement
10-19C-6: Construction Of Improvements

10-19C-1: APPLICATION AND REVIEW REQUIRED:

A. All proposed subdivisions shall meet the application and review requirements outlined in Utah State Code 10-9a-601, et seq, as amended, this Article and the requirements of the individual zone in which the subdivision is proposed. All provisions of this Chapter and other City requirements shall be met in preparing applications and designing and constructing the development.

B. No subdivision of land shall be transferred, sold or offered for sale, contracted for sale, deeded or conveyed, nor shall a building permit be issued for a structure thereon (other than an approved model home or project amenities, such as clubhouse, pool, park, etc.) until:

1. The approved final plat is recorded in the Office of the Washington County Recorder; and

2. The improvements required in connection with the subdivision have been constructed or guaranteed as provided in this Chapter.

C. In the absence of a Planning and Zoning Administrator, the Chairperson of the Planning Commission shall fulfill the duties of a Planning and Zoning Administrator. (Ord. 2017.07, 6-8-2017)

10-19C-2: PRE-APPLICATION PROCESS:

A. An applicant for a subdivision may request a pre-application meeting with staff. Should an applicant request a pre-application meeting, the following shall apply:

1. The applicant shall submit a concept plan for staff review.

2. Within fifteen (15) business days after the request, the municipality shall schedule the meeting to review the concept plan and give initial feedback.

3. At the pre-application meeting, the City shall provide or have made available on the municipal website the following:

a. Copies of the applicable land use regulations.

b. Complete list of standards required for the project.

c. Preliminary and Final Plat checklists.

4. Pre-application review of a concept plan does not create any vested rights and feedback on the concept plan does not grant or infer any official standing or approval. The applicant is responsible for adhering to the ordinance.

B. Concept Plan: A concept plan shall be submitted to the Planning and Zoning Administrator and shall comply with the City's Subdivision Submittal Requirements Policy.

10-19C-3: PRELIMINARY PLAT:

A. Purpose: The purpose of the preliminary plat is to review and resolve most of the technical details of the subdivision design to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto shall comply with the provisions of this Chapter, all other applicable ordinances, and Utah State Code.

B. Submittal Contents: The preliminary plat application shall be submitted to the Planning and Zoning Administrator, along with the application fee set by the City Council. The preliminary plat application shall comply with the Subdivision Submittal Requirements Policy maintained by the City.

C. Review Process: Any division of land, unless otherwise exempted in this Title, requires completion of a Preliminary Plat and Final Plat. The following

outlines the review process, as intended by Utah State Code 10-9a-604, as amended. State Code shall prevail if there is any conflict in content or interpretation.

1. If the application requires legislative approvals, such as a zone change, annexation, general plan amendment, right of way or easement vacation, or any other legislative action, the legislative approval shall be completed prior to submittal of the Preliminary Plat application.

2. The applicant may request a pre-application meeting with a Planning and Zoning Administrator and/or City Designee to discuss the proposal and submittal requirements. If requested, the City and applicant shall follow the process outlined in Chapter 19, Article C, Section 2 of this Title.

3. The City shall provide, or have available on the City website, each of the following:

a. The Preliminary Plat Application.

b. The owner's affidavit.

c. A breakdown of application fees.

d. A copy of the applicable land use ordinances.

e. A complete list of standards required for the project.

f. A checklist for Preliminary Plat drawings.

4. The applicant submits an application, including the Preliminary Plat and all required documentation and information.

5. The City checks the submittal for completeness.

a. If the submittal includes all required materials, the City receives the submittal and starts the review cycle.

b. If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the City has made a determination that the application is complete.

6. If the location of the proposed subdivision is within one hundred (100) feet of a water conveyance facility, within twenty (20) calendar days after receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.

a. Any Water Conveyance Facility shall have at least twenty (20) calendar days to respond. While the City may provide comments to the applicant before this twenty (20) calendar day window is complete, the Preliminary Administrative Land Use Authority shall not grant approval until at least twenty (20) calendar days after the day on which the City mailed notice to the Water Conveyance Facility.

b. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See Utah State Code 73-1-15.5-1b.

7. Within thirty (30) business days, the City shall complete a review of the Preliminary and provide comments on the application.

a. The review cycle number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use.

8. Within the review window outlined in Subsection 7, the City shall

complete a review of the Preliminary Plat and submittal contents and provide a response to the applicant. The City shall determine whether the application meets all requirements or requires corrective actions and shall notify the applicant in an written response:

a. If the application is found to require corrections, the City shall be specific and shall cite the ordinance, statute, or specification that requires the modification. Comments shall be logged in an index or requested modifications or additions. The required corrections are sent to the applicant to prepare for resubmittal.

b. The City may require additional information relating to an applicant's plans to ensure compliance municipal ordinances and approved standards.

c. If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Preliminary Administrative Land Use Authority.

9. After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.

10. The City shall review the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the City shall return the submittal to the applicant.

a. If the resubmittal is complete, the City shall review the application and provide written comment within the review window outlined in Subsection 7.

b. The review window number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use, nor does it apply to any legislative approval.

11. If the City determines that the resubmittal is now complete and meets all codes, standards, and specifications, the resubmittal shall be forwarded to the Preliminary Administrative Land Use Authority to complete the review.

a. If the City finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forwarded to the Preliminary Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specifications. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.

12. If, on the fourth and final review, the City fails to respond within thirty (30) business days, the City shall, upon request of the property owner, and within ten (10) business days after the day on which the request was received:

a. The City shall advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the appeal authority designated in 10-19A-9.

D. Approval Process: After review, the application shall be submitted to the Preliminary Administrative Land Use Authority for approval.

1. For a Preliminary Plat, the Preliminary Administrative Land Use Authority shall be the Planning Commission.

a. Any contingent legislative approval, such as a zone change, overlay zone, general plan amendment, annexation, right-of-way vacation, or other similar approval, shall occur at the City Council prior to the submittal of a Preliminary Plat Application.

2. The Preliminary Administrative Land Use Authority shall hold a public hearing. A public notice shall be sent to all owners of property within three hundred (300) feet of the subdivision.

3. If the Preliminary Administrative Land Use Authority finds that the application complies with the applicable municipal ordinances and the requirements of Utah State Code, the Preliminary Administrative Land Use Authority shall approve the Preliminary Plat application.

a. The Preliminary Administrative Land Use Authority shall remand the application back to the applicant for corrections if it finds:

i. The applicant has not completed all requirements as outlined in the review index, or

ii. The application does not address all requirements in state code, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.

b. The Preliminary Administrative Land Use Authority shall deny the application if the applicant is unwilling to make the required corrections or provide the required information.

4. In instances where a developer abandons or otherwise fails to take timely actions to address corrections or complete a project, the application approval shall lapse.

a. A Preliminary Plat application expires if it is not approved by the City within six (6) months from the time its application is submitted and accepted.

b. A one-time six (6) month extension may be approved by the Preliminary Administrative Land Use Authority if requested prior to the expiration of the Preliminary Plat application.

c. A preliminary subdivision plat approval shall remain valid for six (6) months from the date of approval. If a final subdivision plat is not applied forwithin six (6) months of the date of the preliminary approval, the preliminary plat shall be void, unless a one-time extension of six (6) months is requested by the developer and is granted by the Preliminary Administrative Land Use Authority prior to the expiration date.

d. For multi-phased projects, the final subdivision plat for at least one (1) phase must be approved within one (1) year of the preliminary subdivision plat approval. The preliminary subdivision plat for all phases for which a subdivision plat has not been finally approved will expire three (3) years from the date of the preliminary plat approval by the Preliminary Administrative Land Use Authority unless an extension of one (1) year is requested by the developer and is granted by the Preliminary Administrative Land Use Authority prior to the expiration date or is included in a written development agreement. (Ord. 2017.07, 6-8-2017)

10-19C-4: FINAL PLAT:

A. Purpose: The purpose of the final subdivision plat is to provide formal approval by the City before a subdivision is recorded in the Office of the Washington County Recorder. The final subdivision plat application shall be submitted to the City for any proposed subdivision only after the preliminary

subdivision plat has been approved by the Preliminary Administrative Land Use Authority.

B. Within six (6) months of approval of a Preliminary Plat, the Subdivision Improvement Plans and a Final Plat prepared by a licensed surveyor shall be submitted in conformance with this Section. If a complete application is not submitted within six (6) months of Preliminary Plat approval, the approval is deemed to have expired.

C. Submittal Requirements: The completed final plat application, including the Subdivision Improvement Plans, shall be submitted to the Planning and Zoning Administrator. The Final Plat shall comply with the Subdivision Submittal Requirements Policy maintained by the City. Review Process: The following outlines the review process, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in the content or interpretation, state code shall prevail.

1. The City shall maintain and publish a list of items comprising a complete Final Plat application, including:

a. The application.

b. The owner's affidavit.

c. An electronic copy of all plans in PDF format.

d. The breakdown of fees due upon approval of the application.

2. The applicant submits a complete application, including the Final Plat and all required documentation and information.

3. The City checks the submittal for completeness.

a. If the submittal includes all materials, the City receives the submittal and starts the review.

b. If the submittal is incomplete, the submittal is returned to the applicant. No review of the application shall occur until the City has determined that the applicant has submitted a complete application.

4. Within forty (40) business days, the City shall complete a review of the Final Plat and Subdivision Improvement Plans, except as follows:

a. The review cycle dates restrictions and requirements do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

b. The review cycle number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use.

5. If the location is within one hundred feet (100') of a Water Conveyance Facility, within twenty (20) calendar days after receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the application and request comments related to the following aspects of the Water Conveyance Facility: access, maintenance, protection, safety, and any other issues related.

a. Any Water Conveyance Facility shall have at least twenty (20) calendar days to respond. While the City may provide comments to the applicant before this twenty (20) day window is complete, the Final Administrative Land Use Authority shall not grant approval until at least twenty (20) calendar days after the day on which the City mailed notice to the Water Conveyance Facility.

b. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater

drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.

6. During review, The City Attorney shall review the Final Plat and shall recommend approval if the attorney finds that:

a. There is a current title report. The legal description in the title report shall be compared with any legal description in the restrictive covenants, articles, consents, and other legal documents. All persons shown on the title report as owners or lienholders must sign and have acknowledged by a notary the plat unless prior approval is given by the City Attorney. All lienholder consents must not only show consent to the recording of the plat and any restrictive covenants but must also indicate the lienholder's approval of and joinder in the dedication of any public streets or rights-of-way.

b. The performance bond, escrow deposit, letter of credit, or trust deed with the City is in appropriate form and signed by the necessary parties.

c. That the subdivision does not, in the attorney's opinion, violate any ordinance of the City, the laws of the State of Utah, or the rules and regulations promulgated pursuant thereto.

7. Within the review window in Subsection 5, the City shall complete a review of the Final Plat, Subdivision Improvement Plans, and submittal contents and provide a response to the applicant. The City shall determine whether the application meets all requirements or requires corrective action and shall notify the applicant in a written response.

a. If the application is found to require corrections, the City must be specific and cite the ordinance, statute, or specifications that require the modification(s). Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.

b. The City may require additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards.

c. If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Final Administrative Land Use Authority for review and approval.

8. If corrections are required, the applicant shall provide a resubmittal. The resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make a requested revision.

9. The City shall check the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the City shall return the submittal to the applicant.

a. If the resubmittal is complete, the City shall accept the application for a second review cycle. The time frame to complete the review depends on how quickly the applicant responded to the corrections in full and whether the applicant made any material changes.

i. If the applicant responds within forty (40) business days, the City has forty (40) business days to complete the second review cycle.

ii. If the applicant responds after forty (40) business days, the City has sixty (60) business days to complete the second review cycle.

iii. If the applicant made a material change that merits a new review, the review shall restart at the first review cycle as it relates to the new material.

b. The review window number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use, nor does it apply to any legislative approval.

10. If the City neglects to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if necessary to protect public health and safety or to enforce state or federal law.

11. If the City determines that the resubmittal is complete and meets all codes, standards, and specifications, it shall be forwarded to the Final Administrative Land Use Authority for review and approval.

a. If the City finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forwarded to the Final Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specifications. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(8), as amended.

12. If, on the fourth and final review, the City fails to respond within forty (40) business days, the City shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:

a. For a dispute arising from the subdivision improvement plans, assemble an appeals panel in accordance with Utah State Code 10-9a-508(5)(d) to review and approve or deny the final revised set of plans.

b. For a dispute arising from the subdivision ordinance, advise the applicant, in writing, of the deficiency in the application and the right to appeal the determination to the appeal authority designated in 10-19A-10.

D. Final Plat Approval and Recordation:

1. Ready for Final Approval: Once all reviewing City staff have found the Final Plat and the Subdivision Improvement Plans to be in conformity, the plat will be submitted to the Final Administrative Land Use Authority for approval.

2. For the Final Plat, the Final Administrative Land Use Authority shall be the Planning and Zoning Administrator and/or City Designee.

a. No public hearing may be held for the subdivision Final Plat approval.

3. Approval: The Final Administrative Land Use Authority shall approve the Final Plat if it finds:

a. The proposed plat complies with the requirements of the City Code, Utah State Code, and all other applicable policies and regulations.

b. The plat has been approved by all regulatory bodies, such as a culinary water authority, or sanitary sewer authority, or County Health Department, as applicable.

4. Denial: The Final Administrative Land Use Authority may deny or remand the proposed Final Plat if:

a. The Final Administrative Land Use Authority finds the applicant has not provided a complete, accurate, and satisfactory response to all comments during review and any other point of non-compliance with applicable regulations.

b. The applicant is unwilling to make required corrections or provide required information.

5. Appeal: Any appeal shall be consistent with the provisions of Utah Code 10-9a-604.2.

6. Preparation Of Final Plat Mylar: Once all requirements have been met, redline corrections made, revised plans and plat submitted and City staff review completed, and the Final Administrative Land Use Authority has approved the final plat, the applicant shall submit a twenty-four-inch by thirty-six-inch (24" x 36") mylar drawing of the corrected final subdivision plat that meets the requirements of the Office of the Washington County Recorder, with the signatures of the owners and other required signatures.

E. Final Subdivision Plat Expiration: If the final subdivision plat is not recorded within one (1) year from the date of approval, the approval shall expire and the final subdivision plat shall be null and void. The City may grant a extension to the recording of the final subdivision plat not exceeding six (6) months; provided, that the developer submits the request for extension prior to expiration of the final plat and satisfies any new City requirements pertaining to the public health, safety and welfare.

F. Final Subdivision Plat Recording:

1. The City Recorder or his/her designee shall record the final subdivision plat at the Office of the Washington County Recorder. The final subdivision plat may not be recorded until all of the following items have been completed:

a. The final subdivision plat has been approved by the Final Administrative Land Use Authority and all requirements of the City Engineer and City Attorney have been met.

b. All required signatures, including the Mayor's signature and City Recorder's certification, have been applied to the mylar plat drawing.

c. The security for improvements as determined by the City Engineer and approved by the City Attorney has been properly posted with the City or improvements completed and accepted by the City.

d. All necessary deeds and agreements have been executed and submitted to the City.

e. A development agreement, if applicable, for the project has been approved.

f. All impact fees, development fees and other fees have been paid to the City.

2. Once all of the above actions have occurred, the City Recorder or his/her designee shall record the final subdivision plat at the Office of the Washington County Recorder. In no instance shall a fully executed final plat be released to an applicant or property owner for recording on their own. Notwithstanding the preceding sentence, the City Recorder or his/her designee may release a fully executed and approved final plat to a licensed title company of an applicant's choosing for a courtesy recording.

G. Amending Recorded Plat:

1. Any landowner whose land has been platted as provided in this Chapter may, upon application to the City, have such plat or portion thereof, or any street or alley therein contained, altered or amended.

2. The procedure for amending or altering a subdivision plat shall comply with Utah State Code 10-9a-708 and may be the same procedure as for approval of a new subdivision as determined at the discretion of the Final Administrative Land Use Authority.

H. Vacating Recorded Plat: The procedure for vacation of a plat shall be governed by provisions of Utah Code Annotated Section 10-9a-609. (Ord. 2017.07, 6-8-2017)

Notes
1 1. See Title 9, Chapter 2 of this Code.

10-19C-5: DEVELOPMENT AGREEMENT:

A. Purpose: The developer/property owner and the City may enter into a development agreement that outlines the duties, responsibilities, obligations, commitments and promises of the developer/property owner and the commitments of the City.

B. General Requirements:

1. The development agreement shall be approved by the City Attorney and shall incorporate all agreements between the parties.

2. The development agreement must be approved prior to final plat approval.

3. If the developer is including parks, open space, clubhouses and/or trail improvements within a development, the development agreement shall include proposed phasing and terms of completion of these improvements.

4. Any special agreements, conveyances, restrictions or covenants which govern the use, maintenance and continued protection of common areas shall be included in the development agreement.

5. The development agreement may provide limitations on the number of building permits issued and/or phases of the project to be approved subject to the completion of the improvements.

6. The development agreement for phased subdivisions shall incorporate the phased subdivision master plan.

7. The development agreement shall include any provisions for security for completion of the subdivision improvements and/or schedule of utility construction and restoration bond requirements.

8. If the development is a phased subdivision, the development agreement shall specify all conditions and requirements that must be met in order to protect and maintain a vested approval for all subsequent phases. For example, the City may impose as a condition precedent to final approval of subsequent phases, the availability and access to water and sewer services and source sufficient to accommodate the subsequent phases.

9. Shall comply with current design standards.

C. Approval: The development agreement shall be approved by the City Council and signed by the Mayor.

D. Recording: The development agreement shall be recorded by the City at the Washington County Recorder's Office. Recordation by the City shall only take place after all of the necessary signatures are obtained, all approvals given and all bonds and fees posted. The development agreement must be recorded prior to the recording of the final plat. (Ord. 2017.07, 6-8-2017)

10-19C-6: CONSTRUCTION OF IMPROVEMENTS:

The developer/owner may begin construction of required improvements after approval of the final plat, posting of restoration bond and prior to the recording

of the final plat in accordance with the recorded development agreement and in accordance with construction drawings approved as required in this Chapter. (Ord. 2017.07, 6-8-2017)

ARTICLE D. DESIGN, CONSTRUCTION AND SUPPLEMENTARY REGULATIONS

SECTION:

10-19D-1: Design Standards
10-19D-2: Subdivision Improvement Plans
10-19D-3: Construction Of Improvements
10-19D-4: Expiration Of Construction Drawing Approval
10-19D-5: Standards For Subdivision Improvement Plans
10-19D-6: Lots And Parcels
10-19D-7: Density
10-19D-8: Streets And Roads
10-19D-9: Sidewalks
10-19D-10: Streetscape Buffer
10-19D-11: Preservation Of Natural Features
10-19D-12: Fencing
10-19D-13: Landscaping
10-19D-14: Utilities And Other Improvements Required
10-19D-15: Drawing Of Record
10-19D-16: Improvement Requirements, Guarantee And Warranty
10-19D-17: Building Permits
10-19D-18: Certificates Of Occupancy
10-19D-19: Construction

10-19D-1: DESIGN STANDARDS:

Standards and specifications for design, construction and inspections include, but are not limited to, street improvements, asphalt, curbs, gutters, sidewalks, culinary and secondary water distribution systems, sewage disposal facilities, storm and subsurface drainage and flood control facilities and other infrastructure shall be approved by the City staff. The City has compiled construction design standards in the standard specifications for design and construction and design and aesthetic guidelines in the design guidelines. These documents may be amended from time to time. All public improvements shall be designed and installed in accordance with the City's standards and specifications, the requirements of the City and other applicable City ordinances and regulations. (Ord. 2012.04, 1-18-2012)

10-19D-2: SUBDIVISION IMPROVEMENT PLANS:

Complete and detailed Subdivision Improvement Plans and drawings of all improvements shall be prepared in conformance to the design standards of the City and shall meet the requirements of the Subdivision Submittal Policy maintained by the City. The Subdivision Improvement plans shall be included as part of the Preliminary Plat Application. They shall be submitted to the City for review at the same time the Final Subdivision Plat is being reviewed. Final approval of the project shall not be granted until the plans have been reviewed

and signed by all utility providers. Plans for all street utilities shall be included in the same plans. (Ord. 2012.04, 1-18-2012)

10-19D-3: CONSTRUCTION OF IMPROVEMENTS:
No construction shall be started until the final subdivision plat and Subdivision Improvement Plans have been approved and

A. Final plat and development agreement (if applicable), including security for completion, has been recorded; or

B. The required improvements have been completed and accepted.

10-19D-4: EXPIRATION OF CONSTRUCTION DRAWING APPROVAL:
Approval of construction drawings shall expire six (6) months after approval by the City if no construction work has begun on the development. Construction drawings shall also expire if construction of improvements is stopped during the construction for one year, unless an extension of six (6) months is granted by the City Council prior to the expiration date or is included in the development agreement. (Ord. 2012.04, 1-18-2012)

10-19D-5: STANDARDS FOR SUBDIVISION IMPROVEMENT PLANS:

A. General Standards: Standards are set for the purpose of standardizing the drawings and to obtain uniformity in appearance, clarity, size and reproduction. Three (3) copies of the Subdivision Improvement Plans and one electronic version shall be submitted with the Final Plat Application. All drawings and prints shall be clear and legible and conform to good engineering and drafting practices. The size of drawings shall be twenty four inches by thirty six inches (24" x 36").

B. Subdivision Improvement Plan Information: The contents of the Subdivision Improvement Plans shall comply with the Subdivision Submittal Requirements Policy and the City's standards and specifications.

10-19D-6: LOTS AND PARCELS:

A. General Requirements: The following requirements pertaining to subdivisions or other developments shall be incorporated into project design and implemented by the developer:

1. Each lot or parcel shall be of adequate shape and size to accommodate yard area, frontage/width, parking, access, landscaping, building and other requirements of the zone in which the lot or parcel is proposed and to accommodate reasonable use of the property.

2. Allowances for existing topography, easements, vegetation, waterways and other natural or historic features of the property shall be accommodated in the design of lots or parcels.

3. Individual lots or parcels may not be created which would be divided by a city boundary or a zone boundary.

B. Lot And Parcel Design: The following requirements pertaining to subdivisions or other developments shall be incorporated into project design and implemented by the developer:

1. Double frontage lots or parcels may only be allowed where lots back onto collector or arterial streets. However, on a case by case basis, double frontage lots may be approved elsewhere due to:

a. Property constraints;

b. Traffic considerations; or

c. Other special circumstances.

2. Where double frontage lots are approved, the following may be required:

a. An approved decorative masonry wall along the rear lot;

b. Limited access on arterial and collector streets;

c. No access from street which is established along the rear of the lot; and

d. Altered park strips and sidewalks along the rear frontages of the lot.

3. The minimum lot width for corner lots shall be ten feet (10') wider than the minimum width required for an interior lot in the same zone. (Ord. 2012.04, 1-18-2012)

C. Flag Lots: A flag lot for one single-family dwelling may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this Title or other titles adopted by the City.

1. Factors: Flag lots may be allowed and approved after consideration of the following factors:

a. More than two (2) contiguous staffs are prohibited.

b. The development of the property in question must be found by the planning commission to be reasonable and practical under normal city land use and subdivision regulations.

c. The creation of the flag lot must not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.

2. Development Standards: If any proposed flag lot meets the above requirements, the development shall be subject to the following standards and conditions:

a. The original parcel, after the flag lot split, shall conform to and meet all requirements, setbacks, height restrictions, etc., of the zone in which it is located.

b. The flag portion of the lot shall meet all lot width, setback and yard requirements for the zoning district in which it is located. The staff portion of the lot may be included in the calculation of lot area.

c. A flag lot shall be comprised of a staff (narrow) portion and a flag (wide) portion. The flag and staff must be contiguous.

d. The staff portion of the lot shall front on a public street. The minimum width of the staff portion at any point shall be twenty six feet (26') and comply with fire authority specification. However, a greater staff width for lots in sensitive lands overlay zones may be required. The maximum length of the staff shall be five hundred feet (500') and the maximum grade of the staff shall not exceed twelve percent (12%).

e. The lot access turnaround and fire protection shall be approved by the Hurricane Valley fire district.

f. No building or structure will be located within the staff portion of the flag lot.

g. The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Yard setbacks shall conform to the setback requirements of the zone in which the flag lot is located.

h. The main building shall be located no more than two hundred fifty feet (250') from a fire hydrant, measured along a public or private right of way or along the staff portion of the lot. An easement for any fire hydrant located on

private property shall be provided to the City for access to and maintenance of the hydrant and water line.

i. Upon review, the City may require installation of curb, gutter and other drainage control measures in the staff portion of the lot to prevent runoff from entering neighboring properties.

j. Clear address signage shall be installed and maintained at the street by the owner, including notice that the driveway is a private right of way.

k. All structures shall meet the height requirements of the zone in which a flag lot is located.

l. Before a flag lot is approved, a design and site plan must be approved and accepted by the City of Toquerville and all affected utilities for all facilities required to accommodate a single-family dwelling. Construction of the approved facilities must be complete before a building permit will be issued for the lot. (Ord. 2017.01, 1-12-2017)

10-19D-7: DENSITY:

The maximum density for all subdivisions shall be consistent with the zone district, subject to any density bonus approved by the Planning Commission and City Council. There shall be no vested right to any density bonuses. (Ord. 2012.04, 1-18-2012)

10-19D-8: STREETS AND ROADS:

A. Effect Of Transportation/Street Element Of General Plan: The subdivision plan shall be in compliance with the general plan street/transportation element. Applicants shall take into account proposed streets and street widths indicated in the City's transportation element of the general plan in planning of the development.

B. Street Requirements: Streets shall be designed and constructed according to the standards set forth in the standards and specifications of the City. No private street shall be allowed unless approved by the City Council.

1. a. The developer shall dedicate right of way and install improvements for proposed collector streets which are planned to adjoin or traverse the project or which are necessary for the development. The entire proposed right of way shall be dedicated according to the design width specified by the City's transportation element of the general plan.

b. The City may participate in a percentage of the cost of improvements for major collector, arterial minor and arterial major streets as proposed in the City Capital Facilities Plan.

2. Subdivisions and other developments shall be designed to provide future access to adjoining vacant parcels. Developments shall also be designed so that existing stub streets in existing development will be connected to the proposed streets and accesses. Where a stub street is provided which accesses more than two (2) lots on each side, a temporary turnaround and public use easement at least eighty feet (80') in diameter shall be provided. The City may require improvements to be installed in temporary turnaround areas.

3. Cul-de-sac streets may not exceed six hundred fifty feet (650') in length as measured from the center of the intersection of a connecting through street to the center of the turnaround area. The turnaround pavement radius shall not be less than forty two and one-half feet (421/2').

4. Streets in subdivisions, excluding collector streets, exceeding eighty feet (80') in length are encouraged to be curvilinear or provide sufficient alignment variation to calm traffic and enhance aesthetic appeal in the subdivision.

5. Accumulations of more than twenty (20) lots shall provide more than one entrance and exit roadway. No additional lots shall be created in an area that has twenty (20) lots and only one access.

6. Subdivision streets shall be designed to approach an arterial or collector street in accordance with the City design standards and specifications for construction. (Ord. 2012.04, 1-18-2012)

10-19D-9: SIDEWALKS:

A. Purpose: The purpose of sidewalks is to separate pedestrian travel from vehicular traffic and to provide safe and convenient pedestrian walkways.

B. General Requirements: Sidewalks may be required on both sides of public streets. Landscaped areas, in compliance with the design guidelines, between the street curb and gutter and the sidewalk, and between the sidewalk and outside right of way boundary, are encouraged. The sidewalk may be placed in the streetscape buffer area. If sidewalks serving public streets are not placed within a dedicated right of way, an easement for access and maintenance will be required. (Ord. 2012.04, 1-18-2012)

C. Sidewalk Design:

1. See minimum sidewalk width requirements set forth in the standards and specifications for public improvements and City standard specifications for design and construction. (Ord. 2012.04, 1-18-2012; amd. 2014 Code)

2. Required sidewalk and bike paths shall be serpentined on streets sixty feet (60') wide or wider, and are encouraged to be serpentined on streets less than sixty feet (60') wide. (Ord. 2012.04, 1-18-2012)

10-19D-10: STREETSCAPE BUFFER:

A. Purpose: The streetscape buffer is intended to provide an area of landscaped open space along all public streets which form the perimeter of the subdivision where front yards of homes do not front the street and on all public streets within the subdivision where front yards of homes do not front the street. The intent is to provide the general public using the public streets with a more open view of the scenic vistas prominent in the community and a less congested experience as they travel along the public streets within the community. It is further the intent to provide a common and consistent appearance of all public streets within the community.

B. Maintenance By Homeowners' Association: Streetscape landscaping shall be maintained by a homeowners' association. The developer shall note on the final plat and in the covenants and restrictions for the development of all other public street streetscape buffer, which the development homeowners shall be required to maintain. Failure to place such notes will not nullify the owners' responsibility as described in this section.

C. General Requirements:

1. All public streets, which form the perimeter of any residential or nonresidential development, and all public streets within any residential or nonresidential development where homes or buildings within the development will not front on the streets, may be required to have a minimum landscaped

streetscape buffer as follows:

a. Fifteen feet (15') minimum and twenty feet (20') average, measured from the back of the curb, on all other streets sixty feet (60') wide or wider.

b. Twelve feet (12') minimum, measured from the back of the curb, on streets less than sixty feet (60') wide.

2. Uneven, creative streetscape buffer areas with varied setbacks and wall heights are preferred.

3. Stepped and staggered buffer walls may be required.

4. Serpentine sidewalks, which are encouraged, may be located within the buffer area.

D. Design Approval Required: All landscaping, fencing and sidewalks shall be approved by the planning commission. (Ord. 2012.04, 1-18-2012)

10-19D-11: PRESERVATION OF NATURAL FEATURES:

Existing natural geographic and major landmark topographic land features, including major rock formations, major washes, wetlands and lava rock shall be preserved and may not be removed or damaged, except in conformance with approved development plans and in conformance with this Chapter and this Title. Development shall be designed to minimize excavation and scarring of these natural features. (Ord. 2012.04, 1-18-2012)

10-19D-12: FENCING:

A. Purpose: Fencing may be used to provide privacy to property owners, buffer conflicting uses or to provide a architectural/design element to a development project. Fencing is encouraged to be as low profile and open as possible to protect scenic vistas from public streets and discourage separation from the community. The materials, location, height and all elements of fencing shall comply with the design guidelines.

B. General Requirements: Any permanent fencing shall be incorporated into the development design and implemented by the developer in compliance with any other applicable ordinances and meet the following general requirements:

1. All fencing designed and installed by the developer shall be approved by the City and shall be considered part of the project improvements for purposes of security and occupancy.

2. All applicable zoning and building code requirements pertaining to fencing shall be met.

3. All fencing installed by the developer shall be maintained in good condition by the owners after the improvements guarantee is released, unless said fencing is specifically accepted by the City for maintenance.

C. Fencing Design: The following design requirements pertaining to fencing shall be incorporated into the development design and implemented by the developer. The developer shall install fencing at his/her expense as follows:

1. An approved fence between the development and any incompatible use identified by the City such as canals, ditches, flood channels or other waterways or other hazardous or unsightly uses.

2. An approved fence between the development and incompatible zones.

3. An approved fence between public streets and rear and side yards of single-family residential lots or parcels in agricultural and residential zones may be required.

4. Concept drawings must be submitted to the City staff for review prior to construction.

5. Building permits are required for fences.

6. Fence height shall be measured from the natural grade to the top of the fence and shall not exceed six feet (6').

7. Fences along public streets over four feet (4') in height shall not be built within the minimum required zoning setback of twenty-five feet (25'). Any fencing erected within the ten-foot (10') public utility easement is subject to removal by a public utility company for any purpose it deems necessary. Removal and replacement shall be at the expense of the property owner.

8. Fences and walls shall not exceed forty feet (40') of unbroken lengths to reduce visual mass. Walls and fences that exceed forty feet (40') in length shall be designed to vary in height and be stepped in an offset manner.

9. When a fence or wall on a public street creates a continuous surface greater than twenty feet (20') in length, it shall be softened visually with acceptable vegetation. (Ord. 2012.04, 1-18-2012)

10. Desired exceptions to this section shall be subject to review by the building official or the planning commission. (Ord. 2012.04, 1-18-2012; amd. 2014 Code)

Note:

1. An additional 36 inches of open design fence, such as wrought iron, may be added to the top of any fence along rear property boundaries for safety purposes.

10-19D-13: LANDSCAPING:

A. Purpose: Landscaping is intended to enhance and preserve the natural beauty of the City while conserving water.

B. General Requirements:

1. Landscaping, in accordance with 10-21-5 and all applicable City design guidelines, shall be provided according to an approved plan. Landscaping may include berming, contouring, rocks, boulders and drought tolerant desert vegetation.

2. The developer shall install all required street landscaping improvements and properly maintain said improvements until one hundred percent (100%) release of the improvement guarantee. The owners of property in all developments shall be responsible for proper landscaping and maintenance of public or private park strips and medians. The developer shall note on the final plat or site plans and in the covenants and restrictions for the development those public right of way areas, including park strips, for which the homeowners shall have responsibility for landscape improvements and maintenance. Failure to place such notes will not nullify the owners' responsibilities for park strips and medians as described in this section. (Ord. 2012.04, 1-18-2012)

10-19D-14: UTILITIES AND OTHER IMPROVEMENTS REQUIRED:

A. Conformance Required: All design and construction work shall be in conformance with the City design standards and specifications for construction (latest edition), state and federal regulations, in conformance with the City General Plan, and conform to generally accepted rules and regulations. All

construction must be approved by the City.

B. Off Site Utilities: The developer will be required to construct any off site utilities mains and/or facilities necessary for the project and as required by the City.

C. Underground Service: All utilities shall be provided through underground service in properly recorded easements or rights of way. Underground utilities shall be installed only after the street has been rough graded to a line and grade approved by the City. All utilities and other improvements that will be placed beneath the asphalt pavement section shall be installed prior to the placement of any road base and asphalt and inspected and accepted by the City, and shall include any necessary crossing of other improvements or utilities.

D. Location: All utilities shall extend through and/or to the furthest point of the development for future growth, as required by the City.

E. Coordination Of Installation: The developer shall be responsible for the coordination of utility installation with existing utilities, including the rerouting of existing utilities.

F. Applicable Utilities: The general requirements listed above pertain to all the following utilities and other improvements deemed necessary and shall be incorporated into the development design and implemented by the developer:

1. A culinary water system, including the mains, valves, fire hydrants, pressure reducing valves and service laterals to each lot or parcel in the project. All water mains shall be of sufficient size to provide required fire flows. The locations of all fire hydrants shall be approved by the City.

2. A public sanitary sewer system, including the mains, manholes and service laterals which must be extended from the sewer main to each lot or parcel in the project.

3. A secondary water system to provide water for outside landscaping to each lot in the project. The secondary water system shall be of similar type and requirements as the culinary water system and shall comply with all related standards and specifications.

4. Subsurface water drains shall be inspected and approved by the City, and shall become the responsibility of the homeowners and/or developer. The City shall not be responsible for the maintenance or failure of the subsurface drains, or for damage resulting from inadequate, clogged or defective drains. The developer shall guarantee adequate security for costs associated with operations, maintenance and repairs of the subdrain line.

5. A storm drainage system and detention basins shall be installed as required by the City. The drainage shall comply with drainage studies, downstream facilities and capacities and shall conform to the City General Plan and storm drain capital facilities plan. All developments are required to provide safe and adequate drainage for the existing flows occurring on, or that passing through, the project.

6. Provisions for other utilities, such as power, phone, gas, and cable TV as necessary for the project. The developer is required to coordinate the installation and maintenance of these utilities.

7. Permanent monuments shall be furnished, accurately established, and set by a certified state licensed land surveyor, at such points as necessary to define and establish all lot lines and rights of way within the project.

8. Street signs shall be installed in conformance with the City standards and

specifications.

9. Streetlights in conformance with City standards and specifications shall be installed at all street intersections, school and pedestrian crossings, and on public streets at intervals and locations specified by city standards and specifications for design and construction. (Ord. 2012.04, 1-18-2012)

10-19D-15: DRAWING OF RECORD:

A. As built drawings shall be submitted by the developer for the utilities and other improvements required. The drawing of record shall include the following:

1. An actual location of the sewer mains and manholes (tied to acceptable positions) with their depths, grades, sizes and types. Also, the distance from the closest property line of each lot or parcel to the sewer lateral service shall be shown.

2. An actual location with ties to all valves for the culinary water, secondary water and irrigation company water shall be shown. An approximation of the water mains with their sizes and the type of water main shall also be shown.

3. An actual location of the storm drain and subdrain manholes, catch basins, inlet boxes and pipes with their depths, grades, sizes and types.

4. Two (2) benchmarks shall be established and shown on the drawing of record, that shall be located on or near the development.

5. The drawing of record shall reflect all field changes or any aspect of the original Subdivision Improvement Plans.

6. An elevation shall be established at the ends of all new curb and gutter, waterways and sidewalks, which are stubbed at the ends of the development.

7. Detailed landscaping plans.

8. Detailed fence/wall design, including elevation in comparison with street elevation. (Ord. 2012.04, 1-18-2012)

B. The developer shall provide three (3) sets of the drawing of record for review by the City staff. Once the drawing of record has been corrected and is approved by the planning and zoning administrator, City Engineer, City Attorney and Ash Creek Special Service District, the developer shall provide one mylar set of the corrected copies and shall also provide a copy of the electronic computer generated version. (Ord. 2012.04, 1-18-2012; amd. 2014 Code)

10-19D-16: IMPROVEMENT REQUIREMENTS, GUARANTEE AND WARRANTY:

A. Improvements Required:

1. Developers of subdivisions, condominiums, master planned developments or any other development shall be required to design, construct and dedicate public improvements which are necessary to serve the development and connect to existing and future infrastructure. Public improvements shall be designed and constructed according to requirements of this Chapter and all other City ordinances, and the standard specifications for design and construction.

2. Public improvements shall include, but not be limited to, street curb and gutter, landscaped park strips, sidewalks, streetscape buffer, project buffer, street paving, culinary water, secondary water systems, storm drainage systems, sanitary sewer systems, streetlights, street signs, fences, fire hydrants and utilities.

3. Impact and other fees and dedications associated with the development

are also required in addition to the construction and dedication of public improvements required with the development.

B. Responsibility For Improvements:

1. Prior to final acceptance of public improvements by the City as prescribed in this Chapter, the developer shall be responsible for the proper replacement, repair and maintenance of any public improvements associated with the development which were installed by the developer. The developer shall be obligated to the City to replace, repair and/or maintain any defective, damaged or deteriorating public improvements related to the development at his/her expense until the time that said public improvements are inspected and accepted by the City.

2. In the event that certain areas or structures are provided within the subdivision for private recreational use or as service facilities, the owner of such land and buildings shall establish an arrangement to assure a continued standard of maintenance consistent with the conditions of subdivision approval.

C. Improvement Guarantee: In order to ensure proper completion and maintenance of required improvements for a subdivision, condominium or master planned development in the City, the developer or owner shall enter into a security agreement for completion with the City or install improvements to City standards.

1. Security Agreement:

a. The developer/owner shall enter into a security agreement and provide a cash bond deposited with the City, an irrevocable letter of credit or an escrow security agreement for the improvements on the final plat or site plan as directed by the City Council and/or City Attorney. The improvement guarantee shall be posted prior to the City Attorney signing of the final plat or site plan, and prior to recording of any accompanying documents. The security agreement shall be included in the recorded development agreement.

b. The cash bond, irrevocable letter of credit or escrow security agreement shall ensure the timely and satisfactory construction of all required public improvements, private streets and sidewalks, perimeter walls, and streetscape buffers and provide a guarantee for said improvements. The City Engineer shall determine the amount of the improvement guarantee, which shall be one hundred fifteen percent (115%) of the estimated cost of the improvements.

c. The improvement guarantee may be reduced at intervals at the request of the subdivider as improvements are installed and accepted by the City as specified in the development agreement. No security shall be reduced below fifteen percent (15%) of the City Engineer's estimated cost of the improvements to be installed until final acceptance by the City Council following the warranty period.

2. Installation Of Improvements:

a. The developer/owner may install improvements after approval of the final plat and recording of the development agreement in lieu of bonding for required improvements.

b. A restoration bond equal to one hundred fifteen percent (115%) of the City Engineer estimate per platted lot for the project or phase of the project being constructed. This bond shall be posted prior to construction of any improvements in accordance with the recorded development agreement. This restoration bond is intended to protect the City from unfinished improvements that may create

safety hazards or nuisance and debris problems.

c. All improvements shall be completed in accordance with approved construction drawings as required by this Chapter and shall be approved by the City Engineer prior to the recording of the final plat.

D. Warranty Period: The warranty period for public improvements shall commence on the date that all City required improvements associated with the development have been completed to the satisfaction of the City and a final inspection thereof has been made approving the same. The warranty period shall commence at that date and shall continue for one year thereafter for all improvements. If any deficiencies are found by the City during the warranty period in materials or workmanship, the developer shall promptly resolve such defects or deficiencies and request the City Engineer to reinspect the improvements. If the defective or deficient improvements are not corrected, the City will give notice to the developer of the action to file on the security agreement for completion of the improvements. At the end of the one year period, as applicable, the developer shall request the City staff to make a final warranty period inspection of all improvements. If the City Engineer verifies that the improvements are acceptable, the security posted by the developer under the security agreement shall be released. (Ord. 2012.04, 1-18-2012)

10-19D-17: BUILDING PERMITS:

No building permits will be issued and the developer may not begin construction on any off site or on site improvements or on any building structure until:

A. The development agreement has been recorded and the final plat is approved (recorded if improvements are bonded) and the developer/owner and all approvals of the City Council, Planning Commission, all affected government agencies, Citydepartments and public utilities have been given. The development agreement shall contain satisfactory security guarantees for installation of public improvements or provisions for the completion of improvements.

B. Water, sewer, storm drain and all other public utilities are provided and are approved and accepted by the City and affected government agencies and public utilities.

C. All public streets required for and contained in the development have been improved with curb, gutter and road base placed, graded, compacted and approved on entire road surface. (Ord. 2012.04, 1-18-2012)

10-19D-18: CERTIFICATES OF OCCUPANCY:

It shall be unlawful for any developer or owner to sell any portion of an approved development without informing the prospective buyer or builder that occupancy may not be obtained until all permanent improvements are installed and approved by the City. These improvements include:

A. Culinary water, secondary water, sewer, storm drain and all other public utilities are provided to the subject lot or parcel and are approved and accepted by the City and affected government agencies and public utilities.

B. All public streets required for and contained in the development have been improved with curb, gutter and sidewalk paving according to City standards and specifications.

C. All improvements and requirements for the development, including, but not limited to, fire protection, storm drainage, lighting and fencing have been

installed and approved according to City standards.

D. All conditions and requirements of approval are satisfied, including recording of plats, dedication of property and recording of agreements or easements.

E. All landscaping, paving, screening and other miscellaneous improvements are installed according to plans and approved by the City. Landscaping improvements may be delayed because of season and a certificate of occupancy issued; provided, that a security agreement in the amount of the landscaping improvements is in place with the City.

F. Before the certificate of occupancy is issued, at least three (3) trees shall be planted and growing. (May include existing trees.)

G. Address numbers shall be installed and shall be visible and readable from the street. (Ord. 2012.04, 1-18-2012)

10-19D-19: CONSTRUCTION:

A. Preconstruction Meeting:

1. Prior to excavating or starting of the work, the developer shall meet with all utilities, City Public Works Director and the City Engineer in a preconstruction meeting. The developer, engineer and all contractors responsible to build the improvements associated with the project shall attend the preconstruction meeting.

2. The purpose of this meeting shall be to:

a. Verify approval of the final plat and final approval of the Subdivision Improvement Plans;

b. Verify posting and amount of restoration bond;

c. Determine schedule of construction;

d. Determine the names, addresses and phone numbers of contractors, inspectors and all persons involved;

e. Review plans and special conditions or requirements;

f. Review security reduction release procedures;

g. Coordinate inspection and testing;

h. Discuss City standards and specifications. (Ord. 2012.04, 1-18-2012)

B. Inspections:

1. Frequency: Construction work involving the installation of public improvements in subdivisions and other developments shall be subject to the inspection of the City staff, including, but not limited to, the planning and zoning administrator and City Engineer.

2. Requests For Inspection: Requests for inspections shall be made to the City Engineer and Planning and Zoning Administrator by the person responsible for the construction. Requests for inspection on work shall be made one working day prior to the commencement of the work. Inspections shall be made by the City Engineer and Planning and Zoning Administrator after various phases of the construction work are completed. Any faulty or defective work shall be corrected by the developer or the developer's contractor within a period of thirty (30) days from the date of the City Engineer and Planning and Zoning Administrator's written notification to the developer that correction of the faulty or defective work is required. (Ord. 2012.04, 1-18-2012; amd. 2014 Code)

ARTICLE E. SIMPLE SUBDIVISIONS

SECTION:
10-19E-1: Purpose
10-19E-2: Applicability
10-19E-3: Simple Subdivision Application
10-19E-4: Required Conditions
10-19E-5: Submittal Contents
10-19E-6: Review and Approval Process
10-19E-7: Filing the Record of Survey
10-19E-8: Expiration of the Final Approval
10-19E-9: Flag Lots

10-19E-1: PURPOSE:
The purpose and intent of this simple subdivision process is to take advantage of the Utah State Code exemption to allow for subdivisions with no more than three (3) lots to be processed as quickly as possible. This code outlines a separate process for these smaller subdivisions. In this process, an applicant may elect to divide property through a metes and bounds record of survey.
10-19E-2: APPLICABILITY:
The procedures set forth in this Article shall govern the process and requirements pertaining to simple subdivisions with no more than three (3) lots. An applicant may elect to forgo the simple subdivision process and instead proceed with the standard preliminary and final plat subdivision process.
10-19E-3: SIMPLE SUBDIVISION APPLICATION:
The subdivider of a simple subdivision shall submit an application to the Planning and Zoning Administrator along with the application fee set by the City Council, one (1) twenty-four-inch by thirty-six-inch (24" x 36") or larger drawing, and one electronic copy of the plat showing the land to be subdivided, properly and accurately drawn to scale and with sufficient additional information to determine the boundaries of the proposed subdivision. Such plat shall be certified as to the accuracy by a licensed land surveyor.
10-19E-4: REQUIRED CONDITIONS:
For a proposed subdivision to qualify for simple subdivision approval, the proposed simple subdivision shall:
A. Be for a single-family dwelling or dwellings and any associated accessory dwelling.
B. Be located on property zoned for such use.
C. Result in no more than three (3) lots.
D. Show frontage on a dedicated roadway for each resulting lot, as required by the existing zoning.
E. Not contain any legislative approval, such as a zone change or general plan amendment request. Any legislative approval necessary for the simple subdivision to meet all requirements shall be pursued separately and shall be completed before the (Land Use Authority) may review the simple subdivision application.
F. Not to be traversed by the mapped lines of a proposed street as shown in the general plan or master transportation plan unless Toquerville City has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes as the

municipality's ordinance requires, and

Conform to all applicable land use ordinances. A property that has previously obtained a variance shall be deemed to conform as it relates to the conflict that had necessitated the variance.10-19E-5: Submittal Contents:

A simple subdivision application shall include Subdivision Improvement Plans and shall comply with the Subdivision Submittal Requirements Policy maintained by the City.

10-19E-6: SIMPLE SUBDIVISION REVIEW AND APPROVAL PROCESS:

The intent of the Simple Subdivision process is to provide timely review and approval of all applications, as follows:

A. Optional Pre-Application Meeting: An applicant may request to meet with City staff to review the application and requirements.

B. Preliminary Review: The applicant shall submit the application and all required contents. The City will determine if the application is complete. If not all materials have been submitted, the application shall be returned to the applicant until all required contents are included.

C. Staff Review: Once the application is deemed to be complete, the Planning and Zoning Administrator and/or City designee shall complete a review of the simple subdivision application and Subdivision Improvement Plans and determine whether the application meets all requirements or requires corrective actions and shall notify the applicant in a written response:

1. If the application is found to require corrections, the City shall be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare for resubmittal.

2. The Planning and Zoning Administrator and/or City designee may require additional information relating to the application to ensure compliance with the City's ordinances and approved standards.

3. If the applicant is found to meet all codes, standards, and specifications, the Planning and Zoning Administrator and/or City designee shall approve the application.

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D. Improvements Required: Street and access road improvements shall be required as a condition to recording a subdivision plat for a simple subdivision and a condition to issuance of a building permit. The following minimum improvements are required:

1. On Improved Public Streets: All public street improvements must be completed to the street improvement standards applicable at the time the application for a simple subdivision is made. Property for the public street right-of- way shall be dedicated if required in accordance with the City's General Plan.

2. On Unimproved Public Streets: A bond in the amount of one hundred ten percent (110%) of the estimated required street improvements shall be obtained at the time the application for a simple subdivision is made. Improvements may include paving, curb, gutter, sidewalk and streetscape landscaping. The bond shall be in the form of cash in an escrow account to be held by the City for the construction of street improvements. Property for the public street right-of- way shall be dedicated to the City, if required, in accordance with the City's General Plan.

3. On Access Roads: Access roads that are greater than one hundred fifty feet (150') in length, include a fire hydrant, and serve as access to any lot, must have a minimum twenty foot (20') paved surface, six inches (6") minimum of road base and surface drainage designed to handle a 10-year storm.

4. All Weather Surface: Options for "all weather" surface may be approved on a case by case basis.

5. Other Improvements Required: Any simple subdivision created for the purpose of erecting structures, either residential or commercial in nature, shall comply with section 10-19D-2, "Subdivision Improvement Plans", of this Chapter.

E. Building Permits On Unimproved Streets:

1. All public streets and access roads that are greater than one hundred fifty feet (150') in length, include a fire hydrant, and serve as access to any lot, must conform to the International Fire Code, which establishes requirements for unobstructed street widths, turnarounds, and surface so as to provide all weather driving capabilities. The basic requirements are:

a. Twenty six feet (26') minimum of an "all weather" surface;

b. Six inches (6") minimum of road base; and

c. Surface drainage designed to handle a 10-year storm.

2. Options for "all weather" surface may be approved on a case by case basis. These improvements are required from the lot affected to the closest road with an "all weather" surface.

F. Standards For Review: Approval of a simple subdivision shall be based on the following standards:

1. The proposed simple subdivision will result in parcel sizes and uses that are consistent with the General Plan.

2. The lots created as provided under this Article shall retain their existing zoning.

3. The proposed lots will be consistent with current requirements of their existing zone.

4. The lots created shall comply with all applicable regulations of this Chapter.

1. The simple subdivision may create no more than a total of three (3) lots or parcels including the original lot or parcel. No additional simple subdivision may be requested for either resulting parcel sooner than five (5) years from the previous simple subdivision. (Ord. 2017.10, 6-8-2017)

10-19E-7: FILING THE RECORD OF SURVEY:

A. After the Planning and Zoning Administrator and/or designee have approved the simple subdivision application, the City shall create a written certificate of approval to accompany the record of survey. At a minimum, the document shall be notarized by the City Recorder and specify the name of the subdivision, the number of lots, and the date of approval.

B. The applicant shall provide paymentsufficient to cover the recording fees.

C. Within one (1) year of approval the Record of Survey, with the accompanying written certificate of approval, shall be filed in the Office of the Washington County Recorder.

10-19E-8: EXPIRATION OF THE FINAL APPROVAL:

If a record of survey is not filed within one (1) year from the date of approval, the approval is deemed to have lapsed and the applicant will need to obtain a new

approval and meet any new regulations that may have been put in place.

10-19E-9: FLAG LOTS:

A. Flag Lots: A flag lot for one (1) single-family dwelling may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this Title or other titles adopted by the City. Flag lots will be considered and approved on a case by case basis as a simple subdivision and shall follow the approval process prescribed in this Chapter. In addition, all flag lots shall meet the following additional requirements:

1. Factors: Flag lots may be allowed and approved after consideration of the following factors:

a. More than two (2) contiguous staffs are prohibited.

b. The development of the property in question must be found by the Planning Commission to be reasonable and practical under normal City land use and subdivision regulations.

c. The creation of the flag lot must not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.

2. Development Standards: If any proposed flag lot meets the above requirements, the development shall be subject to the following standards and conditions:

a. The original parcel, after the flag lot split, shall conform to and meet all requirements, set-backs, height restrictions, etc., of the zone in which it is located.

b. The flag portion of the lot shall meet all lot width, setback and yard requirements for the zoning district in which it is located. The staff portion of the lot may be included in the calculation of lot area.

c. A flag lot shall be comprised of a staff (narrow) portion and a flag (wide) portion. The flag and staff must be contiguous.

d. The staff portion of the lot shall front on a public street. The minimum width of the staff portion at any point shall be twenty six feet (26') and complies with fire authority specification. However, a greater staff width for lots in sensitive lands overlay zones may be required. The maximum length of the staff shall be five hundred feet (500') and the maximum grade of the staff shall not exceed twelve percent (12%).

e. The lot access-turn-around and fire protection shall be approved by the Hurricane Valley Fire District.

f. No building or structure will be located within the staff portion of the flag lot.

g. The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Yard setbacks shall conform to the setback requirements of the zone in which the flag lot is located.

h. The main building shall be located no more than two hundred fifty feet (250') from a fire hydrant, measured along a public or private right-of-way or along the staff portion of the lot. An easement for any fire hydrant located on private property shall be provided to the City for access to and maintenance of the hydrant and water line.

i. Upon review, the City may require installation of curb, gutter and other drainage control measures in the staff portion of the lot to prevent runoff from entering neighboring properties.

j. Clear address signage shall be installed and maintained at the street by the owner, including notice that the driveway is a private right-of-way.

k. All structures shall meet the height requirements of the zone in which a flag lot is located.

l. Before a flag lot is approved a site plan and construction drawings must be submitted and approved by the City and all utility providers.

m. All required improvements shall be installed on the newly created lot prior to recording the final plat for such lot. (Ord. 2017.10, 6-8-2017)

ARTICLE F. PHASED SUBDIVISIONS

SECTION:

10-19F-1: Applicability
10-19F-2: Purpose And Intent
10-19F-3: Phased Subdivision Master Plan
10-19F-4: Preliminary Plan And Final Plat Required
10-19F-5: Dedication Of Open Space Required
10-19F-6: Development Agreement
10-19F-7: Recordation Of Master Plan And Development Agreement

10-19F-1: APPLICABILITY:

Conventional subdivisions and master planned developments may be completed in phases. Prior to the application and approval of a preliminary plat and final plat as required in Article C of this Chapter, a developer and/or owner may submit a phased subdivision master plan that will encompass the general development parameters for the entire subdivision. The phased subdivision master plan will establish phases, proposed uses and general development guidelines for all phases of the subdivision. The established uses, development parameters and guidelines shall be included in a development agreement as required in Article C of this Chapter. (Ord. 2012.04, 1-18-2012)

10-19F-2: PURPOSE AND INTENT:

A. The purpose and intent of the phased subdivision master plan is to allow a conceptual review and approval of general development parameters prior to detailed reviews of a subdivision preliminary plat and final plat. The phased subdivision master plan is intended to establish uses, phases and general development guidelines for all phases of a phased subdivision. It is the intent of this process to allow a developer and the City to master plan large scale, multiphased developments and proceed with the development approval, as well as the actual construction on a phased basis over a period of years. After approval of the phased subdivision master plan, a preliminary plan and final plat, as required in Article C of this Chapter, must be approved prior to development of the subdivision. Required improvements are outlined in Article D of this Chapter.

B. All details, obligations and requirements of the phased subdivision master plan shall be contained in a development agreement. The development agreement shall include all obligations of the developer/owner and conceptual development approvals for future phases. All subdivision requirements and development standards shall be imposed as part of detailed reviews and approvals of the subdivision preliminary plan and final plat. (Ord. 2012.04, 1-18-2012)

10-19F-3: PHASED SUBDIVISION MASTER PLAN:

A. Application: The phased subdivision master plan shall be submitted, along with applicable fees, and contain the following:

1. Legal description of property and indication of gross area.

2. Nature of the applicant's interest in the land to be developed.

3. All persons owning or having interest in land proposed for development, including easements, tenants, licenses, lienholders or other interests.

4. A generalized location map showing surrounding land use, zoning and traffic circulation.

5. Site condition. An analysis of the existing site conditions, which includes:

a. Topographic contours with intervals of no more than two feet (2'), to a distance of one hundred feet (100') beyond the property boundary.

b. Location and extent of major vegetative cover (if any).

c. Location and extent of perennial or intermittent streams or water ponding areas.

d. Existing drainage and irrigation flows and patterns.

e. Natural features, such as rock formations.

f. Other information that may be relevant to the property.

6. Open space expressed as percentage of total area, as well as in acres.

7. A land use plan at a scale not smaller than one inch equals one hundred feet (1" = 100'), indicating land uses, acres and development densities of each land use and the most nearly equivalent zoning categories, all arterial and collector street circulation elements, pedestrian and/or bicycle circulation, open spaces and recreational areas.

8. Conceptual landscaping plans in accordance with the City design guidelines.

9. A traffic analysis report, if deemed necessary by the City.

10. Phasing plan indicating the areas to be phased and the sequence of future development.

B. Standards For Review:

1. The proposed subdivision shall conform to the general plan, this Title, applicable design guidelines, and other relevant sections of this Chapter.

2. The proposed water source has adequate capacity and a method of distribution within the subdivision. If applicable, an agreement to provide water from the water provider and/or evidence of availability of water may be required.

3. The proposed sewage system meets state and City standards and regulations.

4. The proposed method for fire protection complies with this Chapter and other City regulations.

5. The proposed uses for the property are appropriate to the zone district.

6. The layout/design is responsive to the constraints of topography, soil types, watercourses, floodplains, visual impacts and preservation of views.

7. Adequate public services are available to meet the needs of the proposed subdivision, including roads, gas, electric, telephone, mail, police and fire protection, schools and recreation. If, after reviewing the application, making site visits and examining materials submitted by the developers, the City staff determines that adequate public improvements are not available and will not be available by the time of final plat approval, then one of the following alternatives

may be elected, at the discretion of the City Council, to assure that adequate public services are available at the time of occupancy:

a. Allow the developer to voluntarily construct those public improvements which are necessary to service development as determined by the City staff by entering into an appropriate form of development agreement, which shall include, if applicable, provisions to recoup any expenses incurred above and beyond those reasonable and necessary for, or related to, the need created by, or the benefit conferred upon, the proposed development, and the method and conditions upon which expenses may be recouped. Any agreement authorized by this Subsection must be executed prior to the construction of the improvements and in compliance with the development agreement requirements of this Chapter;

b. Require the timing, sequencing and phasing of the proposed development consistent with the availability of adequate public improvements;

c. Defer preliminary and final plat approval and issuance of building permits until all necessary public improvements are adequate and available; or

d. Deny the master plan approval and allow the applicant to reapply when adequate public improvements are available.

8. The Planning Commission and City Council may request additional information and/or provide comments, directions and suggestions to the applicant.

C. Termination Of Approval: Failure to submit a preliminary plan on the first phase as approved in the phased subdivision master plan and development agreement within one year of the approval of the phased subdivision master plan shall terminate all proceedings and render the phased subdivision master plan null and void. (Ord. 2012.04, 1-18-2012)

10-19F-4: PRELIMINARY PLAT AND FINAL PLAT REQUIRED:
A preliminary plat and final plat application must, as outlined in Article C of this Chapter, be approved prior to the development of the subdivision. (Ord. 2012.04, 1-18-2012)

10-19F-5: DEDICATION OF OPEN SPACE REQUIRED:
All open space, including lands designated as trails, easements, buffers, parks, medians and any other open space shall be deeded as part of the phased subdivision master plan development agreement. (Ord. 2012.04, 1-18-2012)

10-19F-6: DEVELOPMENT AGREEMENT:

A. The development agreement shall specify all conditions and requirements that must be met in order to protect and maintain a vested approval for all subsequent phases. For example, the City may impose as a condition precedent to final approval of subsequent phases, the availability and access to water and sewer services and source sufficient to accommodate the subsequent phases.

B. A copy of the phased subdivision master plan, showing all phases, shall be attached to and incorporated in the development agreement.

C. The development agreement shall include legal description of lands to be dedicated as open space, including trails, easements, buffers, parks, medians and other open space. (Ord. 2012.04, 1-18-2012)

10-19F-7: RECORDATION OF MASTER PLAN AND DEVELOPMENT

AGREEMENT:
The approved phased subdivision master plan and development agreement shall be recorded and be included in the subdivision plat records of the Washington County recorder's office. Recordation by the City shall only take place after all of the necessary signatures are obtained, all approvals given, and all applicable bonds and fees are posted with the City. (Ord. 2012.04, 1-18-2012)

ARTICLE G. LOT LINE ADJUSTMENTS
SECTION:
10-19G-1: Purpose
10-19G-2: Review Process
10-19G-3: Recorded Plat Title Exchange

10-19G-1: PURPOSE:
The purpose of this Article is to allow adjoining property owners to make adjustments in location of joint property lines as may be necessary and prudent with minimal procedural review. (Ord. 2012.04, 1-18-2012; amd. Ord. 2021.21, 8-18-2021)

10-19G-2: REVIEW PROCESS:
A. The owners of record of adjacent parcels that are described by metes and bounds description may exchange title to portions of those parcels if a completed application for lot line adjustment is submitted, along with a map showing both parcels before and after the lot line adjustment and the lot line adjustment and the exchange of title is approved by the planning commission as provided under Utah Code Annotated § 10-9a-608. Staff review and recommendations on any lot line adjustment will be required.
B. The planning commission shall approve an exchange of title under this section if:
1. No new dwelling or housing unit will result from the exchange of title; and
2. The exchange of title will not result in a violation of applicable zoning requirements.
C. If an exchange of title is approved under Subsection B of this Section, a notice of approval shall be recorded by the Planning Commission which:
1. Is executed by each owner included in the exchange and by the Planning Commission Chairperson.
2. Contains an acknowledgment from each party executing the notice in accordance with the provisions of Utah Code Annotated Title 57, Chapter 2a, recognition of acknowledgments act; and Recites the descriptions of both the original parcels and the parcels newly created by the exchange of title.
D. A notice of approval recorded under this section does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property. (Ord. 2012.04, 1-18-2012; amd. 2014 Code; Ord. 2021.21, 8-18-2021)

10-19G-3: RECORDED PLAT TITLE EXCHANGE:
The owners of record of adjacent parcels that are part of a recorded plat may exchange title to portions of those parcels by following the procedure outlined in

section 10-19C-4(F) of this code. (Ord. 2021.21, 8-18-2021)

ARTICLE H. LARGE PARCEL PROPERTY DIVISIONS

SECTION:
10-19H-1: Purpose
10-19H-2: Application
10-19H-3: Requirements
10-19H-4: Review Process

10-19H-1: PURPOSE:
The purpose of this Article is to provide a process for dividing larger parcels of property without the need for development or the construction of improvements. (Ord. 2017.12, 11-9-2017)

10-19H-2: APPLICATION:
An application is required for the division of large parcel properties and shall meet the requirements of this Chapter. A completed application, all required documents and the appropriate fee must be submitted to the City prior to the review and approval for such divisions. (Ord. 2017.12, 11-9-2017)

10-19H-3: REQUIREMENTS:
A. The following general requirements must be met for large parcel divisions.
1. Parcel being divided must be at least five (5) acres.
2. Each parcel created must meet the requirements of the zone in which such division occurs.
3. Large parcels shall not be divided for the purposes of residential or commercial development.
4. Applicant must submit an "Owners Affidavit or Power of Attorney".
5. Applicant must submit a vicinity map.
6. Applicant must submit a "Record of Survey" and legal description. (Ord. 2017.12, 11-9-2017)

10-19H-4: REVIEW PROCESS:
A. Review:
1. Staff Review: After the application has been certified complete, a review of the application will be made at the next regularly scheduled staff meeting. The Planning and Zoning Administrator will prepare a staff report and forward the application to the Planning Commission.
a. Planning Commission Review: The Planning Commission will conduct a review of the application at their next regular Planning Commission meeting. The Planning Commission will recommend approval, approval with conditions or denial of the application to the City Council.
b. City Council Approval: The City Council will consider the application at a regular meeting. A final determination will be made and the applicant will be notified of the decision. (Ord. 2017.12, 11-9-2017)

ARTICLE I.
CONSOLIDATION OF CONTIGUOUS LOTS AND PARCELS

SECTION:

10-19I-1: Purpose
10-19I-2: Applicability And Criteria
10-19I-3: General Consolidation Application Requirements
10-19I-4: City Internal Review And Approval
10-19I-5: Recordation Of Consolidation Instruments
10-19I-6: Expiration Of Approval

10-19I-1: PURPOSE:
The purpose of this Article is to allow for the consolidation of contiguous Lots within a platted subdivision, or the consolidation of contiguous un-platted Parcels, both of which being under common ownership. (Ord. 2023.08, 4-19-2023)

10-19I-2: APPLICABILITY AND CRITERIA:
A. This Article applies to two or more contiguous Lots that are part of a previously recorded subdivision plat or, two or more contiguous un-platted Parcels of land described by a record of survey or instrument containing a metes and bounds legal description.
B. For two (2) or more Lots or Parcels to be consolidated into one Lot or Parcel, the following criteria shall be met:
1. Compliance with all applicable zoning regulations of Title 10 of the Toquerville City Code (Land Use Regulations) including maximum lot size, if applicable.
2. A Lot or Parcel consolidation cannot yield two (2) principal Dwellings on one Lot or Parcel, unless permitted in the zoning district or by an approved Master Planned Development Overlay zoning designation.
3. Lots or Parcels being consolidated must share the same zone.
4. Lots or Parcels being consolidated shall be contiguous to each other along the majority of their common boundaries.
5. Lots or Parcels being consolidated shall be owned in the same recorded name.
6. Lots or Parcels being consolidated shall retain all accesses, rights-of-way, and easements (express or prescriptive) located thereon.
C. Subdivisions governed by a Homeowners Association (HOA), must have a written letter of approval from said HOA at the time of application. (Ord. 2023.08, 4-19-2023)

10-19I-3: GENERAL CONSOLIDATION APPLICATION REQUIREMENTS:
The owners of record of adjacent parcels that are part of a recorded plat may exchange title to portions of those parcels by following the procedure outlined in section 10-19C-4(F) of this code.
A. The application for consolidation of two or more contiguous Lots within a recorded subdivision shall include:
1. The payment of the Lot Consolidation Application Fee as set in the City's Uniform Fee Schedule, as amended from time to time.
2. A copy of the final plat for the applicable Subdivision or phase thereof as

recorded.

3. An amended final plat or a amended partial final plat for the applicable Subdivision or phase of the Subdivision where the Lots are located prepared and certified by a licensed land surveyor or engineer containing the following:

a. A partial plat amendment of the Lots being consolidated along with all contents required in Section 10-19C-4(B)(1) through (18) - as to those consolidated Lots only;

b. A metes and bounds legal description for the outer edges of the consolidated Lot;

c. The location of any Dwelling(s), Building(s) or Structure(s) on the consolidated Lot;

d. An Owner's Consent Certificate to be signed by the Owner of the Lots indicating that the Owner, as the fee simple title holder of both Lots, consent to consolidation of said Lots into one.

e. A notary public acknowledgment of the Owners Consent Certificate.

f. A statement on the amended plat as follows: "Consolidation of Lots and are the only changes to the Subdivision depicted herein".

4. A map showing existing utilities and connections to utilities that will service the consolidated Lot and the Dwellings/Buildings thereon for the Joint Utility Committee to review and approve.

5. An approval letter from the Subdivision's Homeowners Association, if applicable.

B. The application for consolidation of two or more un-platted Parcels shall include:

1. The payment of the Lot Consolidation Application Fee as set in the City's Uniform Fee Schedule, as amended from time to time.

2. A site plan containing the boundaries and the metes and bounds legal descriptions of the Parcels to be consolidated - as they are currently recorded.

3. A record of survey showing the consolidated Parcel prepared and certified by a licensed land surveyor containing the following:

a. A metes and bounds legal description for the outer edges of the consolidated Parcel,

b. The location of any Dwelling(s), Building(s) or Structure(s) on the consolidated Parcel, and

c. A survey note indicating that the purposes of conducting, preparing and recording record of survey is to effectuate a parcel consolidation.

d. An Owners Conveyance Certificate to be signed by the Owner of the Parcels indicating that the Owner, as the fee simple title holder of both Parcels conveys the same to itself to be held as one consolidated Parcel.

e. A notary public acknowledgment of the Owners Conveyance Certificate.

f. A survey note verifying that the elimination of certain boundary Parcel lines as part of the consolidation will not leave in place any utility easement(s) that will impede future development.

g. A box in the lower left corner of the record of survey indicating that by signature of the Zoning Administrator or its designee or an official stamp of the City that the lot consolidation contemplated by the survey is approved by the City. (Ord. 2023.08, 4-19-2023)

10-19I-4: CITY INTERNAL REVIEW AND APPROVAL:

A. The Zoning Administrator or its designee shall review the consolidation application for completeness and for compliance with all other regulations contained in Title 10 (Land Use Regulations) of the Toquerville City Code.

B. Platted Lot Consolidations. Upon the review and a completeness determination by the Zoning Administrator or its designee, said official shall refer the application to consolidate two or more contiguous platted Lots to the Planning Commission who shall review and approve, deny or approve the same with conditions.

C. Un-Platted Parcel Consolidations. Upon the review and a completeness determination by the Zoning Administrator or its designee, said official shall review an application to consolidate two or more contiguous un-platted Parcels and approve, deny or approve the same with conditions. (Ord. 2023.08, 4-19-2023)

10-19I-5: RECORDATION OF CONSOLIDATION INSTRUMENTS:

A. Platted Lot Consolidations. Upon approval by the Planning Commission of the proposed amended final plat consolidating two or more contiguous Lots, the applicant shall make any additions, deletions or corrections to the amended final plat as requested by the Planning Commission and City Staff and shall submit the same to the City in the form of a twenty-four (24) inch by thirty-six (36) inch mylar containing a signed and acknowledged Owners Conveyance Certificate and Surveyor's Certificate. The City shall then cause the amended final plat to be endorsed by all persons identified in Section 10-19C-4 of the Toquerville City Code and recorded in the Official Records on file in the Office of the Recorder of Washington County, State of Utah.

B. Un-Platted Parcel Consolidations. Upon approval by the Zoning Administrator or its designee of the record of survey consolidating two or more contiguous unplatted Parcels, the applicant shall make any additions, deletions or corrections to the record of survey as requested by the City Staff and shall submit the same to the City in the form of a twenty four (24) inch by thirty six (36) inch mylar containing a signed and acknowledged Owners Consent Certificate and Surveyor's Certificate. The Zoning Administrator or its designee shall then cause the record of survey to be endorsed or stamped as "approved" and filed in the Official Records on file in the Office of the Recorder of Washington County, State of Utah. (Ord. 2023.08, 4-19-2023)

10-19I-6: EXPIRATION OF APPROVAL:

Should the applicant fail to produce to required mylar of the amended final plat or record of survey, as the case may be, and cause the City to endorse and record the same within one hundred eighty (180) days of the approval being granted, the consolidation application shall be deemed denied. (Ord. 2023.08, 4-19-2023)

2. REPEALER. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction

to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this _____ day of December, 2024, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT _____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT _____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT _____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT _____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT _____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

_____
Justin Sip, Toquerville City Mayor

_____
Emily Teaters, Toquerville City Recorder