

MOUNT PLEASANT, UTAH

ORDINANCE 2024.02

SUBDIVISION REGULATIONS

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY, TITLE 11 OF THE MOUNT PLEASANT MUNICIPAL CODE TO ESTABLISH SUBDIVISION REGULATIONS THAT MEET THE REQUIREMENTS ESTABLISHED BY UTAH STATE CODE.

RECITALS

WHEREAS, pursuant to Utah Code Ann. § 10-1-201 Mount Pleasant City (“the City”) is a Utah municipal corporation and political subdivision of the State of Utah;

WHEREAS, pursuant to Utah Code Ann. § 10-3b-401 the Mount Pleasant City Council (“the City Council”) is the legislative and governing body of the City;

WHEREAS, pursuant to Utah Code Ann. § 10-9a-103(31) the City Council, in addition to being the legislative and governing body of the City, is also the Land Use Authority vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the City unless the latter administrative power is delegated to another body or person;

ORDINANCE

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

SECTION 1: AMENDMENT AND RESTATEMENT OF TITLE 11 OF THE MOUNT PLEASANT MUNICIPAL CODE. “Title 11 Subdivision Regulations” of the Mount Pleasant Municipal Code is hereby amended and restated in its entirety as follows:

Title 11

SUBDIVISION REGULATIONS

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11.02.010 SHORT TITLE.

1. This title shall be entitled the SUBDIVISION ORDINANCE OF MT. PLEASANT CITY, UTAH, and may be so cited and pleaded.

HISTORY: Adopted by 1992 Code § 16.04.010 on 1/1/1992.

11.02.020 PURPOSE.

1. The purposes of this title shall be: to promote the health, safety, convenience and general welfare of the present and future inhabitants of the city; to facilitate orderly growth and development of the city; to facilitate the transfer of land having accurate legal descriptions; to bring about the development of a more attractive and wholesome environment within and about the city; and to establish the rights, duties and responsibilities of subdividers with respect to land subdivision and to facilitate the implementation of the master plan.

11.02.030 SALE OF LOTS PRIOR TO APPROVAL AND RECORDATION PROHIBITED.

1. No person shall subdivide any tract of land which is located wholly or in part within the corporate limits of the city, nor shall any person sell, exchange, offer for sale, purchase or offer to purchase, any parcel of land which is any part of a subdivision of a larger tract of land, nor shall any person offer for recording any deed conveying such parcel of land or any interest therein unless there shall first be recorded a plat of such land which has been prepared and recorded in compliance with the requirements of this title.

HISTORY: Adopted by 1992 Code § 16.04.030 on 1/1/1992.

11.02.040 EXEMPTIONS FROM PLAT REQUIREMENTS

1. To establish a metes and bounds property for the purposes of agricultural, open space, or conservation purposes, the property shall be used exclusively for those purposes and have a document recorded at the Sanpete County Recorder's Office stating the property shall be used exclusively for agricultural, open space, or conservation purposes until such time that a subdivision plat or simple lot subdivision record of survey is completed. Any new property used for residential or other development purposes shall be in a recorded subdivision plat or simple lot subdivision.
2. Qualifications: In addition to the above requirements, to qualify as an agriculture, open space, or conservation parcel, the following must be true:
 - a. The parcel is not traversed by the mapped lines of a proposed street as shown on the general plan or any streets or transportation master plan and does not require the dedication of any land for streets or other public purposes.
 - b. The parcel is not located in a zone that permits commercial or industrial use.
 - c. All parcels created or otherwise impacted by the division conform to all applicable Land Use Ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable Land Use Ordinance.
 - d. The division shall not create the appearance of a residential subdivision.
3. Recordation: An applicant may submit to the County Recorder's Office for recording a document that divides property by metes and bounds without the necessity of recording a plat if the Designee over zoning has signed a document certifying that the division meets all requirements for a metes and bounds division of land. This document shall be recorded in the Office of the County Recorder.
4. Approval: Documents recorded in the Sanpete County Recorder's Office that divide property by metes and bounds description do not create a legal division of land allowed hereunder unless a certificate of approval is attached to the document. In the absence of a recorded certificate of approval, any metes and bounds division after the enactment of this ordinance shall be deemed null and void, for the purposes of zoning.

11.02.050 APPROVAL REQUIRED FOR SUBDIVISIONS.

1. No plat of a subdivision of land lying within the city shall be filed or recorded in the county recorder's office until it shall have been submitted to the city and approved in accordance with this title, and such approval entered in writing on the plat by the city recorder. The filing or recording of a plat of a subdivision without such approval shall be void.

HISTORY: Adopted by 1992 Code § 16.04.040 on 1/1/1992.

11.02.060 DEVELOPMENT CRITERIA.

1. No subdivision shall be developed in the city which shall be incompatible, as determined by State and local ordinances, to the health, safety and/or well-being of future owners when the subdivision is completed.

HISTORY: Adopted by 1992 Code § 16.04.050 on 1/1/1992.

11.02.070 AMENDED PLATS.

1. In all subdivisions which have been recorded and in which major changes have been made, which changed the subdivision materially, the subdivision must be vacated and an amended plat filed and recorded in accordance with the provisions of this title.

HISTORY: Adopted by 1992 Code § 16.04.060 on 1/1/1992.

11.02.080 VARIANCES

To ensure just and fair treatment in administering local land use ordinances and to uphold substantial justice, the City shall appoint an Appeal Authority with the powers and duties outlined in this section.

1. Organization:
 - a. The Appeal Authority shall be appointed and approved by the City Council.
2. Powers and Duties:
 - a. The Appeal Authority shall have the authority to:
 - i. Hear and decide appeals from decisions applying the land use ordinance made by the Land Use Authority, as designated by the City Council.
 - ii. Grant variances from the terms of the land use ordinance.
3. Variances:
 - a. Any person or entity seeking a waiver or modification of the ordinance as it applies to a specific property they own, lease, or have authority over, may request a variance from the ordinance. The Appeal Authority may grant a variance only if all the following conditions are met:
 - i. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances.
 - ii. Special circumstances related to the property exist that do not generally apply to other properties in

the same zone.

- iii. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.
- iv. The variance will not substantially affect the General Plan and will not be contrary to the public interest.
- v. The spirit of the land use ordinance is observed, and substantial justice is done.

4. Determination of Hardship:

- a. In determining whether enforcement of the ordinance would cause an unreasonable hardship:
 - i. The hardship must be associated with the property for which the variance is sought.
 - ii. The hardship must arise from circumstances peculiar to the property, not from conditions general to the neighborhood.
 - iii. A hardship that is self-imposed or economic in nature does not qualify.

5. Special Circumstances:

- a. Special circumstances exist only if they:
 - i. Relate directly to the hardship complained of.
 - ii. Deprive the property of privileges granted to other properties in the same zone.

6. Burden of Proof:

- a. The applicant bears the responsibility of proving that all conditions justifying a variance have been met. Variances are tied to the land and do not transfer with ownership changes.

7. Use Variances Prohibited:

- a. The Appeal Authority cannot grant a variance that changes the allowed uses within a zone (e.g., changing a residential use to a commercial use).

8. Conditions:

- a. In granting a variance, the Appeal Authority may impose conditions that:
 - i. Mitigate any harmful effects of the variance.
 - ii. Serve the purpose of the standard or requirement being waived or modified.

9. Appeals:

- a. Appeals from decisions made by the Land Use Authority in administering or interpreting this ordinance may be made as follows:
 - i. Any applicant, board, officer of the city, or person adversely affected by a decision may, within 10 days, appeal that decision by alleging an error in the Land Use Authority's administration or interpretation of the ordinance.
 - ii. The appellant has the burden of proving that the Land Use Authority erred.
 - iii. The Appeal Authority shall ensure due process rights are respected.
 - iv. Appeals are limited to decisions where the Land Use Authority has applied the land use ordinance to a particular application, person, or parcel.

10. Review and Public Hearing Procedures:

- a. The Land Use Authority shall review completed variance and appeal applications and forward recommendations to the Appeal Authority for approval, conditional approval, or denial based on the "Findings." The Appeal Authority shall hold at least one public meeting on the application, with notice given in accordance with State Law. If the variance affects the location of a building or structure (e.g., setbacks), affected utilities must be notified in writing at least 7 days before the meeting. Failure to receive notice does not invalidate the action taken.

11. Final Decision:

- a. A decision of the Appeal Authority is final and takes effect on the date the Appeal Authority issues a written decision or within 30 days of the decision, whichever is sooner.

11.02.090 DEDICATION OF PUBLIC AND SERVICE AREAS.

1. Dedication of all parks, school grounds and other public open spaces and streets within a subdivision may be required by the planning commission in accordance with the adopted master plan of the city.
2. The planning commission may withhold approval of a preliminary plat for one year if all or part of the area to be subdivided may be needed for a park, school, street or other public purpose. The planning commission should notify the appropriate agency in writing of the proposed subdivision. If proper means have not been initiated to acquire the desired property within one year, the owner may then subdivide in compliance with the provisions of this title.

HISTORY: Adopted by 1992 Code § 16.04.080 on 1/1/1992.

11.02.10 CONFLICTING PROVISIONS.

1. This title shall not nullify the more restrictive provisions of other private covenants and agreements, or other laws or general ordinances of the city, but shall prevail and take precedence over such provisions which are less restrictive.

HISTORY: Adopted by 1992 Code § 16.04.090 on 1/1/1992.

11.02.110 AMENDMENTS.

1. *Amendments to this title may be made from time to time as deemed necessary through the recommendation of the planning commission and approval of the city council.*

HISTORY: Adopted by 1992 Code § 16.04.100 on 1/1/1992.

Chapter 11.04 DEFINITIONS

Sections:

11.04.010 Definitions.

11.04.010 DEFINITIONS.

The following terms shall have the meanings respectively ascribed to them by this section:

ADMINISTRATIVE LAND USE AUTHORITY: Administrative Land Use Authority shall mean the designated body responsible for approving land use decisions as specified. For Preliminary Plat approval, the Administrative Land Use Authority shall be the Planning Commission. The City Council reserves the right to change the Administrative Land Use Authority at its discretion, provided that any Administrative Land Use Authority meets the requirements of Utah Code § 10-9a-601, et seq., as amended.

ALLEY: A public way which affords a secondary means of access to abutting property.

BENCH MARK: A mark affixed to a permanent or semipermanent object along a line of survey to furnish a datum level.

CITY COUNCIL: The Mt. Pleasant City council.

CITY ENGINEER: The city engineer of Mt. Pleasant City, or any individual or firm retained or designated by the city for the purpose of performing engineering duties.

COLLECTOR STREET: A street which carries traffic from minor streets to the major street system, including the principal entrance streets of residence development and the primary circulating streets within such a development.

CUL-DE-SAC: A minor street having one open end and being terminated at the other by a vehicular turnaround.

DEVELOPMENT REVIEW COMMITTEE (DRC): Shall mean the committee tasked by City Council with reviewing concept plan applications and applications for preliminary and final plat approval, and making recommendations to the Administrative Land Use Authority.

EASEMENT: The quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

FINAL PLAT: A map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other division thereof can be identified.

LOT: A portion of a subdivision or parcel of land intended as a unit for building development or transfer of ownership.

LOT WIDTH: The width of the lot measured along the minimum building setback line.

MAJOR STREET: A street, existing or proposed, which serves or is intended to serve as a major trafficway and which is designated on the master street plan as a controlled access highway, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.

MINOR STREET: A street, existing or proposed, which is supplementary to a collector or major street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.

OFFICIAL MAP: Any map adopted by the city council under the provisions of Utah Code Annotated title [10](#), chapter [9a](#), as amended.

OWNER: Means and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof.

PARCEL OF LAND: A contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same claimant or person.

PLANNING COMMISSION: The city planning commission.

PLATTED PARCEL, LOT OR BLOCK: Any existing parcel, lot or block in a city plat of record.

PRELIMINARY APPROVAL: An approval, with or without recommended alterations, given to a preliminary plat by the planning commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.

PRELIMINARY PLAT: A map or plan of a proposed land division or subdivision prepared in accordance with regulations of MPMC [11.12](#) governing preliminary plats.

SKETCH PLAN: A preliminary map or preapplication plat showing the concept of the proposed development or subdivision, having sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels.

SUBDIVISION:

1. Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
2. "Subdivision" includes:
 - a. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
 - b. Except as provided in subsection C of this definition, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
3. "Subdivision" does not include:
 - a. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting

separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance.

- b. A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:
 - i. No new lot is created; and
 - ii. The adjustment does not violate applicable land use ordinances; or
 - iii. A recorded document, executed by the owner of record:
 - 1. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - 2. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances.
- c. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

HISTORY: Adopted by 1992 Code § 16.08 on 1/1/1992; amended by 2006 Code on 6/27/2006.

Chapter 11.06 ADMINISTRATION AND ENFORCEMENT

Sections:

- 11.06.010 Application requirements.
- 11.06.020 Division of platted parcels; Conditions for approval.
- 11.06.030 Plat required prior to issuance of permit.
- 11.06.040 Enforcement agencies designated.
- 11.06.050 Inspections.
- 11.06.060 Inspection and checking fees.
- 11.06.070 Penalty.

11.06.010 APPLICATION REQUIREMENTS.

1. Applications submitted for preliminary approval for the subdivision of platted parcels, lots or blocks shall contain the following:
 - a. Plat: An accurate plat prepared by a licensed land surveyor on a sheet of approved tracing linen with waterproof ink. The top of the plat shall be either north or east, whichever accommodates the drawing best. The plat shall show:
 - i. Lot lines with dimensions in feet and hundredths;
 - ii. Building setback lines as required by the zoning title;
 - iii. Easements for water, sewer, drainage, utility lines and other purposes.
 - b. Filing Fee: A nonrefundable filing fee of such amount as the city council may from time to time establish by resolution. Until such time as a resolution is enacted, the filing fee shall be twenty dollars (\$20.00).

HISTORY: Adopted by 1992 Code § 16.12.010 on 1/1/1992.

11.06.020 DIVISION OF PLATTED PARCELS; CONDITIONS FOR APPROVAL.

1. The division of a platted parcel, lot or block may receive final approval by the Administrative Land Use Authority, upon recommendation of the planning commission, under the following conditions:
 - a. Each lot created meets the frontage, width and area requirements of the zone in which it is located, or has been granted a variance from such requirements by the hearing examiner;
 - b. The division of land does not require the dedication of land for a street or other public purpose, nor is it traversed by any proposed streets shown on the official map;
 - c. All created lots or parcels shall have frontage on a dedicated street or highway, or access as provided by MPMC [11.08.020B8](#);
 - d. The division of land does not require the extension and/or addition of street, sewage disposal, water, curb, gutter, sidewalk, or storm drainage improvements as specified in MPMC [11.16](#);
 - e. Any assessments for irrigation as provided by resolution of the city council must be paid prior to approval of the lot splits.

HISTORY: Adopted by 1992 Code § 16.12.040 on 1/1/1992; amended by Ord. 2012-03 on 4/24/2012.

11.06.030 PLAT REQUIRED PRIOR TO ISSUANCE OF PERMIT.

1. From the time of the effective date hereof, the building inspector shall not grant a permit, nor shall any city officer grant any license or permit, for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this title, until a subdivision plat therefor has been recorded or approved as herein required. Any license or permit issued in conflict with such provisions shall be void.

HISTORY: Adopted by 1992 Code § 16.12.050 on 1/1/1992.

11.06.040 ENFORCEMENT AGENCIES DESIGNATED.

1. The planning commission, the city engineer and such other departments and agencies of city government as are specified under the provisions of this title, are hereby designated and authorized as the agencies charged with the enforcement of the provisions of this title, and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies shall not legalize any violation of such provisions.

HISTORY: Adopted by 1992 Code § 16.12.060 on 1/1/1992.

11.06.050 INSPECTIONS.

1. Appropriate agencies and departments of the city shall inspect or cause to be inspected all buildings, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair.

HISTORY: Adopted by 1992 Code § 16.12.070 on 1/1/1992; amended by 2006 Code on 6/27/2006.

11.06.060 INSPECTION AND CHECKING FEES.

1. Any and all persons filing plats with the county recorder shall first have paid all fees required by this title. In addition, persons filing plats shall pay to the city, prior to recording, an office checking fee according to the following schedule:
 - a. One hundred dollars (\$100.00) as a minimum office checking fee, plus five dollars (\$5.00) per lot;
 - b. The subdivider shall post an inspection fee of four hundred dollars (\$400.00) with the city recorder to cover the cost of inspections in the subdivision. Upon completion of all the improvements, the city shall refund any amount not actually used; or, if the fund is exhausted before completion of all improvements, the subdivider shall pay the city an amount estimated by the city council to be sufficient to cover completion.

HISTORY: Adopted by 1992 Code § 16.12.080 on 1/1/1992.

11.06.070 PENALTY.

1. Whoever shall violate any of the provisions of this title shall be guilty of a class C misdemeanor and, upon conviction of any such violation, subject to penalty as provided in MPMC [1.08.010](#), or by the penalty for transfer and sale of property provided in Utah Code Annotated section [10-9a-611](#).

HISTORY: Adopted by 1992 Code § 16.12.090 on 1/1/1992; amended by 2006 Code on 6/27/2006.

Chapter 11.08 DESIGN STANDARDS

Sections:

11.08.010 Compliance with city standards.

11.08.020 Design standards designated.

11.08.010 COMPLIANCE WITH CITY STANDARDS.

1. Standards for design, construction specifications of street improvements, curbs, gutters, storm drainage and flood control facilities shall be prepared by the city engineer; standards for water distribution and sewage collection and disposal facilities by the board of health; and similar standards for fire hydrants by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the city; provided, that such standards shall be approved by the city council.

HISTORY: Adopted by 1992 Code § 16.16.010 on 1/1/1992.

11.08.020 DESIGN STANDARDS DESIGNATED.

1. The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the planning commission and by other departments and agencies of city government.
2. Design standards shall be approved by the city council and shall include provisions as follows:
 - a. Blocks shall not exceed one thousand two hundred feet (1,200') in length.
 - b. Blocks shall be wide enough to adequately accommodate two (2) tiers of lots.
 - c. Dedicated walkways through the block may be required where access is necessary to a point designated by the planning commission. Such walkways shall be a minimum of four feet (4') in width, but may be required to be wider where determined necessary by the planning commission. The subdivider shall surface the full width of the walkway with a paved asphalt or concrete surface, install a chain-link fence or its equal four feet (4') high on each side and the full length of each walkway and provide, in accordance with the standards and rules and regulations, barriers at each walkway entrance

to prevent the use of the walkway by any motor vehicle or by any other nonmotorized vehicle wider than four feet (4').

- d. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities as specified in the zoning title.
- e. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.
- f. All lots shown on the preliminary and final plats must conform to the minimum lot requirements of the zoning title, for the zone in which the subdivision is located.
- g. Each lot shall abut on a street shown on the subdivision plat or on an existing publicly dedicated street which has become public by right of use and which is more than twenty six feet (26') wide. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.
- h. Where it is impractical to extend streets to serve lots and the planning commission so determines, paved access strips not less than fourteen feet (14') in width may be provided in lieu of streets. No portion of any strip shall be located at a distance greater than two hundred feet (200') from the nearest street or highway, such distance being measured along the centerline of the strip. Such strip shall be a part of the lot to which it provides access and shall account for not more than fifteen percent (15%) of the total lot area. The grade of any portion shall not exceed ten percent (10%). Lots so created shall be large enough to comply with all yard requirements of the zone in which they are located as specified in the zoning title. Access strips so created shall be improved by the subdivider and maintained by the owner of the strip.
- i. Side lines of lots shall be approximately at right angles or radial to the street lines.
- j. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.
- k. Utility easements shall be provided to serve each lot in the subdivision. Easements shall not be less than a width of fourteen feet (14') and shall be located at the rear and, as necessary, side lot lines of all lots in the subdivision. The city council may require utilities to be located underground.

HISTORY: Adopted by 1992 Code § 16.12.020 on 1/1/1992.

Chapter 11.10 PRE-APPLICATION MEETING

Sections:

11.10.010 Pre-Application Process.

11.10.010 Pre-Application Process.

1. All proposed subdivisions shall meet the application and review requirements outlined in Utah State Code 10-9a-601, et seq, as amended, this chapter, and the requirements for the respective zone in which the subdivision is proposed.
2. An applicant for a subdivision may request a pre-application meeting with the Development Review Committee (DRC).

With regard to a pre-application meeting, the following shall apply:

- a. The applicant shall submit a concept plan for staff review
 - b. The municipality shall, within fifteen (15) business days after the request, schedule the meeting to review the concept plan and give initial feedback
 - c. At the pre-application meeting, the City shall provide or have made available on the municipal website the following:
 - i. Copies of the applicable land use regulations
 - ii. A complete list of standards required for the project
 - iii. Preliminary and Final Plat checklist
 - d. 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 to adhere to the ordinance.
3. The Concept Plan shall include the following:
 - a. The general location of the subdivision and the property boundaries of the proposed subdivision area
 - b. Significant natural and man-made features on the site and within one-half (1/2) mile of any portion.
 - c. Topographic contours from available data, e.g. USGS maps.
 - d. Acreage of the entire tract as well as the number of lots and dimensions and size per lot.
 - e. Brief written statement or oral presentation in sufficient detail that the intent of the subdivider is clear to those who review the proposals.
 - i. Current and proposed zoning
 - ii. Proposed use of the property
 - f. Feasibility of water and sewer systems:
 - i. Health Department approval for the sewer and sanitary waste system
 - ii. City approval for the water system proposed, including documentation of water source, water rights, and historic water use

g. Any phasing plan, if applicable

Chapter 11.12 PRELIMINARY PLAT

Sections:

- 11.12.010 Preparation; General requirements.
- 11.12.020 Form and contents.
- 11.12.030 City approval required prior to recording.
- 11.12.040 Preliminary Plat review
- 11.12.050 Approval of preliminary application.

11.12.010 PREPARATION; GENERAL REQUIREMENTS.

Whenever a subdivision is to be filed, PDF copies of the preliminary plat and subdivision improvement plan shall be prepared and presented to the Department Review Committee for their review.

HISTORY: Adopted by 1992 Code § 16.24.010 on 1/1/1992; amended by 2006 Code on 6/27/2006.

11.12.020 FORM AND CONTENTS.

1. Requirements: The preliminary plat shall comply with the following requirements and include all items on any adopted Preliminary Plat Checklist:
 - a. Description: In a title block located in the lower right hand corner of the sheet shall appear the following:
 - i. The proposed name of the subdivision;
 - ii. The location of the subdivision, including the address and section, township and range;
 - iii. The names and addresses of the owner, subdivider, if other than the owner, and the surveyor of the subdivision;
 - iv. Date of preparation, scale (not greater than 100 feet to the inch) and north point;
 - b. Existing Conditions:
 - i. The plat shall show:

1. The location of the nearest bench mark or monument;
2. The boundary of the proposed subdivision and the acreage included;
3. All property under the control of the subdivider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in the light of existing master street plan or other planning commission studies;
4. The location, width and names of all existing streets within two hundred feet (200') of the subdivision and of all prior platted streets or other public ways, railroad and utility rights of way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporation lines within and adjacent to the tract;
5. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries;
6. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location;
7. Existing ditches, canals, natural drainage channels and open waterways and proposed realignments;
8. Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible; and
9. Contour at vertical intervals of not more than one foot (1'). High water levels of all watercourses, if any, shall be indicated in the same datum for contour elevations;

c. Proposed Subdivision Improvement Plan:

- i. The subdivision plan shall show:
 1. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys and easements;
 2. The layout, numbers and typical dimensions of lots;
 3. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
 4. Building setback lines as required by the zoning title;

5. Easements for water, sewers, drainage, utility lines and other purposes;
 6. Typical street cross sections and grades of streets where required by the planning commission; and
 7. A tentative plan or method by which the subdivider proposes to handle storm water drainage for the subdivision.
 8. All engineering drawings for utilities
2. Agreements With Adjacent Property Owners: Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.

HISTORY: Adopted by 1992 Code § 16.24.020 on 1/1/1992.

11.12.030 CITY APPROVAL REQUIRED PRIOR TO RECORDING;

1. Any division of land, unless otherwise exempted in this Title, requires completion of a Preliminary and Final Plat. The following outlines the review process, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in content or interpretation, state code shall prevail.
2. 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.
3. The applicant may request a pre-application with City representatives to discuss the proposal and submittal requirements. If requested, the City and applicant shall follow the process outlined in Chapter 11.10.
4. 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 ordinance
 - e. Complete list of standards required for the project
 - f. Preliminary Plat drawings checklists
5. Improvement Plans Submitted: Subdivision improvement plans shall be submitted with the Preliminary Plat application.
6. Recording Prior To Construction: No building permits shall be issued or construction of buildings begun until after recording the final plat.

11.12.040 PRELIMINARY PLAT REVIEW.

Those developments that do not fall within the definition of being "Exemptions from plat requirements" or other exceptions shall proceed as follows:

1. The applicant submits an application, including the Preliminary Plat, Subdivision Improvement Plan, and all required documentation and information.
2. The City checks the submittal for completeness.
 - a. If the submittal includes all 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.
3. If the location 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) days to respond. While the City may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Authority shall not grant approval until after at least twenty (20) 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 State Code 73-1-15.5-1b.
4. Within forty (40) days the City shall complete a review of the Preliminary Plat and Subdivision Improvement Plan, 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. After review, the City will determine if the completed application meets all requirements or requires corrective actions 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. 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 the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements

- c. If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
6. 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.
 - a. A Preliminary Plat and Subdivision Improvement Plan application expires if a complete resubmittal is not made within twelve (12) months from the time the City provides comments to the applicant.
7. 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 accept the application for a second review cycle. The time frame to complete the review depends on how quickly the applicant was able to respond to the corrections in full and if the applicant made any material changes.
 - i. If the applicant responded within forty (40) days, the City has forty (40) days to complete the second review cycle.
 - ii. If the applicant responded after forty (40) days, the City has sixty (60) days to complete the second review cycle.
 - iii. If the applicant made a material change that merits a new review, then the review shall restart at the first review cycle as it relates to the new material.
 - 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.
8. 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 it is necessary to protect public health and safety or to enforce state or federal law.
9. If the City determines that the resubmittal is now complete and meets all codes, standards, and specifications, the resubmittal shall be forwarded to the 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 forward or to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.
10. If, on the fourth and final review, a municipality fails to respond within forty (40) business days, the municipality 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 appeal panel in accordance with Utah Code 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
 - b. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.
 - i. The appeal authority shall be the City Council.

11. Specified: Approval of the preliminary plat by the Administrative Land Use Authority shall be valid for a maximum period of twelve (12) months, after approval, unless upon application by the developer, the planning commission may grant an extension. If the final plat has not been submitted within the twelve (12) month period, or the extension granted, the preliminary plat must again be submitted to the city for reapproval.
12. Large Tract: Preliminary approval of a large tract shall not be voided if the final plat of the first section thereof is submitted for final approval within twelve (12) months and an extension of time is granted as to the remainder thereof.

HISTORY: Adopted by 1992 Code § 16.24.040 on 1/1/1992.

11.12.050 APPROVAL OF PRELIMINARY APPLICATION;

1. After review, the application shall be submitted to the Administrative Land Use Authority for approval.
2. For a Preliminary Plat and Subdivision Improvement Plans, the 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.
3. The Administrative Land Use Authority shall hold a public hearing and noticing requirements shall be in accordance with Utah State Code Chapter 10-9a-205 as amended. A public notice shall be sent to all owners of property within three hundred (300) feet of the subdivision.
4. If the Administrative Land Use Authority finds the application complies with the applicable municipal ordinance and the requirements of Utah State Code, it shall approve the Preliminary Plat application.
 - a. The 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 outlined 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 Administrative Land Use Authority shall deny the application if the applicant is unwilling to make the required corrections or provide the required information.
5. 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 twelve (12) months from the time the application is submitted and accepted.
 - b. Approval of the Preliminary Plat by the City shall be valid for a period of twelve (12) months after approval.
6. For a Preliminary Plat with multiple phases, the Plan remains active provided a Final Plat is recorded at least every twenty-four (24) months. If a Final Plat has not been recorded within the 24-month period, the Preliminary Plat must

again be submitted to the City for re-approval.

Chapter 11.14 FINAL PLAT

Sections:

11.14.010 Approval; Filing.

11.14.020 Filing and inspection fees.

11.14.030 Final plat review.

11.14.040 Final plat approval.

11.14.050 Final plat submittal requirements.

11.14.060 Recording and filing.

11.14.010 APPROVAL; FILING.

1. Approval Required Prior To Recording: No plat shall be recorded or offered for recording, nor shall any land be offered for sale with reference to such a plat until the plat has been recorded in the office of the Sanpete County Recorder. Submittal of an up to date abstract of title or policy of title insurance shall precede the final plat approval.

HISTORY: Adopted by 1992 Code § 16.28.010 on 1/1/1992.

11.14.020 FILING AND INSPECTION FEES.

1. There shall be a filing fee and inspection fee for the filing of a final plat of subdivision which shall be borne by the subdivider and paid to the city in accordance with the provisions of MPMC [11.06.080](#).

HISTORY: Adopted by 1992 Code § 16.28.020 on 1/1/1992.

11.14.030 FINAL PLAT REVIEW.

Within twelve (12) months of approval of a Preliminary Plat, a Final Plat prepared by a licensed surveyor not employed by the City shall be submitted in conformance with this Chapter. If a complete application is not submitted within twelve (12) months of Preliminary Plat approval, the approval is deemed to have expired.

Review: The following outlines the review process, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in content or interpretation, state code shall prevail.

1. An applicant may request a pre-application meeting. If so, the City and the applicant follow the provisions of Chapter 11.10 before proceeding to the next step.
2. 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
3. The applicant submits a complete application, including the Final Plat and all required documentation and information.
4. 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.
5. After a determination that the application submittal is complete, the City shall begin its review. The City has a thirty (30) day review window to conduct its review and provide comments to the application.
 - a. The review period of thirty (30) days only applies to single-family, two-family, and townhome developments.
6. If the location 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) days to respond. While the City may provide comments to the applicant before this twenty (20) day window is complete, the land use authority appointed by the City shall not grant approval until after at least twenty (20) 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 State Code 73-1-15.5-1b.
7. 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 opinion from a licensed title company showing that the person dedicating the property described on the Final Plat is the title owner as shown on the records of the Sanpete County Recorder's Office.
 - 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 subdivider has executed the subdivision improvements agreement required by this Ordinance and City policies

- d. That the subdivision does not, in the attorney's opinion, violate any ordinance of the City or the laws of the State of Utah or the rules and regulations promulgated pursuant thereto.
8. Within the review window in subsection (6), the City shall complete a review of the Final 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 a written response:
 - a. If the application is found to require corrections, the City shall be specific and cite the ordinance, statute, or specification that requires the modification. 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 land use authority appointed by the City for review and approval.
9. 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.
10. 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 review the application and provide written comments within the applicable review window, as outlined in subsection (6).
 - 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 land use authority appointed by the City 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 land use authority appointed by the City 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, a municipality fails to respond within forty (40) business days, the municipality shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
 - a. The City shall advise the applicant, in writing, of the deficiency in the application and the right to appeal the determination to a designated appeal authority.
 - i. The appeal authority shall be the City Council.

11.14.040 FINAL PLAT APPROVAL.

After the review cycle process has been completed, the application shall be submitted to the land use authority appointed by the Town for approval.

1. The Town shall appoint a staff member, individual, or board to be the land use authority for Final Plat approval. Final Plat approval may not require Town Council or Planning Commission approval. (See Utah State Code 10-9a-604.1)
 - a. No public hearing for Final Plat approval may be held.
2. The land use authority shall approve the Final Plat if it finds:
 - a. The proposed plat complies with the requirements of the Town Code, Utah State Code, and all other applicable policies and regulations.
 - i. The plat has been approved by the Culinary Water Authority.
 - ii. The plat has been approved by the sanitary sewer authority, and
 - iii. If applicable, the health department has approved the plat.
 - b. The land use authority may deny or remand the proposed Final Plat if:
 - i. The 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.
 - ii. The applicant is unwilling to make the required corrections or provide the required information.
 - iii. Any appeal shall be consistent with the provisions of Utah Code 10-9a-604.2.

11.14.050 FINAL PLAT SUBMITTAL REQUIREMENTS.

The Final Plat application shall include all of the following items in addition to all items required on any adopted Final Plat submittal checklist.

1. Preparation: The final plat must be prepared by a licensed land surveyor on a sheet of approved tracing linen with waterproof black India ink. The top of the plat shall be north.
2. Information Required:
 - a. The plat shall contain all information required on the preliminary plat, except contours, and shall comply with the following:
 - i. Description And Delineation: The final plat shall show:
 1. The name of the subdivision, which name must be approved by the planning commission and reviewed by the Office of the County Recorder;
 2. Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features. All dimensions shall be determined by an accurate field survey which shall balance and close within a limit
 - a. of one to ten thousand (10,000)
 3. An identification system for all lots and blocks and names of streets. Lot lines shall show dimensions in feet and hundredths;
 4. True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the plat and shown by appropriate symbol. Basis for bearings used shall be clearly stated;

5. Radii, internal angles, points and curvatures, tangent bearings and the length of all arcs;
6. The accurate location of all monuments to be installed shown by the appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position;
7. The dedication to the city of all streets and highways included in the proposed subdivision;
8. Street monuments shall be installed by the subdivider's land surveyor at such points designated on the final map as approved by the city engineer. Standard precast monuments will be furnished by the subdivider and must be placed prior to the release of the improvement bond;
9. Pipes or iron rod markers shall be placed at each lot corner;
10. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners;
11. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the city attorney.

b. Standard Forms:

i. The final plat shall require the following:

1. A licensed land surveyor's certificate of survey;
2. The owner's certificate of dedication;
3. A notary public's acknowledgment;
4. The Mayor's certificate of approval;
5. The district health department's certificate of approval;
6. The city engineer's certificate of approval;
7. The city attorney's certificate of approval;
8. A one and one-half by five inch (1 1/2 x 5") space in the lower right hand corner of the drawing for the county recorder's use;

c. Additional Information:

i. The following information shall be submitted:

1. A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment;
2. An itemized estimate of the cost of all proposed or required improvements, including labor and material;
3. One copy of the proposed deed restrictions in final form and signed by all of the owners of any interest in the subdivision who sign the final subdivision map. This copy shall be acknowledged by a notary public and shall be recorded in the office of the county recorder along with the final plat;
4. Two (2) linen originals (or linen quality reproduceables such as Mylar) of the final plat shall be submitted, one of which will be retained for city files and the other of which will be sent to the county recorder for the final plat recording.

HISTORY: Adopted by 1992 Code § 16.28.040 on 1/1/1992.

11.14.060 RECORDING AND FILING.

1. Once all requirements have been met, redline corrections made, and the land use authority appointed by the City 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 Sanpete County Recorder, with the signatures of the owners and other required signatures.
2. A copy of the final plat shall be filed in the office of the city recorder for use by the city engineer or such other personnel as the city council may designate.

HISTORY: Adopted by 1992 Code § 16.28.050 on 1/1/1992.

Chapter 11.15 PLAT AMENDMENTS AND BOUNDARY LINE ADJUSTMENTS

Sections:

11.15.010 Plat Amendments and Boundary Line Adjustments.

11.15.010 PLAT AMENDMENTS AND BOUNDARY LINE ADJUSTMENTS

1. In certain situations, it is necessary to vacate, alter, or otherwise modify existing lot lines. This may involve:
 - a. Plat Amendment: Appropriate when altering a platted or surveyed lot.
 - b. Vacation Process: Required for the vacation of an easement or right-of-way.
 - c. Boundary Adjustment: Suitable for adjustments involving adjacent owners of platted parcels.
2. This chapter is intended to clarify the processes for these modifications to ensure proper administration and compliance.
3. Vacation of Public Street or Right-of-Way:
 - a. When a proposed amendment involves the vacation of a public street or right-of-way, the following process applies:
 - i. The City Council, upon its own motion, a recommendation from the Planning Commission, or a petition, may consider the vacation, alteration, or amendment of a subdivision plat, including streets, lots, alleys, or public use areas, as per Utah Code § 10-9a-608 and 10-9a-609.
 - ii. If the Council finds that the vacation, alteration, or amendment will not materially harm the public or any individual and that there is sufficient cause, it may approve the proposed changes.
4. Land Use Authority:
 - a. The authority for reviewing and approving modifications depends on the nature of the request:
 - i. Planning Commission: Acts as the Administrative Land Use Authority for preliminary approval of vacation or plat amendments that do not involve public streets, rights-of-way, or easements.
 - ii. City Council: Acts as the final authority for vacation or amendments involving public streets, rights-of-way, or easements.
 - iii. Staff: Reviews and approves boundary line agreements that do not involve amending platted lot lines, public easements, or rights-of-way.
5. Plat Amendment Process:
 - a. To change boundary lines, vacate a lot, or combine lots, a plat amendment is required. The process includes:
 - i. Petition Submission: The fee owner must submit a petition to the City, using a form provided by the City, consistent with Utah Code 10-9a-608.
 - ii. Petition Requirements:
 1. Name and address of all owners of record within the entire plat.
 2. Name and address of all adjacent property owners affected.
 3. Signatures of all owners consenting to the petition.
 4. A plat showing:

- a. The portion of the subdivision to be amended.
 - b. A distinguishing name for the amended plat.
 - c. Differences from the original plat.
 - d. References to the original plat.
 - e. Preservation of easements owned by water authorities.
 - iii. Notice to Affected Entities: The City will notify affected entities providing service to the plat at least ten (10) calendar days before approval.
 - iv. Public Hearing Requirements:
 - 1. Held if any owner objects within ten (10) days of notification.
 - 2. Held if any owner within the subdivision has not signed the revised plat.
 - 3. Held if the amendment includes public streets, alleys, right-of-way, or utility easements, conducted by the City Council.
 - v. Notice of Hearing:
 - 1. Sent to property owners within 300 feet of the affected area.
 - 2. Includes hearing date, place, and time.
 - 3. Posted on the Public Notice Website
 - 4. For public streets or utility easements, complies with Utah State Code 10-9a-608 and 609.
 - vi. Courtesy Notice: If no conditions require a public hearing, a courtesy notice to adjoining property owners may be given, and the applicant may be considered at a public meeting.
6. Boundary Line Adjustment and Parcel Combinations
- a. Boundary Line Adjustment: The City designee over zoning may approve adjustments if:
 - i. No new dwelling or housing unit is created.
 - ii. Adjacent property owners' consent in writing.
 - iii. No remnant land is created.
 - iv. No zoning violations occur.
 - b. Parcel Combinations: Combining two (2) legally existing parcels can be approved by the City without public hearing, unless it involves street, right-of-way, or easement vacations.
 - c. Vacation Involvement: If the adjustment involves vacations or amendments of streets, rights-of-way, or easements, Utah Code § 10-9a-609.5 must be followed.
 - d. Utility Relocation: If public utilities exist, they must be relocated at the applicant's expense.
 - e. Survey Requirements: The proposed boundary must be surveyed, considering utility easements and potential impacts on service.
 - f. Notice of Approval: A notice of approval must be recorded with Sanpete County, but title conveyance requires a deed.
 - g. Denial: The City designee over zoning may deny requests if they do not meet ordinance or state code requirements.
7. Vacation of a Recorded Plat:
- a. The vacation of a plat will be governed by Utah Code Annotated 10-9a-608, as amended.

Chapter 11.16 IMPROVEMENTS

Sections:

- 11.16.010 Improvements prerequisite to recording final plat; Bond.
- 11.16.020 Sewage disposal system.
- 11.16.030 Storm drainage system; Ditches and canals.
- 11.16.040 Street improvements.
- 11.16.050 Water improvements.
- 11.16.060 Electrical power.
- 11.16.070 Fire protection standards.
- 11.16.080 Waiver of improvements.
- 11.16.090 Waiver for agricultural purposes.
- 11.16.100 Bond in lieu of improvements; Release conditions.

11.16.010 IMPROVEMENTS PREREQUISITE TO RECORDING FINAL PLAT;

BOND.

1. No final plat of a subdivision of land shall be recorded, except as provided in MPMC [11.06.040](#), without receiving a statement signed by the city engineer certifying that the improvements described in the subdivider's plans and specifications have been completed, that they meet the minimum requirements of all ordinances of the city, that they comply with the recommendations of the district health department, the planning commission and the fire department, and with the standards, rules and regulations for subdivisions approved by the city council, which standards, rules and regulations are incorporated in this title by reference.
2. In lieu of the actual completion of the improvements listed in this title, the subdivider may furnish to the city a performance bond, whether in the form of a corporate bond, the condition of which must be approved by the city attorney, or in cash, to guarantee that improvements will be installed as shown in the final plat. The purpose of the bond is to ensure construction of the required improvements within two (2) years from the date of final approval, without cost to the city, including any additional costs due to inflation.
3. The bond shall be executed by a surety company duly authorized to do business in the state, shall be payable to the city council, shall be filed in the office of the city recorder, and shall be available for public inspection during regular business hours.
4. Each bond shall run for at least ninety (90) days after the installation of all improvements and after a final inspection certified by the city engineer. In no event shall the city be deemed liable under this section on any claim asserted by a laborer or materialman.
5. No building shall be erected nor shall a building permit be issued for a building in a subdivision unless the street giving access to the lot upon which such building is proposed, and connecting to an accepted public thoroughfare, shall have been completed to city specifications. Such shall be required in order to prevent fire, health and safety hazards which could be created by a dwelling located without access to a public road.

HISTORY: Adopted by 1992 Code § 16.32.010 on 1/1/1992.

11.16.020 SEWAGE DISPOSAL SYSTEM.

1. All subdivisions shall provide sewage collection systems approved by the city engineer and shall connect to the city sewage collection system. All sanitary sewage systems shall be designed by a licensed engineer and constructed by the developer. After satisfactory inspection is made, all sewage improvements will be accepted by the city.

HISTORY: Adopted by 1992 Code § 16.32.020 on 1/1/1992.

11.16.030 STORM DRAINAGE SYSTEM; DITCHES AND CANALS.

1. A storm water drainage system subject to the approval of the city engineer shall be provided, and shall be separate and independent of any sanitary sewer system. The final plans for the drainage system shall be prepared by a licensed engineer.
2. No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use. The subdivider shall remove such waterways from property to be so dedicated before the submission of the final plat.

HISTORY: Adopted by 1992 Code § 16.32.030 on 1/1/1992.

11.16.040 STREET IMPROVEMENTS.

1. Construction Plans And Profiles: At least ten (10) days prior to the commencement of construction, the subdivider shall furnish to the city engineer a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed professional engineer and shall be accompanied by the final plat. The city engineer shall, within a reasonable time not to exceed twenty (20) days from the receipt of the plans, notify the subdivider of approval or disapproval, and in case of disapproval the reasons therefor. Such plans and profiles shall include:
 - a. The designation of limits of work to be done;

- b. The location of the bench mark and its true elevation according to city datum, all profiles to be referred to that datum;
- c. Profiles which indicate the finished and existing grades for each side of the street. Separate profiles, clearly designated, shall be made for each side of the street;
- d. Construction plans which include the details of curb and gutter and street cross sections, locations and elevation of manholes, catch basins and storm sewers, elevations and location of fire hydrants and any other details necessary to simplify construction;
- e. Complete data for field layout and office checking;
- f. On curb returns, at least two (2) additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to ensure drainage of intersections; and
- g. The street address of the project.

2. Street Grade Limits: Street grade limits shall be as follows:

- a. Major Streets:
 - i. Minimum grade, 0.5 percent,
 - ii. Maximum grade, 5.0 percent,
- b. Secondary Streets:
 - i. Minimum grade, 0.5 percent,
 - ii. Maximum grade, 7.0 percent,
- c. Minor Streets:
 - i. Minimum grade, 0.5 percent;
 - ii. Maximum grade, 10.0 percent.
- d. Improvements; Width:
 - i. All streets within the city shall be improved with pavement (oiled gravel, gravel, asphalt or concrete) bounded by integral concrete curbs and gutters to an overall width in accordance with the standards, rules and regulations adopted by the city council.
 - ii. Street width is to be measured from lot line to lot line. The minimum width of streets so measured shall be:

1. Minor or local streets, fifty feet (50');
 2. Secondary streets, fifty feet (50');
 3. Major streets, ninety nine feet (99') (or conformity to a major street plan if applicable).
- iii. Cul-De-Sacs; Dead End Streets: Cul-de-sacs or dead end streets shall not exceed four hundred feet (400') in length. A turnaround with a minimum radius of not less than sixty feet (60') shall be provided.
 - iv. Angles: Whenever possible, streets shall intersect at right angles. Where streets meet at acute angles, a reasonable street corner radius is required.
 - v. Pavement: Pavement shall be constructed in accordance with the requirements of the standards, rules and regulations adopted by the city council.
 - vi. Curbs And Gutters: Curbs and gutters shall be concrete of the standard six inch (6") high back type unit, not less than two feet six inches (2'6") in overall width, and not less than seven inches (7") thick where the curb abuts the street pavement. Typical drawings of approved design specifications for curb and gutter and drive approaches adopted by the city shall be kept on file in the city offices.
 - vii. Storm Water Inlets And Catch Basins: Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the city engineer.
 - viii. Curb Corner Radius: All curb corners shall have a radius of not less than twenty four feet (24').
 - ix. Arrangement Of Streets: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the planning commission. New streets must connect with existing public streets.
 - x. Fire Hydrants: Fire hydrants shall be installed in all subdivisions in accordance with the regulations of the fire department, with the maximum distance between fire hydrants not more than one thousand two hundred feet (1,200').
 - xi. Open Ditches Or Canals: Open ditches or canals shall not be allowed within or adjoining a subdivision, except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:
 1. Methods of covering, realigning or eliminating ditches or canals

within or adjoining the subdivision;

2. The size of pipe and culverts required;
 3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the city engineer; and
 4. The subdivider shall install a six foot (6'), nonclimbable chainlink fence, or its equivalent, in conformance with the standards and rules and regulations adopted as provided in MPMC [11.16.010](#), along all open ditches, canals or waterways, nonaccess streets, open reservoirs or bodies of water, railroad rights of way and other such features of potentially hazardous nature, on crossing or contiguous to the property being subdivided, except on those features which the planning commission shall determine would not be a hazard to life, or where the conforming structure would create a hazard to the safety of the public.
- xii. Urban Streets: The subdivider shall install curbs and gutters on existing and proposed urban streets in all subdivisions, except on the rear of such lots that back onto major streets with no access permitted to such streets.
 - xiii. Sidewalks: At a minimum, the subdivider shall install a four foot (4') wide sidewalk on both sides of each dedicated street. In lieu of the above requirement, a paved pedestrian path system may be substituted when approved by the city council.
 - xiv. Street Name Signs: Street name signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the city, shall be provided by the developer at all street intersections. Installation shall be made by the city to ensure uniformity.

HISTORY: Adopted by 1992 Code § 16.32.040 on 1/1/1992; amended by 2006 Code on 6/27/2006.

11.16.050 WATER IMPROVEMENTS.

1. Plans for water distribution, including distribution line tap in size, must be approved by the city engineer. All lots must be served by the city culinary water system. Water

system improvements are to be installed by the subdivider and then relinquished to the city following satisfactory inspection. In addition, city water connection fees assessed to each lot must be paid before any water service will be provided.

HISTORY: Adopted by 1992 Code § 16.32.050 on 1/1/1992.

11.16.060 ELECTRICAL POWER.

1. Plans for electrical power distribution must be approved by the building inspector. All lots must be served by the city electrical system. Electrical utilities are to be installed underground unless otherwise approved by the city council. Electrical improvements will be installed by the city at the expense of the subdivider, except secondaries. Secondaries will be installed by the developer in accordance with the city ordinances and qualifications. The city will connect the developer's secondaries at the transformers of junction boxes. City electrical connection fees assessed to each lot must be paid before any electrical service will be provided.

HISTORY: Adopted by 1992 Code § 16.32.060 on 1/1/1992.

11.16.070 FIRE PROTECTION STANDARDS.

1. Clearance Required: Lot size and potential placement of buildings thereon shall be such that adequate clearance of hazardous, flammable vegetative cover may be accomplished.
2. Easements: All easements for firebreaks for safety of built up areas shall encompass access for firefighting personnel and equipment, and such easements shall be dedicated for this specific purpose by being recorded.
3. Unacceptable Water Pressure: The inability to provide fire line water pressure consistent with the standards set by the insurance service organization shall be justification for denial of a subdivision request.

HISTORY: Adopted by 1992 Code § 16.32.070 on 1/1/1992.

11.16.080 WAIVER OF IMPROVEMENTS.

1. Upon recommendation of the planning commission and approval of the city council, curb, gutter, sidewalk and storm drainage requirements may be waived when it is deemed that such improvements are either unnecessary or inappropriate.

HISTORY: Adopted by 1992 Code § 16.32.080 on 1/1/1992.

11.16.090 WAIVER FOR AGRICULTURAL PURPOSES.

1. Any subdivision of land with the intent being to leave such land in agricultural crop production, pasture or other related agricultural use not requiring city improvements, may, upon recommendation of the planning commission and approval of the city council, be temporarily exempted from such improvements as stated in this title. Notwithstanding, whenever such improvements shall be required, the owner of the lot or parcel requiring such improvements shall be responsible for their installation according to the rules and regulations set forth in this title.

HISTORY: Adopted by 1992 Code § 16.32.090 on 1/1/1992.

11.16.100 BOND IN LIEU OF IMPROVEMENTS; RELEASE CONDITIONS.

1. As outlined in MPMC [11.16.010](#), the subdivider may, in lieu of the actual completion of the improvements listed in this chapter, file with the city recorder a surety or cash bond in an amount specified by the planning commission to assure the actual construction of such improvements within a period of two (2) years in a satisfactory manner. Upon completion of the improvements for which a surety or cash bond has been filed, the subdivider shall call for inspection by the city engineer. Inspections shall be made within five (5) days from the date of request. If inspection shows that city standards have been met in the completion of such improvements, the bonds shall be released within seven (7) days from the time of inspection.

HISTORY: Adopted by 1992 Code § 16.32.100 on 1/1/1992.

The Mount Pleasant Municipal Code is current through Ordinance 2023-05, passed December 12, 2023. Disclaimer: The city clerk's office has the official version of the Mount Pleasant Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: mtpleasantcity.com](http://mtpleasantcity.com)

[Hosted by General Code.](#)

Chapter 11.17 SIMPLE LOT SUBDIVISIONS

Sections:

- 11.17.010 Purpose.
- 11.17.020 Applicability.
- 11.17.030 Simple lot subdivision application.
- 11.17.040 Required conditions.
- 11.17.050 Submittal contents.
- 11.17.060 Site-specific contents.
- 11.17.070 Review and approval process.
- 11.17.080 Filing the Record of Survey.
- 11.17.090 Expiration of the final approval.

11.17.010 PURPOSE.

Utah State Code provides an exemption from many subdivision requirements for subdivision with ten (10) or fewer lots. The purpose and intent of this simple lot subdivision process is to take advantage of the Utah State Code exemption to allow for subdivisions with no more than ten (10) 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.

11.17.020 APPLICABILITY.

The procedures set forth in this Section shall govern the process and requirements pertaining to simple lot subdivisions with not more than ten (10) lots. An applicant may elect to forgo the simple lot subdivision process and instead proceed with the standard preliminary and final plat subdivision process.

11.17.030 SIMPLE LOT SUBDIVISION APPLICATION.

The subdivider of the simple lot subdivision shall submit an application to the City along with the application fee set by the City Council, one (1) twenty-four-inch by thirty-six-inch (24" x 36") or larger Record of Survey drawing in an acceptable electronic format of the proposed subdivision 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. The Record of Survey shall be certified as to the accuracy by a licensed land surveyor.

11.17.040 REQUIRED CONDITIONS.

For a proposed subdivision to qualify for a simple lot subdivision approval, the proposed simple lot subdivision shall:

1. Be for a single-family dwelling or dwellings and any associated accessory dwelling.
2. Be located on property zoned for such use.
3. Result in no more than ten (10) lots.
4. Show frontage on a dedicated roadway for each resulting lot, as required by the existing zoning. Any dedication of land for a public roadway shall require the applicant to proceed with the standard preliminary and final plat subdivision process.
5. Not containing any legislative approval, such as a zone change or general plan amendment request. Any legislative approval necessary for the simple lot subdivision to meet all requirements shall be pursued separately and shall be completed before the Planning Commission may review the simple lot subdivision application.
6. Not to be traversed by the mapped lines of a proposed street as shown in the general plan or master transportation plan.
7. 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.

11.17.050 SUBMITTAL CONTENTS.

An applicant shall submit an application to the City for a simple lot subdivision that includes, at a minimum, each of the following:

1. A current title report showing ownership by the applicant.

2. Name of the applicant or authorized agent and contact information.
3. Property address, acreage, boundary, and tax identification number.
4. Date, scale, and North arrow.
5. Vicinity map showing the property's location relative to municipal boundaries and roads that serve the property.
6. A statement containing the zone, lot size, and amount of frontage along a public street for each proposed lots.
7. A metes and bounds description of the property proposed to be subdivided.
8. A subdivision name approved by the county recorder's office.
9. The Subdivision Improvement Plans, as applicable.
10. A Record of Survey map showing each new lot, which includes the following details:
 - a. The location of the survey by quarter section and township range.
 - b. The date of the survey.
 - c. The scale of the drawing and North point.
 - d. The distance course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision.
 - e. All measured bearings, angles, and distances separately indicated from those of record.
 - f. A written boundary description of the property surveyed.
 - g. All monuments set and their relation to older monuments found.
 - h. A detailed description of monuments found and monuments set, indicated separately.
 - i. The surveyor's seal or stamp.
 - j. The surveyor's business name and address.
 - k. A written narrative that explains and identifies:
 - i. The purpose of the survey.
 - ii. The basis on which the lines were established.
 - iii. The found monuments and deed elements that controlled the established or reestablished lines.
 - l. If the narrative is a separate document, it shall contain:
 - i. The location of the survey by quarter section and by township and range.
 - ii. The date of the survey.
 - iii. The surveyor's stamp or seal.
 - iv. The surveyor's business name and address.
 - m. The map and narrative shall be referenced to each other if they are separate documents.
 - n. The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.

11.17.060 SITE-SPECIFIC CONTENTS.

The following documents shall accompany the simple lot subdivision application when deemed necessary by the City Engineer:

1. Soils Report: The applicant shall provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design, foundation design, groundwater impacts, and general soil stability. The report must be stamped and signed by a civil engineer licensed in the state of Utah.
2. Storm Water Plan: The applicant shall provide a detailed storm water plan for the subdivision. This plan shall include all calculations showing that it meets all applicable codes, standards, and specifications. Plans and calculations shall be stamped and signed by a civil engineer licensed in the state of Utah.
3. Other Hazard Information: This may include FEMA floodplain information or other information to mitigate natural hazards.

11.17.070 REVIEW AND APPROVAL PROCESS.

The intent of the simple lot subdivision is to provide timely review and approval of all complete applications, as follows:

1. Optional Pre-Application Meeting: An applicant may request to meet with the City staff and representative prior to submittal to review the application and requirements.
2. Preliminary Review: The applicant shall submit the application and all required contents. The City will check for completeness. If all materials have not been submitted, the application should be returned to the applicant until all required contents are included.
3. Administrative Review: Once the application is deemed to be complete, the City 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:
 - a. If the application is found to require corrections, the City shall be specific and cite the ordinance, statute, or specification that requires 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.
 - b. The City may require additional information relating to the application to ensure compliance with the City's ordinances and approved standards.
 - c. If the applicant is found to meet all codes, standards, and specifications, City staff shall forward the application to the Planning Commission for review and possible approval.
4. Planning Commission Review: The Planning Commission shall review and approve or deny the simple lot subdivision application. If the Planning Commission determines that the application

does not meet all requirements, an applicant may request that the application be tabled until all requirements are met.

- a. If the applicant meets all applicable requirements, the Planning Commission shall approve the simple lot subdivision application.
- b. If the applicant is unwilling or unable to meet all applicable requirements, the Planning Commission shall deny the application.

11.17.080 FILING THE RECORD OF SURVEY.

1. After the Planning Commission has approved the simple lot subdivision application, the City shall create a written certificate of approval to accompany the Record of the Survey. At a minimum, the document shall:
 - a. Be notarized by the City Recorder.
 - b. Specify the name of the subdivision.
 - c. Specify the number of lots.
 - d. Specify the date of the Planning Commission approval.
2. The applicant shall provide a check sufficient to cover the recording fees.
3. Within one (1) year of approval, the Record of Survey shall be recorded in the Office of the County Recorder with the accompanying written certificate of approval.

11.17.090 EXPIRATION OF 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.

Severability Clause: Should any part or provision of this ORDINANCE be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ORDINANCE as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Effective Date: This Ordinance shall be in full force and take effect on November 27th, 2024

Repealer Clause: All Mount Pleasant City ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND APPROVED this 27th day of November, 2024.

Michael Olsen
Michael Olsen, Mayor

Attest:

Natalie Crosby
Natalie Crosby, Recorder

City Council Member Russell Keisel
City Council Member Paul Madsen
City Council Member Rondy Black
City Council Member Lynn Beesley
City Council Member Cade Beck

Yea X Nay Absent
Yea Nay Absent X
Yea Nay Absent X
Yea X Nay Absent
Yea X Nay Absent

RECORDED this 21th day of November, 2024.

PUBLISHED OR POSTED this 27th day of November, 2024.