

**Garden City
Business License Application**

PO Box 207 • 69 N. Paradise Parkway • Garden City, Utah 84028
www.gardencityut.us • 435-946-2901 • 435-946-8852 Fax

Business Status: (check all that apply) <input checked="" type="checkbox"/> New Business <input type="checkbox"/> Additional Location # _____ <input type="checkbox"/> Name Change <input type="checkbox"/> Ownership Change <input type="checkbox"/> Location Change <input type="checkbox"/> Transient Vendor <input type="checkbox"/> Concessionaire Vendor	License Fee: Business License Fee <u>pd 110.00</u> Transient License Fee _____ Concessionaire Fee _____ Additional Location _____ Other _____ Beach Vendor License also requires a BCI background check
--	--

Official Use Only:

Planning Commission: <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	Date: _____
Town Council: <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	Date: _____
Inspections: Building Insp.: <input type="checkbox"/> Initial Date: _____	<input type="checkbox"/> Final Date: _____
Fire Inspection: <input type="checkbox"/> Initial Date: _____	<input type="checkbox"/> Final Date: _____
TC Fire Exemption Approval: <input type="checkbox"/> Approved	Initial: _____ Date: _____

Comments: _____

Zone: ☐ Commercial 1 2 3 ☐ Residential ☐ Beach Devel. ☐ Other _____

Business Name: Diamond C Custom Dirt Works LLC

If name change, previous name: _____

Location Address: 425 S Bear Lake BLVD (This is a Private Property not open to Public)

City, State & Zip: Garden City, UT 84028

Business Phone: 435-744-9350

Cell Phone: " "

Mailing Address: PO Box 41A

City, State & Zip: Garden City, UT 84028

E-mail Address: hamculder@gmail.com

Owners Name: Hamren Calder

Owners Location: 215 E Froghair Circle

City, State & Zip: Garden City, UT 84028

Phone: 435-744-9350

Cell Phone: _____

Kind of Business ☐ Retail ☐ Lodging ☐ Restaurant

☐ Professional ☒ Contractor ☐ Other

Briefly Describe Your Business: Excavation & Dirt Work

Utah State Sales Tax Number: _____

Ut State Professional License No. ☐ ☐ ☐ 13389957-5501

Will you be installing a sign?: ☐ NO ☐

This is an application for a business license; the actual license will be issued only when All inspections/Approvals are complete. Issuance of this business license shall in no way relieve the applicant of his/her responsibility of complying with applicable zoning, health, building, or fire regulations.

I, We, Hamren Calder hereby agree to conduct said business strictly in accordance with the Laws and Ordinances covering such business. I understand that I shall not begin nor cause to begin business at this location without first obtaining a business license and will not continue business without maintaining a valid license, in doing so, I will be subject to a penalty as stipulated by the Garden City Infraction Fee Schedule.

Business License Fees are non-refundable.

Owners Signature: [Signature] **Date:** 11-24-24

Please print your name: Hamren Calder



Garden City Fire District

P.O. Box 248, Garden City, Utah

(435) 994-2460

gardencityfiredistrict@gmail.com

EXEMPTION FOR PERSONAL BUSINESS FIRE INSPECTION

After having been reviewed by the Garden City Fire District Fire Chief, it has been determined that the business belonging to KAMRON CALDER

and doing business as CIRCLE C CUSTOM DIRT WORK, LLC., and located at PO BOX 49, GARDEN CITY, UT., is exempt from requiring an annual fire safety inspection due to little or no public access to the place of business, and the said address being a private residence that is not being used for public interaction, and not having employees other than the owner(s) of said business.

It may further be understood that the owner of said business has requested that they be exempted from the annual fire safety inspection and by signing this document do so of their own free will and hold Garden City Fire District and Garden City harmless in the event of a Fire/EMS related emergency that could have been avoided by an inspection by the Fire Chief or one of his authorized representatives.

Business owner: Kamron Calder  Date: 11-19-24

Fire District Chief:  Date: 11/15/24

TC 8/27 TC 10/3

Temp Approval

SHORT TERM/NIGHTLY RENTAL INSPECTION CHECKLIST

31.5 X 22.7
Garage

TC 11/22

~~NOT FILL - DENIED~~

Address: 334 N 130 W

Date of inspection: 05/28/2024

Owner: BROCK ROYALL

Taxes Rd. Thru Airbnb / VRBO

Safety Inspections:	Time limit to correct:									
Handrails/Guardrails	Y	marked as per chaise 10/2								
Outdoor lights	Y	not sure where the property line is.								
Water shut off	Y	Attached a map of where the owner says it is								
Gas shut off	Y									
Electrical outlet plates	Y									
Check address on unit	Y									
Other:		PARKING 18 X 95 & 41 X 40 ALL PAVED NEEDS MARKED - pavement has been marked								

Sleeping Room	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10
Sq Ft.	9 X 12	14 X 14	18 X 28	9 X 14	14 X 14	10 X 10	10 X 10			
Exit Required	Y	Y	Y	Y	Y	Y	Y			
Window(s)	Y	Y	Y	Y	Y	Y	Y			
Smoke Detector	Y	Y	Y	Y	Y	Y	Y			
Total Sq. Ft.	108	196	522	126	196	100	100	TOTAL 1348		

Total Occupancy allowed at this address: 26 24, shall not include children under the age of three (3).

Minimum parking required at this address: 7 6 Total number of parking spots on Property 7 6 as per chaise + concrete driveway w/ the garage. All vehicles include trailer's, boats, motor homes, etc., shall park on property. Each trailer is considered a vehicle.

Signatures: GLEN GILLIES

Date: 05/28/2024

Owner/Property Manager:

Short Term Rental Inspection Form

Owner/responsible party BROCK ROYALL Date 5-30-24

Address 334 W. 130 W. Suite/Apt# _____

Access

- ☒ Maintain fire lane free of obstruction
- ☒ Provide address numbers visible from the street

Fire Extinguishers

- ☒ Have new or refurbished and tagged ABC type fire extinguisher for each kitchen or kitchenette
- ☒ Mount fire extinguishers in plain view and access of kitchen
(may be mounted behind closet or cabinet door with placard on door)
- ☒ Provide free and clear access to the fire extinguisher

Fire Alarms/CO Detectors

- ☒ Smoke/Fire alarms in every bedroom, great room, and halls immediately adjacent to bedrooms
- ☒ One CO detector installed for each level of the home
- ☒ Smoke detectors communicate and activate at the same time

Electrical, HAZMAT, and Storage

- ☒ Label electrical panel box breakers
- ☒ Cover plates on all junction boxes, outlets, switches. No exposed wiring/hazardous extension cords
- ☒ No flammable liquids or gasses in the utility/furnace room or closet. Free access to furnace/utilities

Safety

- ☒ No obvious safety hazards determined at the discretion of the inspecting officer

I certify that all items on this list are in compliance with National, State, and Local codes and ordinances and have been inspected by a qualified member of the Garden City Fire District. Pass ☒ Fail ☐

Inspected by: [Signature] Title: _____

Date: _____

Items that need to be corrected:



marked w/ black paint.

Shundahai PID

I hope you kept your information
from last month!

DEC 04 2024



Town of Garden City

69 N. Paradise Parkway, Bldg B.

P.O. Box 207

Garden City, UT 84028

Phone: (435) 946-2901

Email: office@gardencityutah.gov

Garden City Project Checklist

A complete application packet must be filed with the Garden City Town Clerk by the due date listed on the "Procedure for Submittal Poster" for the meeting when your project will be considered. Incomplete packets will not be accepted. Subdivisions, PUD/PRUD, and Condominium projects are required to follow the Subdivision/PUD/PRUD Process, an AEG pre-meeting before turning in this packet is encouraged.

INCOMPLETE APPLICATION PACKETS WILL NOT BE ACCEPTED.

PLEASE REFER TO ORDINANCES FOR A LIST OF REQUIRED DOCUMENTS TO BE INCLUDED WITH THE FOLLOWING PROJECT APPLICATIONS:

- ☐ **Subdivision Plat:** \$3,000 Deposit * 11E
Preliminary Plat: \$500 per plat + \$10 per lot 11E-400
Final Plat: \$500 per plat + \$10 per lot 11E-500
Amended Plat: \$300 per plat
Subdivision packets must include A, 20 of B, 4 of C, D, E, & F for each plat
- ☐ **Condominium Plat:** \$3000 Deposit * Must follow Subdivision Ordinance, Chapter 11E and/or Planned Unit Development Ordinance, Chapter 11F and:
Condominium Plat: \$500 per plat + \$10 per lot 11E-524
Townhouse Plat: \$500 per plat + \$10 per lot 11E-525
Condominium packets must include A, 15 of B, 4 of C, D, E, & F for each plat
- ☐ **Planned Unit Development or Planned Residential Development (PUD or PRUD):**
\$3,000 Deposit * 11C-1950, 11F & 11 E
Preliminary PUD Development Plan: \$1,000 11F-103
Final Development Plan: \$1,000 11F-107
PUD/PRUD packets must include A, 20 of B, 4 of C, D, E, & F for each plat
- ☐ **Readjustment of Lot Lines or Lot Splits:** \$250 11E-506
Packets must include A, B, C, D, E, & F, Also, a deed for each lot
- ☐ **Vacation of Subdivision:** \$300 11E-523
Packets must include A, 20 of B, 4 of C, D, E, & F
- ☒ **Amended Subdivision:** \$300
Packets must include A, B, C, D, E & F
- ☐ **Conditional Use Permit:** \$300
CUP packets must include A, 9 of B, D, E, & F
- ☐ **Variance:** \$250 11B-308
Variance Packets must include A, B, D, E, & F
- ☐ **Annexation:** \$300 for first acre or less, \$20 per acre for each additional acre (Maximum of \$1,000) 11A-300
Annexation packets must include A, 20 of B, 4 of C, D, E, & F

Application for Project Review Garden City, Utah

This application must be accompanied with the necessary and appropriate materials, as stated on the project checklist, before it will be accepted for processing. The date upon which the project will appear on an agenda is determined by the notification schedule required by the State of Utah. The project will be scheduled for the next meeting for which a legal notice has not yet been prepared, after an application is accepted as complete by the Town Staff.

Type of Application (check all that apply):

- ☐ Annexation
- ☐ Appeal
- ☐ Conditional Use Permit
- ☒ Condominium/Townhouse
- ☐ Encumbrance
- ☐ Extension of Time

- ☐ Lot Split/Lot Line Adjustment
- ☒ Plat Amendment (Subdivision)
- ☐ PUD Development Plan
- ☒ PUD Phase Approval/Preliminary or Final
- ☐ PRUD Conceptual
- ☐ PRUD Phase Approval/Preliminary or Final
- ☐ Subdivision
- ☐ Vacation of Subdivision
- ☐ Variance
- ☐ Water Transfer
- ☐ Zone Change
- ☐ AEG Meeting, (Affected Entity Group)
- ☐ Public Infrastructure District
- ☐ Other Land Use Permit _____

Ordinance Reference:

11A-301
11B-400
11C-500
11E-524 or 11E-525

Subdivision 11E-503/PUD or PRUD 11F-107-A-2
11E-506

11C-1950, 11E-100, and 11F-100
11C-1950, 11E-100, and 11F-100
11C-1950, 11E-100, and 11F-100
11C-1950, 11E-100, and 11F-100
11E-100
11E-523
11B-308
13A-1300

Garden City PID Policy

Project Name: Sweetwater Resort Current Zone: C4 Proposed Zone: C4

Property Address: Picklevill Parkway & Sweetwater Parkway

Parcel # 36-04-00-~~1135~~ 055

Contact Person: Tyson Lund Phone #: 305-333-9548

E-mail address: tyson@olympus.build

Mailing Address: 2637 N. 400 E #127 North Ogden, UT 84414

Applicant (if different): Same Phone #: Same

Mailing Address: Same

After recording mail to:

Bear Lake Towns, LLC
2637 N. 400 E. #127
North Ogden, UT 84414

REAL ESTATE EASEMENT AGREEMENT

THIS AGREEMENT is made on DECEMBER 5, 2024, by and between Sweetwater Townhomes Home Owners Association of 2637 N. 400 E. #127, North Ogden, Utah, hereinafter ("Grantee"), and Bear Lake Towns, LLC of 2637 N. 400 E. #127, North Ogden, Utah, 84414 hereinafter ("Grantor").

Recitals

A. The Grantor is the owner of certain real property commonly known as Tax ID #36-04-000-0055, Garden City, Utah 84028, and more fully described as follows: See Exhibit A, (Servient Estate).

B. The Grantee is the owner of certain real property commonly known as part of Tax ID #36-04-00-055, Garden City, Utah 84028, See Exhibit B, ("Dominant Estate").

C. The Grantee desires to acquire certain rights in the Servient Estate.

1. Grant of Easement

For consideration, Grantor hereby grants to Grantee an easement on and across the following-described portion of the Servient Estate: See Exhibit C.

2. Character of Easement

It is the intention of the parties that the easement granted appurtenant to the Dominant Estate, in that the easement benefits the use of the Dominant Estate with an access easement. An access easement being described as a legal agreement that grants access with the purpose of to ensure that the Grantee has a clear and unobstructed path of access to the property.

3. Duration and Binding Effect

The easement shall endure 99 years. This Agreement is made expressly for the benefit of, and shall be binding on, the heirs, personal representatives, successors in interest, and assigns of the respective parties.

4. Purpose of Easement

The easement will benefit the Grantee with an access easement. An access easement being described as a legal agreement that grants access with the purpose of to ensure that the Grantee has a clear and unobstructed path of access to the property.

5. Limitations

It is expressly agreed that the easement, rights, and privileges conveyed to Grantee are limited to what has been previously described in Section 2 and Section 4.

11. Entire Agreement

This instrument contains the entire agreement between the parties relating to the rights granted and the obligations assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect. Any modification of this Agreement must be in writing and must be signed by both parties.

12. Attorney's Fees

If legal action is initiated by either party for the purpose of enforcing or interpreting this Agreement, or to compel the recording of a release, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees, and costs.

The parties have executed this agreement on the above mentioned date.

GRANTEE:

Sweetwater Townhomes Home Owners Association, LLC

Eric Thomas, Manager

Date

STATE OF UTAH

COUNTY OF _____, ss:

This Affidavit was acknowledged before me on this _____ day of December, 2024 by Eric Thomas, Manager of Sweetwater Townhomes Home Owners Association, LLC, who, being first duly sworn on oath according to law, deposes and says that he has read the foregoing Affidavit subscribed by him, and that the matters stated herein are true to the best of his information, knowledge and belief.

Notary Public

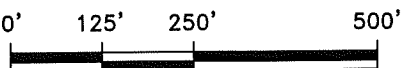
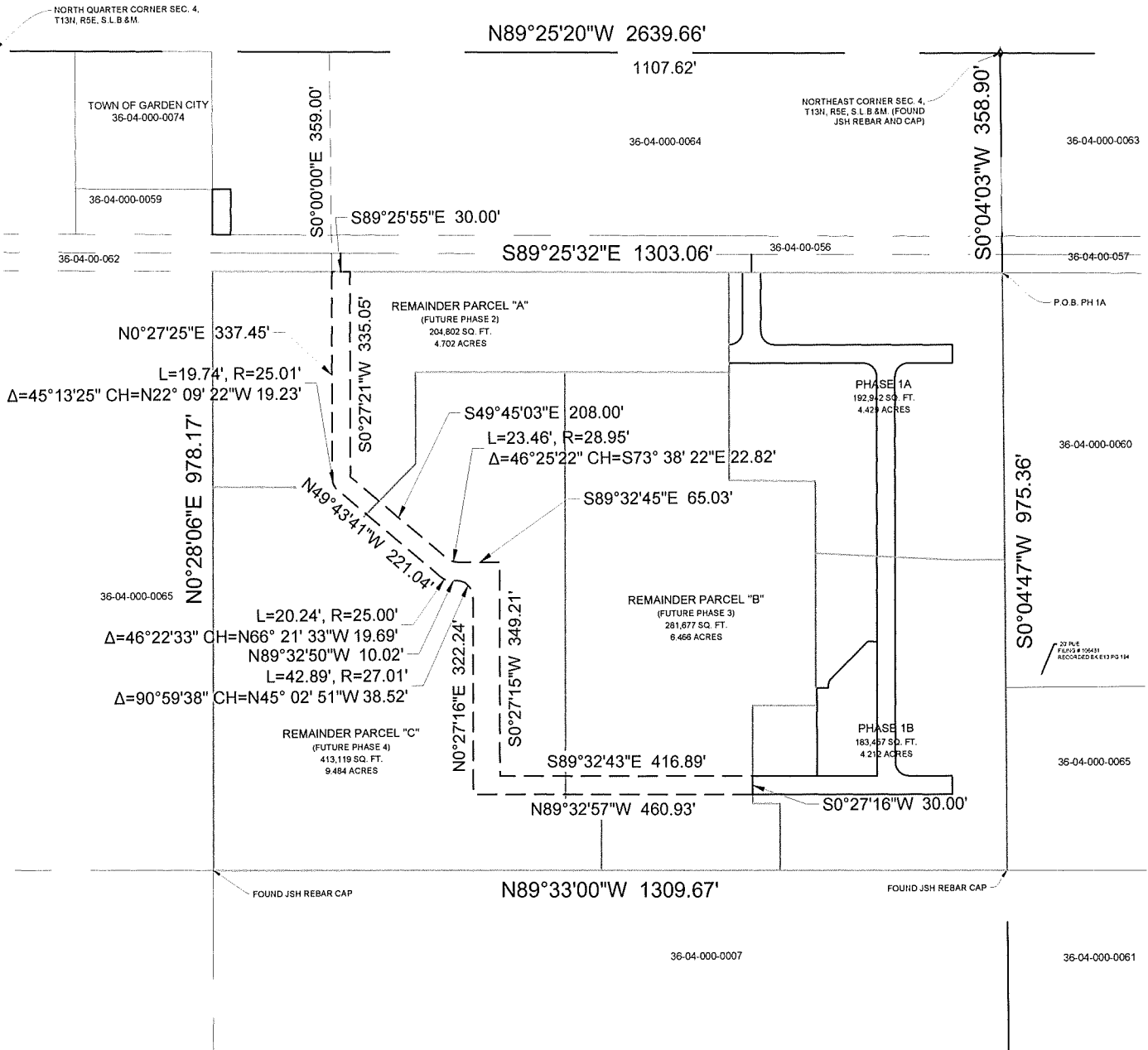
My commission expires _____

PHASE 1A BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING LOCATED NORTH $89^{\circ}25'20''$ WEST 1107.62 FEET ALONG THE NORTH SECTION LINE OF SAID NORTHEAST QUARTER SECTION AND SOUTH $00^{\circ}00'00''$ EAST 359.00 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 4; RUNNING THENCE SOUTH $89^{\circ}25'55''$ EAST 30.00 FEET; THENCE SOUTH $00^{\circ}27'21''$ WEST 335.05 FEET; THENCE SOUTH $49^{\circ}45'03''$ EAST 208.00 FEET; THENCE ALONG THE ARC OF A 28.95 FOOT RADIUS CURVE TO THE LEFT 23.46 FEET WITH AN INTERNAL ANGLE OF $46^{\circ}25'22''$ AND A CHORD BEARING SOUTH $73^{\circ}38'22''$ EAST 22.82 FEET; THENCE SOUTH $89^{\circ}32'45''$ EAST 65.03 FEET; THENCE SOUTH $00^{\circ}27'15''$ WEST 349.21 FEET; THENCE SOUTH $89^{\circ}32'43''$ EAST 416.89 FEET; THENCE SOUTH $00^{\circ}27'16''$ WEST 30.00 FEET; THENCE NORTH $89^{\circ}32'57''$ WEST 460.93 FEET; THENCE NORTH $00^{\circ}27'16''$ EAST 322.24 FEET; THENCE ALONG THE ARC OF A 27.01 FOOT RADIUS CURVE TO THE LEFT 42.89 FEET WITH AN INTERNAL ANGLE OF $90^{\circ}59'38''$ AND A CHORD BEARING NORTH $45^{\circ}02'51''$ WEST 38.52 FEET; THENCE NORTH $89^{\circ}32'50''$ WEST 10.02 FEET; THENCE ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT 20.24 FEET WITH AN INTERNAL ANGLE OF $46^{\circ}22'33''$ AND A CHORD BEARING NORTH $66^{\circ}21'33''$ WEST 19.69 FEET; THENCE NORTH $49^{\circ}43'41''$ WEST 221.04 FEET; THENCE ALONG THE ARC OF A 25.01 FOOT RADIUS CURVE TO THE RIGHT 19.74 FEET WITH AN INTERNAL ANGLE OF $45^{\circ}13'25''$ AND A CHORD BEARING NORTH $22^{\circ}09'22''$ WEST 19.23 FEET; THENCE NORTH $00^{\circ}27'25''$ EAST 337.45 FEET TO THE POINT OF BEGINNING.

EXHIBIT A
SWEETWATER TOWNHOMES ACCESS EASEMENT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13
 NORTH, RANGE 5 EAST
 OF THE SALT LAKE BASE AND MERIDIAN



Scale in Feet
 1" = 250'

GARDNER ENGINEERING
 CIVIL • LAND PLANNING
 MUNICIPAL • LAND SURVEYING
 1580 W 2100S, WEST HAVEN, UT 84405
 P 801.476.0202 F 801.476.0066



- LEGEND**
- MONUMENT AS NOTED
 - SET 24" REBAR AND CAP
 - MARKED GARDNER ENGINEERING
 - SUBDIVISION BOUNDARY
 - LOT LINE
 - ADJACENT PARCEL
 - SECTION LINE
 - EASEMENT
 - EXISTING FENCE LINE

DEC 04 2024

Application for Project Review Garden City, Utah

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- ☒ Lot Split/Lot Line Adjustment
- ☐ Plat Amendment (Subdivision)
- ☐ PUD Development Plan
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- ☐ Vacation of Subdivision
- ☐ Variance
- ☐ Water Transfer
- ☐ Zone Change
- ☐ AEG Meeting, (Affected Entity Group)
- ☐ Public Infrastructure District
- ☐ Other Land Use Permit _____

Ordinance Reference:

11A-301
11B-400
11C-500
11E-524 or 11E-525
Subdivision 11E-503/PUD or PRUD 11F-107-A-2
11E-506
11C-1950, 11E-100, and 11F-100
11C-1950, 11E-100, and 11F-100
11C-1950, 11E-100, and 11F-100
11C-1950, 11E-100, and 11F-100
11E-100
11E-523
11B-308
13A-1300
Garden City PID Policy

Project Name: Bear Hollow Lot 1 Current Zone: C1 Proposed Zone: C3

Property Address: 305 N 300 W

Parcel # 41-17-25-0001

Contact Person: Teri Eynon Phone #: 208-847-5263

E-mail address: teribearlake@gmail.com

Mailing Address: P.O. Box 87 Garden City, UT 84028

Applicant (if different): _____ Phone #: _____

Mailing Address: _____

Blue Water Resort, LLC
Property Owner of Record (if different): Norm Mecham Phone #: 435-757-6278
Mailing Address: PO Box 361 Garden City, UT 84028
Project Start date: 2024 Completion date: 2025

Describe the proposed project as it should be presented to the hearing body and in the public notices.

Bear Hollow lot that fronts 300W to be split
into 2 lots.

Lot Size in acres or square feet: .47 acre Number of dwellings or lots: 2

Non-residential building size: _____

I certify that the information contained in this application and supporting materials is correct and accurate. I have read and understand the requirements and deadlines associated with this application.

Teri Fynon
Signature of Applicant

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application. **Owner of Record MUST sign the application prior to submitting to Garden City.**

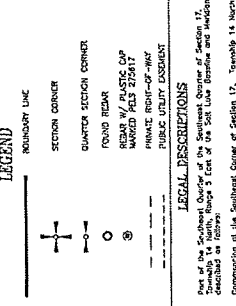
[Signature]
Signature of Owner of Record

Signature of Owner of Record

Signature of Owner of Record

Office Use Only
Date Received: <u>11/13/24</u>
Fee: _____
By: _____

PART OF THE SOUTHEAST QUARTER OF SECTION 17,
TOWNSHIP 14 NORTH, RANGE 5 EAST,
SALT LAKE BASELINE AND MERIDIAN
RICH COUNTY
GARDEN CITY, UTAH



LEGAL DESCRIPTIONS

Part of the Southeast Quarter of the Southeast Quarter of Section 17, Township 14 North, Range 3 East of the Salt Lake Base and Meridian described as follows:

Commencement at the Southeast Corner of Section 12, Township 14 North,

Runways 3 east of the Salt Lake Terrace and Mountain Terrace N 02° 00' 00" E, 500.06 feet (North 30° 30' 43" E). By Record along the west face of the Southeast Quarter of said Section 12, T10N, R14E, S14, 30° 30' 43" E, along the west right-of-way line of 300 West Street and the POINT OF BEGINNING of the west right-of-way line of 300 West Street N 00° 00' 00" E S 32° 17' 16" East and running thence along said right-of-way M 00° 00' 00" S 32° 17' 16" East to North 230', (By Record); thence S 01° 13' 13" W 393.20 feet to the corner of the corporate limit line of Garden City; thence along said line S 00° 00' 00" E 325.27 feet (South 250', By Record); thence leaving said corporate limit 325.27 feet (South 250', By Record); thence leaving said corporate limit S 01° 13' 13" W 393.20 feet to the point of beginning, thence line 4.48 feet S 01° 13' 13" W 393.20 feet to the point of beginning.

[illegible]

SURVEYOR'S CERTIFICATE

I, **BRYAN G. LYON**, A PROFESSIONAL LAND SURVEYOR, HOLDING CERTIFICATE 275617 AS PRESCRIBED BY THE LAWS OF THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT I HAVE SURVEYED A SURVEY OF THE TRACT OF LAND SHOWN ON THE PLAN, WHICH IS ACCURATELY DESCRIBED HEREIN.

[illegible]

In witness whereof, we have hereunto set our hands this 23rd day of April 2008.

STATE OF UTAH)
COUNTY OF GARFIELD)

On this 60th day of January A.D. 2007, I personally appeared before me, _____, who being by me duly sworn did say,
for himself, that he is the Manager of BOUR MELLOW HOLDINGS, LLC
(a Utah Limited Liability Company) and that the within foregoing
Instrument was signed on behalf of said Corporation by
me, that said United Liability Company occupies its same
premises at _____

Notary Public
My Comm. Expires _____

BEAR LAKE SPECIAL SEWER DISTRICT APPROVED
APPROVED THIS 29 DAY OF December 2008
BEAR LAKE SPECIAL SEWER DISTRICT
Paul C. Boylan

COUNTY RECORDER'S CERTIFICATE

STATE OF IOWA
COUNTY OF RICH

THIS IS TO CERTIFY THAT THIS PLAN WAS FILED FOR RECORDING IN THE
BOOK 710, PAGE 579, ON THE 10th DAY OF
JANUARY 2024 AT 2:45 PM LOCAL AND IS FULLY RECORDED
JUL 2024

FILED NO. 71461

BOOK 710
PAGE 579

Heidi DeGuzman
COUNTY RECORDER

TOWN ATTORNEY APPROVAL
25th DAY OF December 20 BY THE
TOWN CLERK
Heather Bell
TOWN CLERK

PLANNING AND ZONING APPROVAL
APPROVED BY THE CARMEN CITY PLANNING AND ZONING
COMMISSION THIS 26 DAY OF December, 2006
Mayor for the town

CITY COUNCIL APPROVAL AND ACCEPTANCE

FORWARDED TO THE GARDEN CITY COUNCIL THIS 29 DAY OF May, 2008 AT WHICH TIME THIS SUBMISSION WAS APPROVED AND ACCEPTED

Don. 048.08
with committee 1/1/09

GARDEN CITY FIRE DISTRICT
 DAY OF **Dec 21** 2011
 IN CITY FIRE DISTRICT
 TOWN ENGINEER APPROVAL
2011

APPROVED THIS _____ DAY OF _____, 2013 BY _____
CARMEN CITY ENGINEER

Garden City Subdivision Ordinance (REV 2024)

Chapter 11E-1. GENERAL PROVISIONS

- A. **Short Title:** This Ordinance shall be known and may be cited as the Garden City Subdivision Ordinance and may be identified within this document as "the Ordinance", "this Ordinance" or "Subdivision Ordinance."
- B. **Purpose:** The Garden City Subdivision Ordinance is established to promote the purposes of Section 10-9a of State Code to provide for the orderly division of lands, and to secure the provision of necessary infrastructure and services in an efficient and economical manner for existing and future residents.
- C. **Authority:** This Ordinance is enacted and authorized under the provisions of Title 10, Chapter 9a, Utah Code Annotated, 1953, as amended.
- D. **Jurisdiction, Definition and Applicability:**
 - 1) Upon its adoption by the Garden City Council, this Ordinance shall govern and apply to the subdivision and platting of all lands within the corporate limits of the City.
- E. **Subdivision Defined.** Subdivision Approval Required for all Development Approvals and Building Permits: For the purposes of this Ordinance, and as provided by the laws of the State of Utah, a subdivision shall be, and shall mean:
 - 1) Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of and 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. No person shall subdivide any land, nor shall any building permit be issued by the City for any lot or parcel of land, which is located wholly or in part within the corporate limits of the City, except in compliance with this Ordinance, and all applicable Local, State and Federal laws.
 - 2) Any subdivision filed or recorded, without the approvals required by this Ordinance, is void.
 - 3) Any owner, or agent of the owner, of any land located in a subdivision, as defined herein, who transfers or sells any land located within the subdivision before such subdivision has been approved and recorded, consistent with the requirements of this Ordinance, is guilty of a violation of this Ordinance, and State law, for each lot or parcel transferred or sold.
 - 4) The description by metes and bounds, or other instrument used in the process of selling or transferring of any lot or parcel of land, does not exempt the transaction from a violation of this Ordinance and the laws of the State of Utah, or from the penalties as provided by this Ordinance and the laws of the State of Utah.
 - 5) There may be instances where a single lot subdivision is required, if no other mechanism is available to accomplish the coordination required for new or additional development in the City.
- F. **Subdivision Not to Include:** For the purposes of this Ordinance "subdivision" does not include:
 - 1) 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 un-subdivided agricultural land, if neither the resulting combined parcel, nor the parcel remaining from the division or partition violates an applicable zoning ordinance.
 - 2) A recorded agreement between owners of adjoining properties adjusting their mutual boundary if no new lot is created, no remnant of land is created or remains, and the adjustment does not result in a violation of any applicable zoning requirements.

- 3) A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or the joining of a subdivided parcel of property to another parcel of property that has not been subdivided, so as to subject the un-subdivided parcel to the subdivision ordinance of the City.
- G. **Vesting.** Subject to verification of a complete application as found herein:
- 1) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the city's zoning map and applicable land use ordinances in effect when a complete application is submitted and all fees have been paid, unless:
 - a. the governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
 - b. in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
 - 2) The city shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
 - a. 180 days have passed since the proceedings were initiated; and
 - b. the proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.
 - 3) An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
 - 4) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding, with reasonable diligence, to implement the approval in accordance with the requirements of the approval and city ordinances and standards.
 - 5) The city shall not impose on a holder of an issued land use permit a requirement that is not expressed:
 - a. in the land use permit or in documents on which the land use permit is based; or
 - b. in the city's ordinances.
 - 6) The city will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
 - a. in the building permit or in documents on which the building permit is based; or
 - b. in the city's ordinances.
 - 7) The city is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.
 - 8) False information provided by the applicant could void vesting.
 - 9) Applications are not transferable.
- H. **Fees and Charges:** The City Council shall establish all necessary fees and charges payable for subdivision applications, public notices, planning and engineering review, and inspection services of this Ordinance by Resolution. Such fees and charges may be amended from time to time, as considered necessary, by Resolution of the City Council. The applicant(s) for subdivision approval shall pay all costs that may be incurred by the City to review the Subdivision Application materials for conformity to the requirements of this Ordinance, other applicable City Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering practices. Such costs shall include those necessary for the provision of planning and engineering services, provided by a professional planner, licensed engineer and attorney services for review of required documents. All subdivision costs, including reviews and construction inspections, shall be the responsibility of the applicant/developer.

- I. Exactions: The City may impose an exaction or exactions on proposed land use development if:
 - 1) an essential nexus exists between a legitimate governmental interest and each exaction; and
 - 2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
- J. Impact Fees: Impact fees be assessed according to current rates as adopted by City Council through resolution, pursuant to Utah State Code 11-36a rules and procedures.
- K. Violation: Any violation of this title shall be a class C misdemeanor.
- L. Enforcement:
 - 1) Any City Staff designated and authorized by the City are responsible for the enforcement of this Ordinance. Failure of the City Staff to enforce any provision or seek remedies to a violation of this Ordinance shall not legalize any such violation.
 - 2) In addition to any criminal prosecution, the city may pursue any other legal remedy to ensure compliance with this chapter. Such actions may include, but are not limited to:
 - a. Injunctions, mandamus, abatement, or any other appropriate action;
 - b. Proceedings to prevent, enjoin, abate, or remove the unlawful use, building, or act;
 - c. The withholding of permits or approvals.
 - 3) Administrative Actions.
 - a. Permit Issuance. The department shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this title, including the payment of required fees. No officer of the city shall grant any permit or license for the use of any building, structure or land when such land is part of a subdivision which has not been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void.
 - b. Special Developments. In cases where the city has approved a special development (e.g. PRUD, Cluster Development, Business Park, or other planned development) with specific design criteria or special development requirements, the city may take action to enforce such design criteria or special development requirements. If the city determines, in its discretion, that: (i) a special development is not proceeding according to the plans approved by the city or according to the language of the documents approved with the special development: or (ii) a proposed building is not consistent with said plans or documents, the city may take any or all of the following actions:
 - i. Withhold approval of the building permit until either;
 - (i) The architectural review committee of the special development certifies that the proposed building meets the design criteria or special development requirements of the project; or
 - (ii) The city determines that the proposed building meets the design criteria or special development requirements of the project.
 - ii. Require the applicant or developer to submit specific plans, specifications, and details of construction sufficient to allow the city to analyze compliance with the approved design criteria and special development requirements of the project.
- M. Licenses and Permits: From the effective date of this Ordinance, no license or permit, including the issuance of a building permit for the construction, alteration, or modification of any building or structure, shall be issued by the City unless such permit or license complies with the requirements and provisions of this Ordinance, including a determination

that the lot or parcel, proposed for the license or permit, is a legal lot created pursuant to the provisions of this Ordinance, or subsequent Subdivision Ordinances, or is a legal lot of record. Any license or permit issued in conflict with the provisions and requirements of this Ordinance shall be void.

N. Appeal of City Actions:

- 1) Appeals of decisions on an applicant's preliminary or final plat application shall be filed with the City Recorder and heard by a three-person panel comprised of one licensed engineer designated by the City, one licensed engineer designated by the land use applicant, and one licensed engineer agreed upon by the two earlier designated engineers. Unless otherwise agreed in writing, the hearing of the appeal panel shall commence within 10-business days of receiving a request from the applicant.
 - a. No panel member shall have an ownership interest in the application in question.
 - b. The applicant shall pay 50% of the total cost of the panel and the City's appeal fee. The City shall pay the remaining 50%.
 - c. The panel's decision is final. Any further appeal of the panel's decision must be filed with the district court within 30 days of the date of the panel's decision.
- 2) An appeal of any issue that is not related to approval of a subdivision (e.g., City standards, regulations, etc.) shall follow the procedures and requirements for appeals under Title X.

Chapter 11E-2. CONCEPT PLAN REVIEW

- A. Concept Plan:** The Concept Plan Review is an opportunity for an applicant to obtain additional understanding of the City's applicable subdivision requirements, ordinance and process information as it pertains to a specific proposal. This is an optional review that may be requested by an applicant.
- 1) The Concept Plan is a discussion document only, designed to allow for a review of project designs as they relate to the existing natural environment and the compatibility with surrounding property uses and potential uses, the identification of application procedures, requirements and standards, the compatibility of the proposed project with the elements of the General Plan, the City's Code, development standards and other items that may be considered in the subdivision approval process once a formal subdivision application is received by the City.
 - 2) A Concept Plan Application shall not constitute an application for subdivision approval and is in no way binding on the City or the applicant. Any discussion with or comments from the Development Review Committee (DRC) shall not be considered as any indication of subdivision approval, either actual or implied by the City.
 - 3) The Concept Plan procedures are described in the APPENDIX: Concept Plan Review Procedures
- B. Application Contents:**
- 1) An application for a Concept Plan, on forms provided by the City, must be completed and submitted to the City Clerk.
 - 2) Application fees must be paid in full.
 - 3) Applicant must provide a Concept Plan and all related documents and drawings, as found in the check list provided with the application, with the completed application.
 - a. Concept Plan should include a conceptual layout of proposed lots including minimum development requirements in the Zoning District, provided by Title XX the City's Zoning Ordinance, in which the subject subdivision is located. The conceptual layout of streets, accounting for adjacent development and master planned streets, must be provided.
 - b. A letter of explanation should be included which briefly describes the proposal and it may include any questions the Applicant has for City Staff.

Chapter 11E-3. PRELIMINARY SUBDIVISION APPLICATION AND APPROVAL

- A. Intent:**

- 1) It is the intent of this Ordinance that Preliminary Subdivision Application approval is a formal action by the Planning Commission, following the receipt of the Development Review Committee (DRC) recommendation.
 - 2) It is the intent of this Ordinance that all items applicable to a Preliminary Subdivision Application be fully addressed by the Applicant, the City, and all other applicable reviewing agencies prior to any action by the Planning Commission.
 - 3) For the purposes of this Ordinance, the procedures and requirements for the consideration of Preliminary Subdivision Applications are provided to allow for the consideration of all items in relation to the subdivision of land. The DRC shall identify and address all items applicable to a Preliminary Subdivision Application prior to providing a recommendation to the Planning Commission.
 - 4) It is intended that the DRC shall provide both a general compatibility and design analysis and technical evaluation of the construction elements of a subdivision in preparing recommendation to the Planning Commission. Conformance with the City's zoning and development standards shall be confirmed.
 - 5) It is intended that the Planning Commission shall identify and address all items applicable to a Preliminary Subdivision Application, including special consideration of DRC recommendations, prior to approving, approving with conditions, or denying a Preliminary Subdivision Application.
- B. **Complete Application:** A complete application is required to be filed with the City before a Review Cycle commences. The determination of whether an application is complete is made by the City Clerk (or designee). An application shall not be considered complete, and the first review cycle shall not begin unless and until the Applicant has submitted the following items:
- 1) A completed application as provided by the City.
 - 2) Payment of all applicable fees.
 - 3) A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - 4) A recent Title Report (within the last six months) covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
 - 5) Current Rich County ownership plat depicting property proposed for subdivision and all contiguous property around land proposed to be subdivided.
 - 6) Property Survey and Existing Conditions Drawing
 - 7) A digital copy of the preliminary plat as outlined in the Public Works Standards.
 - 8) A digital copy of the preliminary plans to include at a minimum the following:
 - a. Grading and drainage plan.
 - b. Utility plan.
 - c. Storm Drain calculations.
 - d. Preliminary Site Plan (if applicable)
 - e. Preliminary Landscape Plan (if applicable)
 - f. Fencing Plan (if applicable)
 - g. Preliminary Water Report
 - h. Preliminary Wastewater Report
 - i. Preliminary Storm Drain Report
 - j. Low Impact Design (LID) analysis and Water Quality Report, if applicable
 - k. Will serve letters from all affected entities, if applicable.
 - 9) Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.

- C. **Preliminary Subdivision Submittal Contents:** All Preliminary Subdivision Applications, filed with the City are required to provide the following information:
- 1) **Application.** A Preliminary Subdivision Application form, provided by the City, shall be completed and signed by the owner(s) as identified on the property assessment rolls of Rich County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Preliminary Subdivision Application shall be accompanied by the application fees, those items found on the check list provided with the application, and listed below:
 - 2) **Property Survey.** A survey of the property including boundaries, easements, encroachments, and existing conditions shall be submitted. This can be an ALTA survey.
 - 3) **Preliminary Subdivision Plat.** A preliminary plat, prepared by a licensed land surveyor, or engineer, shall be provided. The preliminary subdivision plat shall be prepared in permanent ink and all sheets shall be numbered.
 - 4) The preliminary subdivision plat shall show the following:
 - a. A layout plan of the proposed subdivision, at a scale generally of no more than 1" = 100' (or as recommended by the City Planner and/or City Engineer).
 - b. The proposed name of the subdivision and the section, City, range, principal median, and County of its location shall be located at the top and center of the preliminary plat.
 - c. A title block, placed on the lower right-hand corner of the plat showing:
 - i. Name and address of owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
 - ii. Date of preparation of the preliminary subdivision plat, and all revision dates.
 - d. North arrow, graphic and written scale, and basis of bearings used.
 - e. All proposed lots, rights-of-way, and easements created by the proposed subdivision and their bearings, lengths, widths, name, number, or purpose. Each proposed lot shall identify required setback lines (the buildable area) including front, side, and rear as required by the Zoning District in which the proposed subdivision is located.
 - f. A vicinity map of the site at a minimum scale of 1" = 1000' (or as recommended by City Planner and/or City Engineer).
 - g. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument.
 - h. The location of the property with respect to surrounding property and roads, and the names of all adjoining property owners of record.
 - i. The legal description of the entire subdivision site boundary.
 - j. Existing site contours at intervals of no greater than ten feet (major) and two feet (minor), unless otherwise approved by the City Engineer, overlaid with the proposed subdivision layout. Slope calculations, according to the requirements of this title, shall also be provided.
 - k. Plans or written statements regarding the width and type of proposed pavement, location, size and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed utilities, proposed stormwater drainage facilities and other proposed improvements, such as sidewalks, planting and parks, and any grading of individual lots.
 - l. The location, widths, and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography, and buildings within or immediately adjacent to the tract to be subdivided.

- m. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation.
- 5) **Other Drawings and Documents.** Additional drawings that may be required for review in conjunction with the preliminary plat are the following:
- a. Site Plan, for non-residential and multi-family projects.
 - b. Preliminary Landscape Plans, for non-residential and multi-family projects. Required for single family homes when there is an HOA that has common open space.
 - c. Fencing Exhibit, when applicable
 - d. It shall be the responsibility of the applicant to provide the necessary information, materials and/or reports with the preliminary plat as required by the City to evaluate the following systems:
 - i. Culinary Water Preliminary
 - ii. Wastewater (Sewer) Preliminary
 - iii. Storm Drainage Preliminary
- 6) **Subdivision Roads and Streets.** The preliminary subdivision plat, and other application materials, shall identify the proposed road and street layout. Proposed subdivision streets shall make provision for the continuation of existing streets, as required by the City.
- a. All subdivision streets shall be designed as required by the City. The City shall review the proposed street and road design for compliance with the requirements of the City.
 - b. The proposed street and road layout shall provide adequate and safe access to all proposed lots and proposed and existing roads, streets, and adjacent properties.
 - c. If the subdivision will be accessed from a State Highway, proof of preliminary application for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.
- 7) **Inter-Agency Coordination.** The following information is necessary to establish the availability of basic services to the proposed subdivision. The City may refer plans to other agencies for their review as applicable. It shall be the responsibility of the applicant to provide the necessary information and materials as required by the different agencies. The applicant shall also be responsible for any fees charged by such agencies.
- a. *Fire Protection.* The City's Fire Department will evaluate the proposed fire protection capacity and system design in the development area. The fire department may provide additional information to the applicant in the Development Review of requirements relating to fire protection.
 - b. *Water Conveyance.* If the developing property lies within a water conveyance district, it shall be the responsibility of the applicant to coordinate with the district and provide them the necessary information and materials to evaluate the proposed development and any possible changes to existing systems. The applicant shall obtain a preliminary letter from the Water Conveyance District that they acknowledge receipt of a copy of the preliminary plat submittal, and if applicable, a brief description of any information the applicant and the City need to know regarding the development as it may or may not affect the existing systems.
 - c. *Special Service District or Special Service Area.* If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area,

a letter shall be provided from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

- d. *UDOT*. If the subdivision will be accessed from a State Highway, proof of preliminary application for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.
- 8) **Additional Information and Materials when Necessary.** When the City Staff, Planning Commission, or City Council deem necessary, the Applicant may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection, traffic impact studies, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, and access to existing and planned trails.
- 9) **Phasing Permitted:** A preliminary plat may be divided into two or more phases and the Planning Commission may impose such conditions upon the filing of the phases as it may deem necessary to assure the orderly development of the subdivision.

D. Preliminary Plat Procedures:

- 1) *Review Cycles and Review Considerations:* Upon an application being deemed complete, the first review cycle will commence.
 - a. The DRC will proceed to complete a technical review of the preliminary plat and associated documents for conformance to the City Code and Development Standards.
 - b. The DRC may recommend specific project designs, onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, which are consistent with the City Code and Development Standards, including but not limited to:
 - i. Road and street improvements, including layout and design and construction elements.
 - ii. Flood control facilities.
 - iii. Culinary Water facilities.
 - iv. Sanitary Sewer facilities.
 - v. Storm Drainage facilities.
 - vi. Lot and/or Site Drainage facilities.
 - vii. Park and open space areas and facilities, trail accesses and connections to existing and planned trails.
 - viii. Fire protection facilities, including fire hydrants and water storage facilities.
 - ix. Power, gas, telephone, cable, and any other public utility facilities.
 - x. Fencing and buffering treatments.
 - xi. Street lighting and streetscape enhancements including street trees and park strip improvements.
 - xii. The protection and preservation of the natural environment.
- 2) *Subsequent Review Cycles and Scheduling:* Subsequent review cycles may occur until the City is in receipt of conforming plans and reports, at which time the Preliminary Plat application shall be scheduled for a public meeting and consideration by the Planning Commission.
- 3) *Public Notification.* The preliminary plat application will be placed on the agenda of the next available regular Planning Commission meeting. Unless otherwise specified by

Utah State Code, there are no other public noticing requirements for preliminary plat applications.

- 4) *Public Meeting.* The Planning Commission shall conduct the public meeting and consider the Preliminary Subdivision Application at a regular Planning Commission meeting.
 - a. During the consideration of the Preliminary Subdivision Application, and upon all available information and materials presented, the Planning Commission will make a decision based on findings of fact to approve, approve with conditions, or deny the Preliminary Plat.
- 5) *Decision Letter.* A notice of action shall be provided by the City to the applicant of the decision of the Planning Commission, along with the any conditions of approval, requirements for approval or reasons for denial.
 - a. Notice of action on the preliminary plat shall be authorization for the applicant to proceed with the preparation of the final plat and specifications for the minimum improvements required in this Title.

E. **Preliminary Plat Approval.** The approval of a Preliminary Subdivision Application shall be effective for a period of one (1) year from the date of approval by the Planning Commission, at the end of which time the applicant shall have submitted a final subdivision application for approval.

- 1) If a final subdivision application is not received by the City within the one (1) year period, the preliminary subdivision approval shall be void, and the applicant shall be required to submit a new Preliminary Subdivision Application, subject to the then existing application and approval requirements in effect, and all other applicable City, State and Federal requirements.
- 2) For developments designed to be done in phases, the subsequent phases should be submitted within two (2) years of the previous phase being approved.

F. **Site Preparation Work Prohibited.**

- 1) No excavation, grading or re-grading shall take place on any land until Final Subdivision approval has been granted by the City and a pre-construction meeting held.
 - 2) No installation of improvements shall take place on any subdivision site until a final subdivision plat has been recorded in the Office of the Rich County Recorder, or until the City has received, reviewed and approved an engineer's estimate on the subdivision's improvements and have a draft escrow agreement written.
 - i. An executed escrow agreement signed by the developer, escrow agent and City must be in place prior to recordation of the final plat.
 - 3) No lots shall be sold and no building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of the Rich County Recorder and improvements as required by the City Code have either been installed, or a subdivision improvement escrow agreement has been fully executed.
- 4) **Amendments to Preliminary Plat or Phasing Plans.** At any time after preliminary plat approval and before submission of a final plat, the applicant may request of the City that an amendment be made in the approval or conditional approval of the preliminary plat.
 - a. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent

- (10%) or more or increasing density in the subdivision by ten percent (10%) or more.
- b. If the proposed amendment is major, the revised plat would proceed through a review city with the DRC and referred to the Planning Commission for consideration at their next available regular meeting.
 - i. The Planning Commission shall approve, conditionally approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment.
 - c. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the Planning Commission, the applicant may withdraw the proposed major amendment. An applicant may not propose more than two (2) major amendments to any preliminary plat.
 - d. The City Planner, in consultation with and recommendation from the DRC may administratively approve the proposed amendments that are deemed to be minor. A decision letter of the approval, or conditional approval, of the amended plat (with a copy of the revised preliminary plat) shall be provided to the applicant.
 - i. If consensus is not reached that the proposed changes are minor it may be referred to the Planning Commission for review and action.
 - e. The City Planner, in consultation with and recommendation from the DRC may administratively approve amended phasing plans. A decision letter of the approval, or conditional approval, of the amended phasing plan (with a copy of the revised phasing plan) shall be provided to the applicant.
 - i. If the amended phasing plan creates complexities that the DRC identifies the phasing plan may be referred to the Planning Commission for review and action.

Chapter 11E-4. FINAL SUBDIVISION APPLICATION AND APPROVAL

A. Intent:

- 1) It is the intent of this Ordinance that the City Engineer, in consultation and with the recommendation from the Development Review Committee (DRC) shall review all Final Subdivision Applications.
- 2) It is the intent of this Ordinance that all items applicable to a Final Subdivision Application be fully addressed by the Applicant, as the City, and all other applicable reviewing agencies prior to any action by the City Engineer.
- 3) For the purposes of this Ordinance, the procedures and requirements for the consideration of Final Subdivision Applications are provided to allow for the consideration of all items in relation to the subdivision of land. The DRC shall identify and address all items applicable to a Final Subdivision Application prior to providing a final recommendation to the City Engineer.
- 4) It is intended that the DRC shall provide both a general compatibility and design analysis and technical evaluation of the construction elements of a subdivision in

preparing recommendation to the City Engineer. Conformance with the City's zoning and development standards shall be again confirmed. Compliance with preliminary plat conditions of approval and required modifications made during the Preliminary Plat Development Review process shall also be verified.

- 5) It is intended that the City Engineer, in coordination with the DRC shall review, identify and address all items applicable to a Final Subdivision Application, including review and approval of construction drawings, prior to approving, approving with conditions, or denying a Final Subdivision Application.

B. **Complete Application:** A complete application is required to be filed with the City before a Review Cycle commences. The determination of whether an application is complete is made by the City Clerk (or designee). An application shall not be considered complete, and the first review cycle shall not begin unless and until the Applicant has submitted the following items:

- 1) A completed application as provided by the City.
- 2) Payment of all applicable fees.
- 3) A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
- 4) A recent Title Report (within the last six months) covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
- 5) Tax Clearance Letter from Rich County
- 6) A digital copy of the final plat as outlined in the Public Works Standards.
- 7) A digital copy of the final plans to include at a minimum the following:
 - a. Grading and drainage plan.
 - b. Utility plan.
 - c. Storm Drain calculations.
 - d. Final Site Plan (if applicable)
 - e. Final Landscape Plan (if applicable)
 - f. Fencing Plan (if applicable)
 - g. Final Water Report
 - h. Final Wastewater Report
 - i. Final Storm Drain Report
 - j. Low Impact Design (LID) analysis and Water Quality Report, if applicable
- 8) Will serve letters from all affected entities, if applicable.
- 9) Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.

C. **Final Subdivision Submittal Contents:** All Final Subdivision Applications shall provide the following information:

- 1) **Application.** A Final Subdivision Application, provided by the City, completed and signed by the owner(s) as identified on the property assessment rolls of Rich County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Final Subdivision Application shall be accompanied by the application fees, those items found on the check list provided with the application, and documents and items as found herein.
- 2) **Final Subdivision Plat.** The applicant shall submit a final subdivision plat, prepared by a licensed land surveyor, conforming to current surveying practice and in a form acceptable to the Rich County Recorder for recordation together with plans as required herein. The final subdivision plat shall be prepared in permanent ink and all sheets shall be numbered. All required certificates shall appear on a single sheet (along with the index and vicinity maps). The final subdivision plans shall include any revisions or

additions, as required by the Planning Commission, that were part of preliminary subdivision approval.

- 3) The final subdivision plat shall show the following:
 - a. Notation of any self-imposed restrictions, including proposed final restrictive covenants, and all other restrictions as required by the City in accordance with this Ordinance, signature lines for all owners of interest and the acknowledgment of a public notary.
 - b. Endorsement lines on the final plat by every person having a security interest in the subdivision property subordinating their liens to all covenants, servitudes and easements imposed on the property.
 - c. The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted. Bearings shall be shown to the nearest second; lengths to the nearest hundredth of a foot; areas to the nearest hundredth acre.
 - d. The owner's certificate of dedication(s) including the dedication of any public ways or spaces. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.
 - e. A legal description of the subdivision boundaries.
 - f. Signature blocks prepared for the dated signatures of the City Engineer and the Mayor in a form acceptable to the city.
- 4) *Title Report*. A Title Report, not older than 6 months, shall be provided.
- 5) *Tax Clearance*. A tax clearance from the Rich County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
- 6) *Construction Drawings and Plan*. Final design and construction drawings for all proposed or required public improvements, prepared as required by the City Engineer and designed as required by the City, including the profiles and cross sections of all existing and proposed streets, all storm drainage and flood control facilities, the elevations and location of fire hydrants, required culinary and secondary water facilities, sanitary sewer facilities, land drain facilities, storm water pollution prevention plans, and all other provided and required public facilities and improvements. The following documents are also required:
 - a. Storm Drain calculations
 - b. Landscape Plans, for non-residential and multi-family projects. Required for single family homes when there is an HOA that has common open space.
 - c. Fencing Exhibit
 - d. Site Plan, for non-residential and multi-family projects.
 - e. Culinary Water, Wastewater and Storm Drain final reports, if applicable.
- 7) **Inter-Agency Coordination**. The following information is necessary to confirm the availability of basic services to the proposed subdivision. The City may refer plans to other agencies for their review as applicable. It shall be the responsibility of the applicant to provide the necessary information and materials as required by the different agencies. The applicant shall also be responsible for any fees charged by such agencies.
 - a. *Fire Protection*. The City's Fire Department will evaluate the proposed fire protection capacity and system design in the development area. The fire department may provide additional information to the applicant in the Development Review of requirements relating to fire protection.

- b. *Water Conveyance*. If the developing property lies within a water conveyance district, it shall be the responsibility of the applicant to coordinate with the district and provide them the necessary information and materials to evaluate the proposed development and any possible changes to existing systems. The applicant shall obtain a final review letter from the Water Conveyance District that they acknowledge receipt of a copy of the final plat submittal, and if applicable, a brief description of any information the applicant and the City need to know regarding the development as it may or may not affect the existing systems.
- c. *Special Service District or Special Service Area*. If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a letter shall be provided from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.
- d. *UDOT*. If the subdivision will be accessed from a State Highway, proof of application and ultimately approval for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.

- 8) **Other Final Subdivision Application Information and Materials**. The following information is required to be presented as part of the Final Subdivision Application:
- a. Any proposed or required bonds and agreements.
 - b. Copies of CCR's and any other project specific document, signed by the applicant. (The final mylar plat and all relevant documents must be reviewed and approved by appropriate city staff before final signatures and attests are added for recording purposes).

D. Final Plat Procedures:

- 1) *Review Cycles and Review Considerations*: Upon an application being deemed complete, the first review cycle will commence.
 - a. The DRC will proceed to complete a technical review of the final plat, improvements drawings and associated documents for conformance to the City Code and Development Standards.
 - b. The DRC may recommend specific project designs, onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, which are consistent with the City Code and Development Standards, including but not limited to:
 - i. Road and street improvements, including layout and design and construction elements.
 - ii. Flood control facilities.
 - iii. Culinary Water facilities.
 - iv. Sanitary Sewer facilities.
 - v. Storm Drainage facilities.
 - vi. Lot and/or Site Drainage facilities.
 - vii. Park and open space areas and facilities, trail accesses and connections to existing and planned trails.
 - viii. Fire protection facilities, including fire hydrants and water storage facilities.
 - ix. Power, gas, telephone, cable, and any other public utility facilities.
 - x. Fencing and buffering treatments.
 - xi. Street lighting and streetscape enhancements including street trees and park strip improvements.
 - xii. The protection and preservation of the natural environment.

- 2) *Subsequent Review Cycles.* Up to three (3) subsequent review cycles may occur until the City is in receipt of conforming plans and reports, at which time the DRC will make final recommendation to the City Engineer of approval, conditional approval or denial of the Final Plat application.
 - a. *Waiver.* If the applicant desires to have an additional review cycle, to address what would otherwise be a decision of denial at the fourth review, the applicant may specify in writing and submit a signed letter to the City requesting an additional review cycle to be completed on the project.
 - 3) *Public Notification.* Unless otherwise specified by Utah State Code, there are no public noticing requirements for final plat applications.
 - 4) *Decision Letter.* A notice of action shall be provided by the City to the applicant of the decision of the City Engineer, along with the any conditions of approval, requirements for approval or reasons for denial.
 - a. Notice of action on the final plat shall be authorization for the applicant to proceed with addressing any remaining conditions of approval, preparing information (engineer's estimates, improvement bids, etc.) for the establishing a subdivision improvement escrow agreement and submitting any other outstanding item for the City to review and approve prior to a pre-construction meeting.
 - 5) *Pre-Construction Meeting.* When the applicant is ready to start construction on the site, a request to the City for a pre-construction meeting shall be made.
 - a. Prior to the City scheduling the meeting the applicant will the following completed:
 - i. Any remaining conditions of approval addressed. With submittals of any outstanding items already made and approved.
 - ii. The State's NOI for grading and land disturbance.
 - iii. An engineer's estimate or improvement bid submitted for review by City in preparation for the establishment of subdivision improvement escrow account.
- E. **Final Plat Approval.** The approval of a Final Subdivision Application shall be effective for a period of **two (2) years** from the date of approval by the City Engineer.
- 1) If a final plat is not recorded within the **two (2) year period**, a request may be made to the City for an extension of time for up to one year. The extension request will be considered by the DRC and recommendation made to the City Engineer, who will provide in writing a decision on the extension request.
 - a. If after the **one year extension**, a final plat is still not recorded but the installation of subdivision improvements have already begun, but not completed, the City shall complete an inspection to determine what has been completed, what needs to be completed and the City may begin coordination with the escrow agent to obtain the escrow funds to go toward completing the subdivision improvements as originally designed and approved.
 - 2) For developments designed to be done in phases, the subsequent phases should be recorded within **two (2) years** of the previous phase being recorded.
- F. **Site Preparation Work Prohibited.**
- 1) No excavation, grading or re-grading shall take place on any land until Final Subdivision approval has been granted by the City and a pre-construction meeting held.
 - 2) No installation of improvements shall take place on any subdivision site until a final subdivision plat has been recorded in the Office of the Rich County Recorder, or until the City has received, reviewed and approved an engineer's estimate on the subdivision's improvements and have a draft escrow agreement written.
 - a. An executed escrow agreement signed by the developer, escrow agent and City must be in place prior to recordation of the final plat.

- 3) No lots shall be sold and no building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of the Rich County Recorder and improvements as required by the City Code have either been installed, or a subdivision improvement escrow agreement has been fully executed.

G. **Final Plat Recordation.** Recordation of Final Subdivision Plats: The City Clerk or designee, shall take all appropriate Final Subdivision Application documents including the signed final plat to the Office of the Rich County Recorder for recordation. The applicant is required to pay all fees, including copies, for the recording of all final subdivision documents and final plats.

- 1) **Signing of Plat:** The signing of the mylar (plat) and the escrow agreement should typically happen concurrently. The applicant should obtain any needed signatures on the mylar from signing utility companies or other outside agencies first, then the mylar should be submitted to the City Clerk who will then obtain the signatures of the City Engineer, and the Planning Commission Chair. The City Engineer will specifically review that all of the conditions of the final plat approval have been satisfied.
- 2) **Recordation of Plat:** It shall be the responsibility of the City Clerk to file the final plat with the County Recorder's Office within ten (10) business days of the date of the last signature on the final plat. Simultaneously with the filing of the final plat, the City Clerk shall record any agreements of dedication, HOA Declarations, CC&Rs, deed restrictions, etc. that are associated with the plat.

Chapter 11E-5. DEFINITIONS

Administrative Land Use Authority:

- a. The Planning Commission shall act as the approval authority for the Preliminary Plat.
- b. The Planning Commission Chair shall act as the approval authority for the Final Plat, in consultation with the City Engineer, City Attorney and Public Works Director.

Application: A Concept Plan, Preliminary Subdivision, or Final Subdivision Application as required by this Ordinance.

Concept Plan Review: An opportunity for an applicant to either meet with, or receive written comments from, some members of the DRC to obtain information regarding the City's applicable subdivision requirements.

Development Review: The process through which the City, receives and reviews documentation related to the subdivision application, and completes a technical review of the proposal and provides applicant review comments to be addressed. The City Engineer receives comment specifically from the Public Works Director, City Planner, Fire Chief, and Building Official (when applicable) and other city and county officials who provide technical expertise, policy requirements, and application of appropriate standards regarding development applications under the applicable codes.

Development Review Committee (DRC): The committee responsible to provide general and technical reviews and recommendations for all subdivision applications. The Garden City DRC designated members are Public Works Director, City Recorder, City Engineer, City Planner, Fire Chief, Building Official, Mayor and the Planning Commission Councilmember Liaison.

Plats: As required by section 10-9a Utah code annotated, 1953, as amended.

Whenever any lands are laid out and platted, the owner of those lands shall provide an accurate plat that describes or specifies:

the boundaries, course, and directions of the parcels of ground;

whether the parcels of ground are intended to be used as streets or for other public uses, and whether any areas are reserved for public purposes;

the lot or unit reference, the block or building reference, the street or site address, the street name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale; and

existing right-of-way and easement grants of record for underground facilities, and for other utility facilities.

The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgement of conveyances of real estate.

The surveyor making the plat shall certify it.

The owner or operator of the underground and utility facilities shall approve the plat of its property interest if it specifies:

the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;

the location of existing underground and utility facilities; and

any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.

The land use Authority shall approve the plat as provided in this part. Before the Land Use Authority may approve a plat, the owner of the land shall provide the Authority with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

Recording.

After the plat has been acknowledged, certified, and approved, the owner of the land shall, subject to Subsection (6)(b), record it in the county recorder's office in the county in which the lands platted and laid out are situated.

An owner of land may not submit for recording a plat that gives the subdivision described in the plat the same name as a subdivision in a plat already recorded in the county recorder's office.

Review Cycle: the process for review of a complete subdivision application. There may be multiple thirty (30) business day reviews for the preliminary plat review cycle. There shall be no more than four (4) total review cycles of forty (40) business days for a final plat.

a. A single review cycle shall be considered complete when:

- i. Complete Application is submitted to the Administrative Land Use Authority;
- ii. The Administrative Land Use Authority Review is complete;
- iii. The Applicant Response to Review is complete; and
- iv. The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.

b. Review Cycle, exceptions as follows:

- i. Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.
- ii. Additional Time for Review. If the Applicant does not submit a revised plat within forty (40) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.

Subdivision: Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, 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.

As provided by 10-9a, Utah Code Annotated, 1953, as amended, and for the purposes of this Ordinance "subdivision" does not include:

1. 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 un-subdivided agricultural land, if neither the resulting

combined parcel, nor the parcel remaining from the division or partition violates an applicable zoning ordinance.

2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

no new lot is created; and

no remnant of land is created or remains; and

the adjustment does not result in a violation of any applicable zoning requirements.

3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided so as to subject the un-subdivided parcel to the subdivision ordinance of Garden City.

APPENDIX A: SUBDIVISION REVIEW PROCEDURES

ATTACHMENT 1

CONCEPT PLAN APPLICATION AND REVIEW PROCEDURES

1. Applicant coordinates with City Planner to obtain Concept Plan Application and ordinance requirements for subdivisions.
2. Concept Plan filed with City Planner. The City Planner determines application completeness (see Attachment 5 for procedure on determination).
3. Once deemed complete, the City Planner distributes the submittal package and application information to the Development Review Committee (DRC), appropriate staff, and others needed to provide review of the concept plan.
4. The City Planner collects the review comments from the DRC, and any other reviewing agency providing comment and distributes them to the Applicant for their use in preparing for the formal application and submittal.

5. A concept plan shall not constitute a formal application for subdivision approval and is in no way binding on the City or the applicant(s). Discussions and comments shall not be considered any indication of subdivision approval, either actual or implied by the City.

ATTACHMENT 2

PRELIMINARY SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCEDURES

1. Preliminary Subdivision Application filed with City Planner. The City Planner determines application completeness (see Attachment 5 for procedure on determination).
2. Once deemed complete, the City Planner distributes the submittal package and application information to the Development Review Committee (DRC), appropriate staff, and others needed to provide review of the preliminary subdivision application.
Chapter 11E-6.
3. Development Review Committee (DRC) provides preliminary technical review of Preliminary Subdivision Application for compliance with all applicable ordinances, standards,

requirements, and the General Plan.

Chapter 11E-7.

4. The City Planner collects the review comments from the DRC, and any other reviewing agency providing comment and distributes them to the Applicant. If City Planner, Engineer or other DRC member determines that comments are extensive enough to warrant a meeting for the first review comments, the City Planner will schedule a meeting to be held with the Development Review Committee (DRC) and the Applicant to discuss the review.

5. The Applicant revises the plans to address all the review comments from the DRC and resubmits the documents to the City Planner. The City Planner distributes the re-submittal package to the Development Review Committee (DRC), appropriate staff, and others needed to provide second review of the preliminary subdivision application. This step is repeated until the plans meet the requirements of the DRC.

Chapter 11E-8.

6. Once the plans have been revised and the DRC have indicated acceptance of the plans, the City Planner schedules meetings with the Planning Commission and City Council and provides notices as required.

7. The Planning Commission holds a public meeting and considers the Preliminary Subdivision Application and all information received. By motion, the Planning Commission recommends approval, approval with conditions, or denial of the Preliminary Subdivision Application to the City Council.

8. The City Council holds a public meeting and considers the Planning Commission recommendation for the Preliminary Subdivision Application. The City Council shall approve, approve with conditions, or deny the Preliminary Subdivision Application.

Chapter 11E-9.

9. City Planner shall provide written notice of decision to the Applicant regarding the Preliminary Subdivision Application of either approval, approval with conditions or denial.

ATTACHMENT 3- CC ONLY

FINAL SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCEDURES

1. Final Subdivision Application filed with City Planner. The City Planner determines application completeness (see Attachment 5 for procedure on determination).

Chapter 11E-10.

2. Once deemed complete, the City Planner distributes the submittal package and application information to the Development Review Committee (DRC), appropriate staff, and others needed to provide review of the preliminary subdivision application.

3. Development Review Committee (DRC) provides final technical review of the Final Subdivision Application in compliance with the Preliminary Subdivision Application conditions required by the City Council and with all applicable ordinances, standards and requirements.

Chapter 11E-11.

4. The City Planner collects the review comments from the DRC, and any other reviewing agency providing comment and distributes them to the Applicant. If City Planner, Engineer or other DRC member determines that comments are extensive enough to warrant a meeting for the first review comments, the City Planner will schedule a meeting to be held with the Development Review Committee (DRC) and the Applicant to discuss the review.

Chapter 11E-12.

5. The Applicant revises the plans to address all the review comments from the DRC and resubmits the documents to the City Planner. The City Planner distributes the re-submittal package to the Development Review Committee (DRC), appropriate staff, and others needed to provide second review of the final subdivision application. This step is repeated until the plans meet the requirements of the DRC.

Chapter 11E-13.

6. Once the plans have been revised and the DRC have indicated acceptance of the plans, the City Planner schedules meeting with the City Council and provides notices as required.

Chapter 11E-14.

7. The City Council holds a public meeting and considers the Final Subdivision Application. The City Council shall approve, approve with conditions, or deny the Final Subdivision Application.

Chapter 11E-15.

8. City Planner shall provide written notice of decision to the Applicant regarding the Final Subdivision Application of either approval, approval with conditions or denial.

Chapter 11E-16.

9. Once any remaining conditions of approval have been met (if applicable), the City Planner will schedule a pre-construction meeting to be held with the Applicant's development team and the DRC to review the City's construction process and requirements.

Chapter 11E-17.

10. The Applicant will enter into a Subdivision Improvement and Escrow Agreement with the City, and upon a fully executed agreement, the applicant submits a final mylar plat and all approved relevant documents in final form, complete with appropriate signatures and acknowledgements for receipt of city signatures and recording.

11. The Final Subdivision Application approval by the city is effective for two years during which time the Final Subdivision Plat and appropriate documents are recorded with the Rich County Recorder's Office by the City Planner (or designee).

ATTACHMENT 4

MINOR SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCEDURES

1. Minor Subdivision Application filed with City Planner. The City Planner determines application completeness (see Attachment 5 for procedure on determination).

2. Development Review Committee (DRC) provides preliminary technical review of the Subdivision Application for compliance with all applicable ordinances, requirements,

and the General Plan.

3. Once the plans have been revised to meet any requirements of the DRC, the City Planner schedules a meeting with the Planning Commission and provides notices as required.
4. The Planning Commission conducts a public hearing and considers the Subdivision Application and all information received. The Planning Commission approves, approves with conditions, or denies the Minor Subdivision Application.
5. Once approval is received, the applicant submits a final mylar plat and all approved relevant documents in final form, complete with appropriate signatures and acknowledgements for DRC review and approval and receipt of city signatures and recording
6. The Minor Subdivision Application approval by the city is effective for one year during which time the Subdivision Plat and appropriate documents are recorded with the Rich County Recorder by the City Planner.

ATTACHMENT 5

DETERMINATION OF APPLICATION COMPLETENESS PROCEDURES

1. Application submitted to City Planner.
2. Application reviewed for determination of completeness by City Planner. Such review to be completed within two weeks of submission.
3. Application Determined Complete: Proceed with applicable application review procedures.
4. Application determined incomplete:
 1. Applicant is notified in writing identifying deficiencies.
 2. Applicant has 90 days to correct application deficiencies.
 3. Application remains incomplete after 90 days: Application is considered null and void. Re-application is required for further consideration.
 4. Applicant provides necessary materials to correct deficiencies within 90 days: Proceed with applicable application review procedures.

A. Procedure:

- 1) An Applicant first coordinates with the City Planner to obtain the application and information regarding a Concept Plan Review submittal. After which time, a Concept Plan Application shall be filed with the City Planner. The Concept Plan Application will be distributed to the Development Review Committee, herein after referred to as DRC, and review comments regarding the proposal will be prepared and collected by the City Planner and subsequently provided to the Applicant, pursuant to the procedures described in the APPENDIX: Subdivision Review Procedures
- 2) The DRC will review the design of the development and its relationship to the nature of the property and compatibility with the general area in which located, the procedure anticipated for subdivision approval, application requirements and standards, other applicable City, County, State and Federal requirements and any other matters deemed appropriate.

ORDINANCE NO. 24-29
AN ORDINANCE UPDATING THE BUILDING PERMIT ORDINANCE

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to regulate building and construction in the Town of Garden City; and

WHEREAS, the Garden City Town Council shall manage and the process of permitting building and oversee the construction and related work performed within the Town of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF GARDEN CITY TOWN COUNCIL THAT ORDINANCE #11H-101-A SHALL BE UPDATED AS FOLLOWS:

CHAPTER 11H-101 Building Permit Required. The construction alteration, repair, removal or occupancy of any structure or any part thereof, as provided or as restricted in this ordinance, shall not be commenced, or proceeded with except after the issuance of a written permit for the same by the building inspector. Nonstructural repair and maintenance of a structure will not require a permit.

A. Before any work is initiated, a building permit must be obtained through the Garden City Building Department. Building permits issued by the Town of Garden City are valid for eighteen (18) months from the application date.

1. Building permit placards **and the Public Works Pamphlet** must be posted near the construction area, on the owner's property, and visible from the nearest road.
2. Fines for not posting a building permit placard **and the Public Works Pamphlet** will be set by resolution.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

APPROVED AND ADOPTED this 12th day of December 2024.

APPROVAL:

Michael Leonhardt, Mayor

Attest:

Cathie Rasmussen, Town Clerk/Recorder

Voting	Aye	Nay
Argyle	_____	_____
Hansen	_____	_____
Menlove	_____	_____
Parry	_____	_____
Leonhardt, Mayor	_____	_____

ORDINANCE NO. 24-30
AN ORDINANCE UPDATING THE WATER ORDINANCE

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to regulate the city water system.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF GARDEN CITY TOWN COUNCIL THAT ORDINANCE #13A-102 SHALL BE UPDATED AS FOLLOWS:

13A-102 It is the duty of the Town Council of Garden City to manage and supervise the Garden City water system and from time to time shall by resolution prescribe their powers and duties.

- A. Turning on Water. No water from the Town water system shall be turned on for service to any ~~premises~~ **property, for any reason**, by any person but the Water Commissioner, or some person authorized by him to perform this service. **Violators shall be cited with fines set by Resolution.**
- B. Application. Application to have water ~~turned on~~ **connected** shall be made in writing to the Town Clerk, and shall be accompanied by a fee as directed by resolution for ~~turning on~~ **connecting** the water, together with any other fees therein required.

- D. Additional Charges.
 - 1. A Re-Connect Fee, set by resolution, shall be paid to the Town Clerk whenever the water is turned ~~into~~ **on to** any premises after service has been discontinued either at the owner's request, or for nonpayment or other violations of ~~the rules and regulations~~ **Garden City or Utah State Code**, or application for water service.
 - 2. A Disconnection Fee, set by resolution, shall be paid to the Town Clerk whenever the water service has been discontinued either at the owner's request, or for nonpayment or other violations of ~~the rules and regulations~~ **Garden City or Utah State Code** or application for water service.

- O. Waste Prohibited. It shall be unlawful for any water user to waste water, or allow water to be wasted, through leaking pipes or otherwise, or to allow water to wastefully run from the system in amounts more than are sufficient for the purpose for which the water is being used. No open hoses. **Citations and fees may be issued and water meter may be shut off with standard shut -off/ turn-on fees. Violation fees set by Resolution.**
- P. Inspection. The Water Commissioner, and his agents, shall have free access to places

supplied with water from the Town system at all ordinary hours for the purpose of examining pipes, ~~and apparatus, meters, and other information and ascertaining to ascertain~~ if water is being wasted or used in any way contrary to the provisions of this ordinance.

FF. Special Uses. ~~The Town Board President, the mayor with the consent of the Town Board, and the Town Council Member over water,~~ may enter into contracts for the providing of water under special circumstances not contemplated by the foregoing provisions such as but not limited to the following: industrial, stock watering, large commercial establishments, and parks and playgrounds.

1. Water account users shall apply in writing for special circumstance water rates.
2. Special rates may be seasonal, expire, or have additional conditions.
3. Special rate account holders shall maintain water accounts in good standing.
4. Special rate account holders shall comply with Garden City code and policies.
5. Special rate account holders may not have a Garden City Code violation or citation regarding water usage.
 - i. Violations may result in a loss of rate reduction for 3 years.
 - ii. Account holders may apply for rate reduction after 3 years from violation or citation.
6. Approved Agricultural rate reductions are for watering livestock when the canal is off.
7. Approved commercial discounts are for businesses who remain open the entire year.
8. Special rate accounts are subject to denial or termination without notice

GG. Discounted water rates for qualifying Senior Citizens (**widows or widowers**).

All Senior Citizens (as defined by the federal definition of Senior Citizens for purposes of receiving assistance payments benefits **or widows or widowers**) presently or hereinafter connected to the Town Water system shall pay one-half (1/2) the minimum monthly charge per month for water services provided by the Town, provided that such Senior Citizen (**widow or widower**) shall provide appropriate financial evidence that their annual income is equal to or below the figures established as the national poverty level by the federal government for the number of persons in the household requesting such Senior Citizen (**widow or widower**) water rate, provided that the monthly amount of water used does not exceed 7500 gallons as shown on the water meter. In the event said usage exceeds

7500 gallons per month, the fee for excess water **consumption** above and beyond 7500, gallons per month shall be billed at a rate equal to all other rates then charged by the Town of Garden City.

1. **Water account users shall apply in writing for discounted water rates for Senior Citizens**
2. **Senior Citizen rates may be seasonal, expire, or have additional conditions.**
3. **Senior Citizen rate account holders shall maintain water accounts in good standing.**
4. **Senior Citizen rate account holders shall comply with Garden City code and policies.**
5. **Senior Citizen rate account holders may not have a Garden City Code violation or citation regarding water usage.**
6. **Senior Citizen rate account holders may be required to provide updated financial information to maintain the discounted rate.**
7. **Special rate accounts are subject to denial or termination without notice.**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

APPROVED AND ADOPTED this 12th day of December 2024.

APPROVAL:

Michael Leonhardt, Mayor

Attest:

Cathie Rasmussen, Town Clerk/Recorder

ORDINANCE NO. 24-30
AN ORDINANCE UPDATING THE WATER ORDINANCE
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Voting	Aye	Nay
Argyle	—	—
Hansen	—	—
Menlove	—	—
Parry	—	—