

ORDINANCE NO. 2025-01

ORDINANCE IMPLEMENTING AND AMENDING THE SUBDIVISION AND LAND USE AND DEVELOPMENT TITLES OF THE HELPER CITY MUNICIPAL CODE

WHEREAS, Helper City desires to have its Subdivision and Land Use and Development Titles of its municipal code reflect the requirements imposed by the Utah State Code;

WHEREAS, Helper City worked with Sunrise Engineering of Springville, Utah, to ensure the language is an accurate and lawful reflection of the Utah State Code;

WHEREAS, Helper City has a vested interest in ensuring the orderly and beneficial development of land within its bounds;

BE IT ORDAINED, therefore, by the City Council of Helper City, Utah, as follows:

SECTION ONE. That the updated Subdivision Title attached hereto as “Exhibit A,” and which by this reference is made a part hereof, shall be adopted implemented in its entirety as Title 17 Subdivisions.

SECTION TWO. That the updated Land Use and Development sections attached hereto as “Exhibit B,” and which by this reference is made a part hereof, shall be adopted, namely:

I. Chapter 18.05.070 Creation of Vested Rights shall be amended to reflect the language in “Exhibit B;”

II. Chapter 18.10.010 A Definitions shall be amended to include the “administrative land use authority” definition;

III. Chapter 18.10.030 C Definitions shall be amended to include the “concept plan” definition;

IV. Chapter 18.10.190 S Definitions shall be amended to update and include the “subdivision,” “subdivision improvement plan,” “subdivision plat,” and “subdivision, simple lot” definitions; and

V. Chapter 18.20.010 Powers and Duties Matrix will be updated to reflect the assignments of authority in “Exhibit B.”

SECTION THREE. The provisions of other ordinances in conflict with this Ordinance are hereby repealed.

SIGNED AND ADOPTED THIS 3rd **DAY OF** April, 2025.

Chapter 17.05

SUBDIVISIONS

Section

- 17.05.010 Purpose.
- 17.05.020 Process.
- 17.05.030 Simple Lot Subdivisions.
- 17.05.040 Pre-Application Meeting.
- 17.05.050 Preliminary Plat and Subdivision Improvement Plan Submittal and Review.
- 17.05.060 Preliminary Plat and Subdivision Improvement Plan Submittal Contents
- 17.05.070 Preliminary Plat and Subdivision Improvement Plan Approval.
- 17.05.080 Final Plat Submittal and Review.
- 17.05.090 Final Plat Submittal Contents
- 17.05.100 Final Plat Approval and Recordation.
- 17.05.110 Condominiums.
- 17.05.120 Boundary Line Adjustments.
- 17.05.130 Lot Line Adjustments.
- 17.05.140 Plat Amendments.
- 17.05.150 Approving and Recording an Amended Plat.
- 17.05.160 Vacation or Altering a Street or Alley.
- 17.05.170 Miscellaneous Provisions

17.05.010 Purpose.

The purposes of this chapter are to:

- A. Protect and provide for the public health, safety, and general welfare of Helper City.
- B. Guide the future growth and development of Helper City, in accordance with the general plan.
- C. Encourage the orderly and beneficial development of land within the municipality.
- D. Protect the integrity of buildings, land and improvements, and to minimize the conflicts among the uses of land and buildings.
- E. Provide a beneficial relationship between the uses of land, buildings, traffic circulation and the proper location and width of streets and building setbacks.
- F. Establish reasonable standards of design and procedures for subdivisions, condominium plats, plat amendments, and lot line adjustments, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and recordation of subdivided land.
- G. Ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

- H. Encourage the wise use and management of natural resources in order to preserve the integrity, stability and aesthetics of the community.
- I. Continue the rural development pattern of the city and variety of structural design within residential zones. Provide for open spaces through the most efficient design and layout of the land, while preserving the density of land as established in HMC Title 18. It is highly recommended that historic street patterns are followed whenever possible. [Ord. 2010-5. Code 1988 § 11-12.1].

17.05.020 Process.

This chapter adopts and incorporates the definitions of terms found in Chapter 18.10 HMC and distinguishes between several processes of subdivision and land division including all subdivisions, condominium plats, plat amendments, plat vacations, and lot line adjustments. This process involves:

- A. **Costs.** All costs incurred by the city in reviewing, approving and monitoring the subdivision process, including legal costs and engineering costs for reviewing and testing compliance, shall be assessed against the subdivider, and approval may be conditioned upon deposit of sufficient sums to cover such costs.
- B. **Initial Contact.** An applicant for a subdivision, condominium plat, plat amendment, lot line adjustment or plat vacation shall contact the city recorder's office to discuss the scope and purpose of the application and the requirements of this chapter.
- C. **Pre-Application Meeting.** An applicant for a subdivision may request a preapplication meeting with the planning and zoning commission to discuss the proposed subdivision.
- D. **Application Submittal.** An applicant for any land use or subdivision procedural shall make a complete application submittal before any official review may begin. The City will return an application if the submittal is found to be incomplete.
 - 1. An application does not vest until the City has determined that the submittal is complete.
- E. **Administrative Review.** The Planning and Zoning Commission or administrative land use authority, as specified in this Chapter, shall review each complete proposal and may seek the advice and input of other city staff, municipal departments, and/or utility providers, city attorney and other qualified representatives of the city. The review shall include, but not be limited to, the following:
 - 1. Does the application meet the requirements of this code?
 - 2. Are all the lots suitable for building?
 - 3. Are hazardous areas or conditions present, and if so, have the conditions been abated?
 - 4. Do all lots border public streets?
 - 5. Are soil samples, percolation tests, geotechnical analysis, etc., necessary on this property? [Ord. 2010-5. Code 1988 § 11-12.2].

17.05.030 Simple Lot Subdivisions.

- A. Purpose: A simple lot subdivision allows an applicant to divide land without the necessity of a plat. Utah State Code permits this alternative subdivision process for smaller subdivisions that meet qualifications established by the City.
- B. Qualifications: A simple lot subdivision can only be pursued if the following are true. If any of the following are not true, the subdivision shall instead require a Plat:
 - 1. A simple subdivision may contain no more than five (5) lots.
 - 2. Each lot is for a single-family residential dwelling only.
 - 3. Each lot meets all minimum standards for a single-family lot.
 - a. Alternatively, a lot may meet the standards of a previously approved variance.
 - 4. All proposed lots in the subdivision are located along an existing public street.
 - 5. All proposed lots have all required utility lines located at, or along, the property line.
 - a. For purposes of water connections, the property line is defined as that property line of a lot or parcel of land that fronts on a dedicated street where water is existing in the street. Water will be considered at the property line in a simple lot subdivision if it is within 120 feet, either perpendicular or parallel to a property line. Connection fees will be collected when a building permit is issued to the property owner. Electricity is required to be brought to the deeded property line of each lot or parcel by the applicant. More than one lot or parcel may be serviced from one pole based on recommendations and specifications from the utility provider. A drop line must be at each lot, but a single line can feed more than one lot.
 - 6. No legislative approval, such as a zone change, text amendment, general plan amendment, or annexation, is required. Any legislative approval shall be completed prior to submittal of any Simple lot subdivision application.
 - 7. No land in the subdivision is traversed by the mapped lines of a proposed future street as shown in the General Plan, Transportation Plan, or any other plans of the City.
- C. Application Submittal: The subdivider of a simple lot subdivision shall submit the following:
 - 1. Complete application
 - 2. Application fee
 - 3. The Record of Survey showing the land to be subdivided:

- a. In electronic (PDF) form
 - b. Certified as to the accuracy by a licensed land surveyor
 4. All submittal contents
- D. Submittal Contents: A submittal for a simple lot subdivision shall include each the following contents:
 1. Application contents:
 - a. A statement containing the zone, lot size, lot width, lot depth, and amount of frontage along a public street for each proposed lot
 - b. The name and contact information for the applicant or authorized agent
 - c. The current property address and/or parcel number of all properties included in the application
 - d. A subdivision name. This needs to be reviewed by the Office of the Carbon County Recorder to ensure that the name does not conflict with any existing subdivision and the name is acceptable to their Office.
 2. Will serve letters from each utility provider for all required utilities. Simple lot subdivisions shall not be approved until the applicant demonstrates that hookups for required utilities are available to each proposed lot.
 3. Approval by the culinary water authority
 4. Health Department approval for any septic system
 5. A title report showing ownership by the applicant and all encumbrances that may affect the property
 6. A Record of Survey map, showing each new lot, which includes all requirements for a survey map, including those found in Utah Code § 17-2317, as amended
 7. A written narrative that explains and identifies:
 - a. the purpose of the survey
 - b. the basis on which the lines were established
 - c. the found monuments and deed elements that controlled the established or reestablished lines
 8. If the narrative is a separate document, it shall contain:

- a. the location of the survey by quarter section and by township and range
 - b. the date of the survey
 - c. the surveyor's stamp or seal
 - d. the surveyor's business name and address
9. The map and narrative shall be referenced to each other if they are separate documents.
10. The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.
11. Site-Specific Contents: The following document(s) shall accompany the Record of Survey if deemed necessary by the City Engineer:
- a. Soils Report. This may include hill stabilization, foundation design, groundwater impacts, and general soil stability. The report must be stamped and signed by a Civil Engineer licensed in the state of Utah.
 - i. The report may be required to include a minimum groundwater height factor for a peak month in a wet year for the lowest buildable floor elevation. The lowest buildable floor elevation shall be a minimum of three (3) feet above the highest groundwater level in a wet year.
Foundation drains

may be required depending on the recommendations based on the GeoTech report.
 - b. Storm Water Plan. This plan shall include all calculations showing that the subdivision meets all storm water regulations and best practices. Plans and calculations shall be stamped and signed by a civil engineer licensed in the state of Utah.
 - c. Wetland Delineation Study. If there are potential wetlands in a development the applicant may be required by the Army Corps of Engineers to submit a wetlands delineation by a qualified wetlands scientist.
 - i. This delineation may need to be reviewed by a qualified wetlands scientist hired by the City. All costs for the delineation and review shall be borne by the applicant.

d. Other Hazard Information: This may include FEMA floodplain information or others information to mitigate natural hazards. E. Review and Approval Process:

2. Optional Pre-Application Meeting: An applicant may request to meet with the Planning and Zoning Commission to discuss the proposal and application requirements prior to submittal.
3. Application Submittal:
 - a. The applicant shall submit the application and all required contents.
 - b. If the application is incomplete, the City may return the submittal to the applicant until all required contents are included.
 - c. After the application is found to be complete, the City begins an administrative review.
4. Administrative Review: The City reviews the application to determine whether it meets all applicable requirements. Fundamental questions include:
 - a. Are all required qualifications met and are all the submittal contents included and accurate?
 - b. Does the application meet all requirements of City Code? Common review items include lot size and width, minimum required frontage along a public street, utility connections, and the nature of existing public right of way improvements.
 - c. Are any of the lots located in a hazard area (such as a FEMA flood plain), and if so, do the lots meet the applicable requirements of the jurisdiction regulating the hazard?
5. Planning and Zoning Commission Review: At a public meeting, the Planning and Zoning Commission shall review the submittal.
 - a. A courtesy notice shall be sent to all properties adjacent of the property, notifying the property owners of the time and place of the public meeting and the nature of the request.
 - b. The Planning and Zoning Commission shall take one of the following actions:
 - i. Approve the request if the applicant meets all applicable requirements
 - ii. Deny the request if the applicant is unable or unwilling to meet all applicable requirements

- iii. Table the request to provide additional time for the applicant to meet requirements.

F. Filing

1. After approval, the City shall create a written certificate of approval to accompany the Record of Survey. The document shall:
 - a. Have a notarized signature by the City Recorder and Planning and Zoning Commission Chair,
 - b. Specify the name of the subdivision and number of lots, and
 - c. Indicate the date of Planning and Zoning Commission approval.
2. The applicant shall provide a check, or other means of payment permissible to the County, sufficient to cover filing fees.
3. Within one (1) year of approval, the Record of Survey shall be filed with the County and the accompanying written certificate of approval shall be recorded in the Office of the Carbon County Recorder.

G. Expiration

1. If, during review or at Planning and Zoning Commission, the City provides corrections to the applicant, the applicant has one (1) year from the date the corrections are provided to resubmit a complete application that addresses all requested corrections.
 - a. If a complete resubmittal is not provided within one (1) year, the application is expired.
2. If a Record of Survey is not filed with the County Recorder within one (1) year from the date of approval, the approval is deemed to have lapsed and the applicant will need to obtain a new approval and meet any new regulations that may have been put in place.

17.05.040 Pre-Application Meeting.

A. An applicant for a subdivision may request a pre-application meeting with the Planning and Zoning Commission to discuss the potential subdivision proposal. B. With regard to a pre-application meeting, the following shall apply:

1. The applicant shall submit a Concept Plan for review.

2. The municipality shall, within fifteen (15) business days after the request, place the Pre-Application Concept Plan request on an upcoming Planning and Zoning Commission agenda to review the Concept Plan and provide initial feedback.
3. At the meeting, the Planning and Zoning Commission shall provide feedback on the proposal and either provide or have made available on the municipal website the following:
 - a. Copies of the applicable land use regulations
 - b. A complete list of standards required for the project
 - c. Preliminary plat application and application fees
4. Pre-application review of a Concept Plan does not create any vested rights, nor does feedback on the Concept Plan grant or imply any official standing or approval. The applicant is responsible to adhere to the ordinance. C. The Concept Plan shall include the following:
 1. The general location of the subdivision and the property boundaries of the proposed subdivision area.
 2. A plan of the entire project area showing:
 - a. the general layout of the proposed subdivision and its relationship to the adjacent properties
 - b. the location of each proposed lot
 - c. the lot frontage, dimensions, and size per lot
 - d. the location, width and general configuration of proposed roads in the subdivision
 - e. the relationship between the existing road system and any streets plan
 - f. major canals and water sources in the vicinity
 - g. date, scale, north point, and other contextual information, such as contours and hazard information
 3. Brief written statement or oral presentation in sufficient detail that the intent of the subdivider is clear to those reviewing the proposal.
 - a. Current and proposed zoning
 - b. Proposed use of the property

- c. Manner for complying with the improvement guarantee and any required public improvements
 - d. Feasibility: Review of available water resources and water and sewer connections
- D. The Pre-Application Meeting in no way shall be construed to constitute approval of any development. The primary purpose of the Pre-Application Meeting is to provide the potential applicant an opportunity to review the general concept of the proposed development with the Planning and Zoning Commission.
 - 1. This review is to provide informal feedback as to whether the development appears feasible, whether there appears to be obvious defects in the development scheme, and whether the proposed development is in harmony with the General Plan and City ordinances.
 - 2. This meeting is intended to aid the applicant in the preparation of the plans and documents and reduce the likelihood of incurring unnecessary expenses.
- E. At the conclusion of the Pre-Application Meeting, if it is determined that a zone change or other legislative approval is necessary — such as a code amendment, annexation, general plan amendment, public utility easement vacation, right of way vacation, etc. — the applicant must complete that process prior to submitting any subdivision application.

17.05.050 Preliminary Plat and Subdivision Improvement Plan Submittal and Review.

This chapter outlines the process to submit and review Preliminary Plans. Preliminary Plans shall include the Preliminary Plat and Subdivision Improvement Plan. The intention is for the definitions and process for application, review, and approval to follow Utah State Code 10-9a-604, et seq.

- A. Prior Approvals: If the application requires legislative approvals, such as a zone change, annexation, general plan amendment, right of way or easement vacation, or any other legislative action, the legislative approval shall be completed prior to submittal of the Preliminary Plan application.
- B. Optional Pre-Application Meeting: Prior to submitting a Preliminary Plan application, the applicant may request a Pre-Application Meeting to review the Concept Plan, as outlined in HMC 17.05.040.
- C. Application Provided: The City shall provide, or have available on the City website, each of the following:

1. The Preliminary Plan application, with owner's affidavit
 2. A breakdown of application fees
 3. A copy of the applicable land use ordinance
 4. Complete list of standards required for the project
- D. Submittal: To apply for Preliminary Plat and Subdivision Improvement Plan approval, applicants must follow instructions on the form provided by the City and submit all required materials, including:
1. Complete application, owner's affidavit, and all required content items
 2. Payment of all application fees
 3. An electronic copy of all plans in a PDF format
 4. Preliminary and Subdivision Improvement Plan drawings
 5. All other required details, specifications, information, permits, will-serve letters to affected entities, water conveyance facility information, and other information as detailed in Helper Municipal Code, City development standards, and any regulations by other applicable jurisdictions.
- E. Check for Completeness: The City will review the submission for completeness.
1. If the submittal includes all materials, the City receives the submittal and starts the first review cycle.
 2. If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the City has made a determination that the application is complete.
- F. Water Conveyance Facilities: As outlined in Utah Code § 10-9a-603, if any part of the proposed subdivision is within one hundred (100) feet of a water conveyance facility as defined below, within twenty (20) calendar days after receipt of the completed application, the City shall send written notice about the proposed subdivision to the Water Conveyance Facility Owner(s) and request comments.
1. The notice shall request comments related to access, maintenance, protection, safety, and any other issues related.
 2. Any Water Conveyance Facility shall have at least twenty (20) calendar days to respond. While the City may provide review comments to the applicant before this twenty (20)

day window is complete, the Administrative Land Use Authority shall not grant approval until after at least twenty (20) days after the day on which the City mailed notice to the Water Conveyance Facility.

3. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b
- G. City Review Time Frame: Within forty (40) business days of receipt of a complete application the City shall complete a review of the Preliminary Plat and Subdivision Improvement Plan, except as follows:
1. Geological Hazard Areas: The review cycle dates do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
 2. Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial or industrial development.
- H. Determination of Required Corrections: After review, and within the review time frame, the City determines whether the completed application meets all requirements. If the application requires corrective actions the City shall notify the applicant in a written response. This marks the end of the respective review cycle.
1. Application Meets All Standards: If the application is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
 2. Application Requires Corrections: If the application is found to require corrections, the City must be specific and cite the ordinance, statute, or specifications that require the modification.
 - a. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 - b. Review comments should be as exhaustive as possible. Neglecting to acknowledge a required correction may result in the requirement being waived.
 3. Additional Information Required: The City may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements.

- I. Application Expiration: An application is expired if the applicant does not respond to a request for corrections or additional information by submitting a complete resubmittal within twelve (12) months.
- J. Resubmittal: After the applicant receives the list of required modifications or additions, the applicant shall provide a resubmittal that includes a written explanation in response to each of the municipality's review comments.
 - 1. The response to each review comment shall identify and explain the applicant's revisions or reasons for declining to make the revisions.
- K. Check for Completeness: The City shall review the resubmittal to ensure the applicant has responded to each item logged in the index of requested modifications or additions.
 - 1. Complete Resubmittal: If the response includes a complete response to each review item, the City shall accept the application and start a review.
 - 2. Incomplete Resubmittal: If the response does not address each item, the City shall return the submittal to the applicant.
- L. City Review of Resubmittal: An applicant's complete resubmittal shall constitute a new review cycle.
 - 1. Time Frame: The time frame to complete the review depends on how quickly the applicant was able to respond to the corrections in full and if the applicant made any material changes.
 - a. If the applicant responded within forty (40) business days, the City has forty (40) business days to complete the second review cycle.
 - b. If the applicant responded after forty (40) business days, the City has sixty (60) business days to complete the second review cycle.
 - c. Material Changes: If the applicant made a material change that merits a new review, the review shall restart at the first review cycle as it relates to the new material.
 - 2. Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
 - 3. New Corrections: If the City neglected to include a required change or correction in the initial review process, the modification or correction can only be imposed on

subsequent reviews if it is necessary to protect public health and safety or to enforce state or federal law.

4. Determination of Corrections Required: At the end of the City's review, the City shall make a determination of corrections required, if any, as outlined in subsection (H).

M. Determination of Readiness for Approval:

1. Application Ready for Approval: If the City determines that the resubmittal is now complete and meets all codes, standards, and specifications, the resubmittal shall be forwarded to the Administrative Land Use Authority to complete the review.
2. Application Not Ready for Approval: Except for a fourth review cycle, as outlined below, if the City finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant.
3. Application Not Ready for Approval – Fourth Review: An application shall not exceed four (4) review cycles. If after the fourth (4) review cycle the application is found to not meet all required corrections, it shall be forwarded to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification.
 - a. Appeal: The applicant may appeal this determination as outlined in Utah Code § 10-9a-604.2(11), as amended.

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

1. Subdivision Improvement Plan Dispute: For a dispute arising from the Subdivision Improvement Plans, assemble an appeal panel in accordance with Utah Code § 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
2. Preliminary Plat Dispute: For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.
 - a. The appeal authority shall be the City Council.

17.05.060 Preliminary Plat and Subdivision Improvement Plan Submittal Contents.

The following shall be included with a Preliminary Plat and Subdivision Improvement Plan application:

1. Application Items:
 - a. Completed Preliminary Subdivision Application
 - b. Application fee, which covers a maximum of three review cycles. Additional reviews require additional fees, based on staff time required.
 - i. If an applicant makes a material change that results in a new first review cycle, the applicant shall submit new application fees unless the applicant can have all reviews completed within an aggregate of three total review cycles.
 - ii. In addition to the fees on the City's Fee Schedule, the applicant may be liable for the reasonable cost of any legal, engineering, or consulting review of the application not covered by the published fees.
 - c. Title report showing clear title for all properties in the proposed development
 - d. Southeastern Utah Health District Sanitation approval
 - e. Price River Water Improvement District's certificate of approval
 - f. Will-serve letters for any other utility companies intended to provide services to the properties
 - g. A proposed subdivision name that has been verified with Carbon County Recorder's Office to ensure the proposed subdivision name is available and acceptable
2. Specific Requirements: the City Engineer will determine which of the following apply depending on location, infrastructure needs, and type of project
 - a. Health Department approval
 - b. Water Conveyance Facility notice
 - c. Soils Report / Geotechnical Report
 - d. UDOT, Railroad, Irrigation Company and/or USPS review and approval
 - e. Hazard Mitigation: Wetland Delineation, Flood Elevation Certificate, and/or Wildland Urban Interface mitigation
 - f. Phasing plan, including construction of infrastructure, amenities and landscaping
 - g. Traffic study
 - h. Preliminary Covenants, Conditions and Restrictions (CC& R's)
3. Preliminary Plat Requirements:
 - a. Electronic PDF files formatted for 24" x 36"
 - b. All plans must be prepared by a licensed surveyor and/or engineer
 - c. Engineer's stamp, signature & date on each sheet
 - d. The following text shall be provided on all sheets except Plat and Detail sheets:

Note: The Developer and the General Contractor understand that it is his/her responsibility to ensure that all improvements within this development are constructed in full compliance with all construction standards, City Codes, Utah State Codes, and Federal law. These plans might not be inclusive of all minimum codes, ordinances and standards. This fact does not relieve the Developer or General Contractor from full compliance with all minimum State and City Codes, Ordinances and Standards.

- e. Cover sheet, which includes, but is not limited to, the following:
 - i. Title block, including the following:
 - 1. Proposed name of plat
 - 2. Name and address of Engineer/Surveyor
 - 3. Location of the plat
 - 4. Date of preparation (including date of any revision) ii. Vicinity
Map at a scale $1' = 1,000'$, or as otherwise appropriate
- f. Entire subdivision drawn to scale, delineating areas of the subdivision not associated with the phases(s) being presented for review.
 - i. Drawn to a minimum scale of $1'' = 50'$ ii. Written legal boundary description
 - iii. Section tie or block monumentation using County approved coordinates
 - iv. Adjacent subdivisions or properties with owner names and addresses
 - v. Proposed lot layout showing the following:
 - 1. Lot dimensions, property lines bearings and frontage lengths
 - 2. Lot sizes in square feet
 - 3. Existing addresses of neighboring properties
 - 4. Dimensioned building setbacks for all lots or typical lot setback drawing for corner & interior lots
 - 5. Buildable area for each lot in square feet
 - 6. Street rights-of-way with proposed names
 - 7. Street centerlines, including curve length and radius, intersections and center point of bulbs and turnarounds
 - 8. Public utility easements
 - 9. Access easements
 - 10. Any other type of easement
 - 11. North arrow and scale graphic bar
 - 12. Area of unbuildable slopes
 - 13. Lots shall meet the standards in the City's Land Use Ordinance
 - 14. Blocks shall meet any block length standards

15. Lots may not cross jurisdictional boundaries. Any property outside incorporated limits requires completed annexation prior to subdivision application submittal

vi. Density table with the following:

1. Zoning classification
2. Total number of lots
3. Total acreage within the proposed development
4. Total acreage in lots
5. Total acreage to be dedicated for street right-of-way
6. Total acreage in green or open spaces(s)
7. Total acreage of unbuildable areas, if any
8. Density in units per gross acre

vii. Table of contents which identifies, at a minimum, the final plat sheet and utility plan sheet and their contents.

4. Subdivision Improvement Plan Requirements.

a. Conformance to Regulations. The Subdivision Improvement Plan includes all construction drawings and shall conform to all regulations, including:

- i. Any road, water, sewer, stormwater, floodplain, and other construction and development standards used by the City
- ii. Any master plans
- iii. APWA and AASHTO design standards

b. Plan & Profile Sheets, which include, but are not limited to:

i. Plan and profile for each street, sewer, and/or storm drain alignment

at a vertical scale of 1" to 1', 2', 3' or 1' to 4' including:

1. Footings
2. Location and slopes of existing utilities and topography
3. Proposed Centerline road grades and vertical curves
4. Slope and location of proposed sewer and storm drain system features
5. Invert elevations for proposed sewer, water and storm drain system features
6. Finished elevations of all sewer manholes and storm water inlets/manholes

c. Detail Sheets, which include but are not limited to:

- i. Title block as described for preliminary submittal
- ii. Details for all proposed improvements and utilities
- iii. Designing engineer's stamp, signature & date on each sheet
- iv. All details drawn in compliance with the Development

Standards and Construction drawings

- d. Utility Plan sheet, which includes, but is not limited to, the following:
 - i. Title block (as described on cover sheet)
 - ii. Proposed subdivision drawings drawn to scale
 - iii. Proposed lot layout showing the following
 - 1. Lot or parcel numbers
 - 2. Lot property lines
 - iv. Symbols legend distinguishing between existing & proposed features
 - v. Existing improvements showing the location of all existing features, including:
 - 1. Roads, structures and fences, historic roads and access trails, street signs, streetlights, and any cluster mail boxes
 - 2. Existing water courses culverts and irrigation ditches
 - 3. Floodplain zones
 - 4. Existing utilities including water mains and valves, fire hydrants, sewer mains and manholes, irrigation lines, power lines, gas lines, storm water system features, and telephone and cable lines in and adjacent to the proposed subdivision.
 - 5. Existing public utility easements, e.g. gas, water, sewer, irrigation, power, etc.
 - 6. Existing easements for other utilities, entities or persons
 - vi. Proposed utilities:
 - 1. Utility easements
 - 2. Utilities shall be underground, unless determined otherwise by the City Engineer and Administrative Land Use Authority
 - 3. Sanitary sewer requirements
 - 4. Water supply requirements
 - vii. The plan shall include:
 - 1. Location of all proposed utility service laterals
 - 2. Location and size of all water mains and valves
 - 3. Location of all connections to existing water mains
 - 4. Location and size of any sewer mains and manholes, if applicable
 - 5. Location and size of pressurized irrigation lines, if applicable
 - 6. Location of all fire hydrants
 - 7. Location and size of all streetlights, if applicable
 - 8. Proposed changes to water courses, culverts or irrigation ditches
 - 9. Location of all survey monuments
 - 10. PI pipe slope direction
 - 11. PI AIRF s and drains
 - 12. Culinary water blow-offs

- e. Proposed right-of-way improvements:
 - i. Streets with proposed names, centerlines and widths
 - ii. Typical street cross sections
 - iii. Curb, gutter, sidewalks, if applicable
- f. Storm Drain/Grading Plan: (as the City Engineer determines is applicable)
 - i. Title Block (as described on Cover sheet)
 - ii. Existing topography (2' minimum contours, survey grade) shown as light or dashed lines
 - iii. Proposed grading shown as solid lines (2' minimum contours, 5' in hillside overlay zone, survey grade)
 - iv. Erosion and dust mitigation plan
 - v. Vegetation re-establishment plans
 - vi. Retaining walls, if any, providing engineering calculations for all retaining walls 4' or taller
 - vii. Proposed storm drain system including:
 - 1. Label on site storm drainage retention areas
 - 2. Label off-site storm drainage areas
 - 3. Location of curb boxes, sumps, and/or other storm drainage systems
 - 4. Label slopes at various locations and grade breaks
 - viii. Calculations for storm drainage systems, including percolation tests witnessed by a City Representative (calculations shall be signed, stamped & dated by a professional engineer)
 - ix. North Arrow and Scale Bar

17.05.070 Preliminary Plat and Subdivision Improvement Plan Approval.

- A. Administrative Land Use Authority: The Administrative Land Use Authority shall be the Planning and Zoning Commission.
- B. Review at Public Meeting: The Planning and Zoning Commission shall conduct a review in a public meeting to determine whether to approve the application.
 - 1. A courtesy notice shall be sent to all owners of properties immediately adjacent to the proposed subdivision. A property is not immediately adjacent if it separated by a road.
- C. Determination: After review, the Administrative Land Use Authority shall make one of the following determinations:
 - 1. Approval: If the Administrative Land Use Authority finds the applicant has completed all requirements addressed during review, and the proposed Preliminary Plat and Subdivision Improvement Plan comply with the requirements of this Chapter, Helper

Municipal Code, and all adopted standards and specifications, then it shall approve the Preliminary Plat and Subdivision Improvement Plan.

2. **Corrections Required:** The Administrative Land Use Authority shall remand the application back to the applicant for a new review cycle, unless the applicant has already completed four (4) review cycles, if the Administrative Land Use Authority finds that either:

- a. The applicant has not completed all requirements as outlined in the review index, or
- b. The application does not address all requirements, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.

3. **Denial:** The Administrative Land Use Authority shall deny the application if either:

- a. The applicant is unwilling to make required corrections or provide required information, or
- b. The application has completed the fourth (4) review cycle and the applicant has failed to meet the stated requirements.

D. **Appeals:** Any final determination by the Administrative Land Use Authority may be appealed, in writing, within ten (10) business days of the date of the decision.

1. The appeal authority shall be the City Council.
2. The City Council's review shall follow the same approval criteria and be administrative in nature, meaning the City Council may only approve the application if it meets all applicable requirements and standards.

E. **Duration of Approval:** Approval of the Preliminary Plans shall be valid for a period of twelve (12) months.

1. If, within twelve (12) months of approval, an applicant has not submitted a complete Final Plat application, the Preliminary Plat and Subdivision Improvement Plan approval is deemed to have lapsed and the applicant will need to obtain a new approval before proceeding to a Final Plat.

17.05.080 Final Plat Submittal and Review.

A. **Time Frame:** Within twelve (12) months after approval of the Preliminary Plat and Subdivision Improvement Plan the applicant must make a complete Final Plat submittal.

- B. **Optional Pre-Application Meeting:** An applicant may request a pre-application meeting. If so, the City and the applicant shall follow the provisions of Helper Municipal Code 17.05.040 before proceeding to the next step.

- C. **Application Provided:** The City shall provide, or have available on the City website, each of the following:

1. The Final Plat application and owner's affidavit
 2. A breakdown of application fees
 3. A copy of the applicable land use ordinance
 4. Complete list of standards required for the project
- D. Submittal: Application is made by following instructions on the form provided by the City and submitting all required materials, including the following:
1. A complete application
 2. A (PDF) file of the plat
 3. All fees for the Final Plat application
 4. All information required
- E. Check for Completeness: The City Recorder or Community Administrator checks the submittal for completeness.
1. Complete Submittal: If the submittal includes all materials, the City receives the submittal and starts the review.
 2. Incomplete Submittal: If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the City has made a determination that the application is complete.
- F. City Review Time Frame: After a determination that the application submittal is complete, the City begins its review. The City has a thirty (30) business day review window to conduct its review and provide comments to the applicant.
1. Land Uses: The review cycle number of days only applies to single family, two family, and any townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
- G. Water Conveyance Facilities: As outlined in Utah Code § 10-9a-603, if any part of the proposed subdivision is within one hundred (100) feet of a water conveyance facility as defined below, within twenty (20) calendar days after receipt of the completed application, the City shall send written notice about the proposed subdivision to the Water Conveyance Facility Owner(s) and request comments.

- 2.
1. The notice shall request comments related to access, maintenance, protection, safety, and any other issues related.

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

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

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

1. There is a current title opinion from a licensed title company showing that the person dedicating the property described on the Final Plat is the title owner as shown on the records of the Carbon County Recorder's Office and any encumbrances have been satisfactorily addressed.
2. The performance bond, escrow deposit, letter of credit, or trust deed with the City is in appropriate form and signed by the necessary parties.
3. That the subdivision does not, in the attorney's opinion, violate any provisions of Helper Municipal Code and Utah State Code nor any other federal or state laws.

I. Determination of Corrections Required: Within the review window specified in Subsection (F) the City shall complete a review of the Final Plat and all submittal contents and provide a response to the applicant. The City shall determine whether the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response.

1. Application Meets All Standards: If the application is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
2. Application Requires Corrections: If the application is found to require corrections, the City must be specific and cite the ordinance, statute, or specifications that require the

3.

modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.

Additional Information Required: The City may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications.

- J. Application Expiration: An application is expired if the applicant does not respond to a request for corrections by submitting a complete resubmittal within twelve (12) months.
- K. Resubmittal: If corrections were required, the applicant shall provide a resubmittal. The resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
- L. Check for Completeness: The City Recorder or Community Administrator shall check the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions.
 - 1. Complete Resubmittal: If the response includes a complete response to each review item, the City shall accept the application and start a new review cycle.
 - 2. Incomplete Resubmittal: If the response does not address each item, the City shall return the submittal to the applicant.
- M. Time Frame to Review: If the resubmittal is complete, the City shall review the application and provide written comments within the applicable review window, as outlined in subsection (F).
- N. Determination of Corrections Required: At the end of the City's review, the City shall make a determination of corrections required, if any, and take action as outlined in subsection (I).
- O. Dispute of Determination: If, on the fourth and final review, the City fails to respond within forty (40) business days, the City shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
 - 1. Advise the applicant, in writing, of the deficiency in the application and the right to appeal the determination to a designated appeal authority.
 - a. The appeal authority shall be the City Council.

4.

17.05.090 Final Plat Submittal Contents.

The following shall be included as part of a Final Plat application: A.

Application Items:

1. Completed Final Plat Application: Application signed by all owners of record, as listed on the property assessment rolls of the County, or by an authorized agent of said owner(s) as indicated by a signed statement by the owner(s) of record
2. Application fee, which covers a maximum of three review cycles. Additional reviews require additional fees, based on staff time required.
 - a. If an applicant makes a material change that results in a new first review cycle, the applicant shall submit new application fees unless the applicant can have all reviews completed within an aggregate of three total review cycles.
3. Current Preliminary Title Report. A title report is current if it is issued within 90 days prior to complete submittal.
4. Tax Clearance showing all property taxes are current
5. Lienholder's certificate, if applicable. A lienholder's certificate is required whenever a property has a mortgage or other lien. The certificate shall be a written statement from the lienholder consenting to the proposed subdivision.
6. Electronic PDF files of the Final Plat formatted for 24" x 36"
 - a. All plans must be prepared by a licensed surveyor and/or engineer
 - b. The final plat shall conform to the approved preliminary plat
 - c. Subdivision needs to meet all City ordinances, the laws of the State of Utah, and all other applicable laws.

B. Site-specific Requirements. The following apply as determined by the City Engineer based on the characteristics of the site or project:

1. Documentation for any off-site easements. Any off-site easement necessary to facilitate the needs of the proposed lots shall be recorded prior to or in conjunction with the recording of the Final Plat.
 2. Water Conveyance Facility notice
 3. Phasing plan, including construction of infrastructure, amenities and landscaping
- C. Plat Requirements:**
1. Plats and signatures shall be in waterproof ink on a 24x36 inch mylar sheet. There shall be an unencumbered margin of one and one-half (1 1/2) inches on the left-hand side of the sheet and not less than a half (1/2) inch margin around the outer three (3) sides of the sheets. The scale shall be a standard engineering scale of 1" = 100'.
 - a. All ownership names and signatures shall match the name(s) as listed on recorded property ownership records.
 2. Space for approved signatures shall include:
 - a. Owners' dedication and acknowledgment
 - b. Community Administrator

- c. City Clerk/Recorder
 - d. Planning and Zoning Commission Chair
 - e. Mayor
 - f. Culinary / Sanitary Water review (not required to sign, but shall be given the opportunity to sign)
 - g. County Recorder's certificate in lower right-hand corner
 - h. Space for notary public's acknowledgement for each signature
 - i. Such other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law or Carbon County policies.
3. A tie to a section corner and the state plane coordinates of each point. All horizontal data shall be based on the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System. Horizontal datum shall be clearly written on the plat. This shall include all survey monuments.
 4. The boundary dimensions and legal description of the subdivision.
 5. The proposed subdivision name.
 6. A north arrow facing the top right margin.
 7. A legend of symbols.
 8. Accurate dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features; the lines, angles, dimensions, state plane coordinates, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All dimensions shall be determined by an accurate field survey which shall balance and close as required by the county.
 9. All streets to be named in accordance with the street numbering and naming system assigned by the City Engineer.
 10. The name of the engineer or surveyor with a stamp and signature of a surveyor licensed in the state of Utah.
 - a. The surveyor's certificate and required language.
 11. The plat fully and clearly shows all stakes and monuments.
 12. All formal irrevocable offers of dedication to the public of all streets, City uses, utilities, parks, and easements, in a form approved by the City Attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

17.05.100 Final Plat Approval and Recordation.

- A. Ready for Final Approval: Once all individuals the City Council has delegated to review the application have found the Final Plat application to be in conformity, the plat will be submitted to the Administrative Land Use Authority for approval.

- B. Administrative Land Use Authority: For Final Plat approval, the Administrative Land Use Authority shall be the Community Administrator, or another individual or board, as appointed by the City Council.
1. The Administrative Land Use Authority may not be, or include members of, the City Council or Planning and Zoning Commission.
 2. No public hearing may be held for the subdivision Final Plat approval.
- C. Determination: The Administrative Land Use Authority shall make a final decision. This does not need to occur in a public meeting. The Administrative Land Use Authority shall grant one of the following decisions:
1. Approval: The Administrative Land Use Authority shall approve the Final Plat if it finds:
 - a. The proposed plat complies with the requirements of City Code, Utah State Code, and all other applicable policies and regulations, and
 - b. The plat has been approved by all regulatory bodies, such as a culinary water authority and the County Health Department, as applicable.
 2. Denial (or remand): The Administrative Land Use Authority may deny or remand the proposed Final Plat if:
 - a. The Administrative Land Use Authority finds the applicant has not provided a complete, accurate, and satisfactory response to all comments during review and any other non-compliance with applicable regulations.
 - b. The applicant is unwilling to make required corrections or provide required information.
- D. Appeal: Within ten (10) business days of decision, an applicant may appeal, in writing, the decision of the administrative land use authority.
1. The appeal authority is the City Council.
 2. The appeal process shall be consistent with Helper Municipal Code.
 3. The City Council's review shall follow the same approval criteria and be administrative in nature, meaning the City Council may only approve the application if it meets all applicable requirements and standards and only deny the application for failure to meet all adopted standards and regulations.

- E. **Signing the Plat:** If approved, the subdivider shall submit a mylar of the Final Plat to the City in a format approved by the City and the County Recorder's Office.
1. The City Clerk/Recorder, Planning and Zoning Commission Chair, Community Administrator, and City Attorney shall sign the Final Plat.
- F. **Public Improvements:** Upon approval by the Administrative Land Use Authority, the subdivider shall proceed to address public improvements in either of the following ways:
1. **At Risk:** The subdivider may elect to construct all required public improvements prior to recording the plat. Permits and construction for any public improvements shall not be issued until the plat has been approved by the administrative land use authority.
 - a. In no case shall the Final Plat be recorded at the Office of the Carbon County Recorder until all improvements have been completed, inspected, and accepted by the City.
 2. **Completion Assurance:** In lieu of immediately completing public improvements, the subdivider may post or make arrangements suitable to the City for posting a completion assurance bond guaranteeing construction of the required improvements.
 - a. The subdivider shall submit an engineer's cost estimate of the required public improvements.
 - b. The City Engineer shall review the cost estimate to ensure the estimate accurately reflects the work to be performed and reasonably anticipated costs.
 - c. The performance guarantee shall be in the amount of 100% of project costs plus 10% for administrative costs, for a total of 110%.
 3. All inspection, testing and/or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recording of the Final Plat.
- G. **Public Improvements Security.** A security arrangement shall be one of the following types as dictated by the city:
1. A bond with a surety company licensed to do business in the state of Utah; or
 2. An irrevocable letter of credit with a federally insured financial institution; or
 3. A cashier's check made payable only to the city; or
 4. A trust or escrow account with a federally insured financial institution designating the city as beneficiary.

- H. Security Interest: Any interest accruing on escrowed funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer and not to the city. The city shall not be required to pay interest to the developer on any non-interest-bearing escrow account established for this purpose.
- I. Correcting Mistakes at Recordation: The City Engineer or Administrator may approve minor modifications to approved Final Plats before the Final Plat is recorded if the Engineer or Administrator finds the proposed modifications are in line with the intent of the approval and do not jeopardize the interest of the City or adjoining property owners.
 - 1. The types of minor amendments contemplated in this section include legal description mistakes, surveyor errors — such as tie in description mistakes, typos, and items agreed to that should have been included in writing on the Final Plat. Any substantive change requires reapproval.
- J. Recording: Following approval, the City shall deposit the Final Plat, bearing all official approvals, in the office of the Carbon County Recorder for recording.
 - 1. Only the City may record Final Plats.
 - 2. The Final Plat must be recorded within one (1) year of approval. If the Final Plat is not recorded within one (1) year of plat approval, the approval expires and the plat must be resubmitted.
 - a. The City and Developer can enter into an agreement for an alternative timeline for an applicant who elects to construct all public improvements “ at risk.”
 - 3. After the plat has successfully been recorded by the Office of the County Recorder, the owner may proceed to convey title to the lots as described on the recorded plat.
- K. Send Plat to Utah Geospatial Resource Center (UGRC): Within thirty (30) days after approving a Final Plat, the City shall submit to UGRC for inclusion in the unified statewide 911 emergency service database. This shall include:
 - 1. An electronic copy of the approved Final Plat, or
 - 2. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.
- L. Inspections. The Planning and Zoning Commission chairman or his/her designee shall inspect the subdivision development during construction through its completion.

M. Releases of Completion Assurance: After the plat is recorded, if the subdivider has elected to post a performance guarantee, the subdivider may apply for a permit to complete public improvements.

1. All partial and final releases of a completion assurance shall be approved by action of the City Council. The granting of the final release by the City Council shall constitute the acceptance of the improvements by the City.

17.05.110 Condominiums.

Each application for condominium shall comply with the provisions of the Condominium Ownership Act as set forth in Section 57-8-1 et seq., Utah Code Annotated 1953, as amended. [Ord. 2010-5. Code 1988 § 11-12.6].

17.05.120 Boundary Line Adjustment.

A. The owners of record of adjacent parcels that are described by a metes and bounds description, where neither is part of a recorded plat, may exchange title to portions of those parcels without any public notice or review by a land use authority.

1. If at least one of the unplatted parcels contains a dwelling, the property owners shall submit a sketch showing the proposed boundaries. The City will, within 14 days, complete a review to make sure the proposed lot sizes and dimensions comply with Helper Municipal Code.
 - a. If the City cannot complete the review within 14 days, the property owners may record the deeds conveying title, however, any division of land is required to comply with the land use code regardless of whether the City conducts a review.
2. Any boundary adjustment shall meet each of the following:
 - a. No New Dwelling: No new dwelling unit or lot shall be created as a result of the boundary line adjustment.
 - b. Remnant Land: No remnant land shall be created.
 - c. Land Use Requirements: All land use requirements, including lot size, dimensions, width, frontage, access, and others shall be maintained. B. If an exchange of title is approved:
 1. a notice of approval shall be recorded in the Office of the Carbon County Recorder which:
 - a. is executed by each owner included in the exchange and by the land use authority;
 - b. contains an acknowledgment for each party executing the notice in accordance with the provisions of U.C.A. Title 57, Chapter 2a,

Recognition of Acknowledgments Act;

- c. recites the descriptions of both the original parcels and the parcels created by the exchange of title and
 - d. if at least one of the parcels contains a dwelling, includes a certificate of approval by the City, signed by the Mayor and attested by the City Recorder.
2. a conveyance of title reflecting the approved change shall be recorded in the Office of the Carbon County Recorder.
- C. A notice of approval recorded under this section does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

17.05.130 Lot line adjustment.

Applicants, as the owners of record of adjacent parcels that are described on a recorded plat, may exchange title to portions of the parcels as outlined in Utah Code 10-9a-523 and 10-9a-608, which may include a plat amendment.

17.05.140 Plat Amendments.

- A. A fee owner of land, as shown on the last county assessment roll, in a platted subdivision, may file a written petition with the land use authority to request a subdivision amendment.
- B. The application shall include:
 1. A written petition with signatures of all owners of real property within the subdivision, if possible.
 2. A statement by the surveyor preparing the amended plat shall certify that the surveyor:
 - a. holds a license in accordance with U.C.A. Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - b. has completed a survey of the property described on the plat in accordance with U.C.A. Section 17-23-17 and has verified all measurements; and
 - c. has placed monuments as represented on the plat.
 3. The proposed amended plat, that:
 - a. depicts only the portion of the subdivision that is proposed to be amended;
 - b. includes a plat name distinguishing the amended plat from the original plat;
 - c. describes the differences between the amended plat and the original plat; and
 - d. includes references to the original plat.
- C. After the applicant has submitted a written petition and complete application, the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment.

- D. No public hearing is required for a subdivision plat approval unless:
 - 1. any owner within the plat notifies the City of their objection in writing within ten days of mailed notification; or
 - 2. an owner of land within the plat has not signed the revised plat.
- E. If a public hearing is required, as outlined in subsection (4), the land use authority shall hold a public hearing within 45 days after the petition is filed.
- F. A land use authority may consider the owner's petition for a subdivision amendment at a public meeting, without a public hearing, if:
 - 1. the petition seeks to:
 - a. join two or more of the petitioner fee owner's contiguous lots;
 - b. subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
 - c. adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 - d. on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
 - e. alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - i. owned by the petitioner; or
 - ii. designated as a common area; and
 - 2. notice has been given to adjoining property owners in accordance with any applicable local ordinance.
- G. The land use authority for a plat amendment shall be the Planning and Zoning Commission, unless the subdivision amendment vacates a public street or public utility easement, in which case the City Council shall be the land use authority.
- H. An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office. (Reference U.C.A.§10-9a-608)

17.05.150 Approving and Recording an Amended Plat.

- A. The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:
 - 1. there is good cause for the vacation or amendment; and
 - 2. if the land use authority is the Planning and Zoning Commission, no public street or municipal utility easement has been vacated or amended.

3. If a public street or municipal utility easement has been vacated or amended, the City Council shall be the land use authority and follow HPC 17.05.140 for noticing and a public hearing.
- B. The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder in which the land is located.
- C. If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.
 1. The City Council may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.
 2. The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.
- D. An amended plat may not be submitted to the county recorder for recording unless it is:
 1. signed by the land use authority; and
 2. signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended. (Reference U.C.A.§10- 9a-609)

17.05.160 Vacating or Altering a Street or Alley.

- A. If a petition is submitted containing a request to vacate or alter any portion of a street or alley within a subdivision, the City Council shall provide notice for a public hearing as outlined in Utah Code 10-9a-208 and conduct the public hearing as outlined in Utah Code 10-9a-609.5.

17.05.170 Miscellaneous Provisions.

- A. 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.
- B. Definition of Property Lines for Utility Requirements. For the purposes of this chapter only, the following definitions shall apply:
 1. Subdivisions (excluding Minor Subdivisions). All city required utilities, to include electric and water, shall be required to be stubbed to each lot where meter placement would occur by the property owner. Connection fees will be collected at building permit issuance.
- C. Engineering Studies. The city may require engineering studies including but not limited to soil samples, percolation tests, geotechnical studies, etc.

D. Developer's Costs. The developer will pay for all improvements in minor and major subdivisions, except that the city may negotiate with the developer, at the developer's request, to pay some or all of the improvements, if the subdivision falls within the city's capital improvements plan or if the city deems it is in the best interest of the general public to do so. [Ord. 2010-5. Code 1988 § 11-12.2].

18.05.070 Creation of Vested Rights

The city may alter certain private property rights by amending this title from time to time as provided for in Chapter 18.15 HMC.

A. How Rights Vest. Certain private property rights shall become fixed at law, and may not be altered for a period of time, when:

1. An application for a land use or subdivision approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances, all required items have been submitted, and all applicable fees have been paid.

18.10 Definitions

"Administrative Land Use Authority" means the individual or board, as defined and described in Utah State Code 10-9a-604.1, designated to review either a preliminary or final plat. The Administrative Land Use Authority defers by type of application. For a preliminary plat, including the subdivision improvement plan, the administrative land use authority shall be the planning commission. For a final plat, the city council shall designate an individual, such as the city clerk, recorder, or community administrator, as the administrative land use authority. The administrative authority for a final plat may not include the city council or planning commission.

"Concept Plan" means a sketch or other information prepared for a pre-application meeting before a preliminary or final plat submittal., The concept plan is to enable the owner to save time and expense in reaching general agreement with the planning commission as to the subdivision and form of the plat.

"Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plats, 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 residential and nonresidential zoned land, whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument. A subdivision may be a simple lot subdivision, as defined in this section, or a preliminary and final plat. Any division of land creating more than five lots or a subdivision of any size requiring any new street, extension of municipal facilities, or the creation of any public improvements shall require a preliminary plat, subdivision improvement plan, and final plat. Any subdivision shall be consistent with the official zoning map, streets master plan, and these regulations.

18.10.030 C definitions.

“Canopy” means a roof or awning constructed of fabric or other material and extending outward from a building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the canopy or cantilevered from the building.

“Carport” means a private garage not completely enclosed by walls or doors.

“Cemetery,” “columbarium,” “crematory,” and “mausoleum” mean land or buildings used for the cremation, burial, or interment of the human dead but not including facilities for embalming.

“Check cashing/title loan establishment” means any manner of lending institutions or check cashing establishments which offers to cash current or post dated checks, give personal or title loans, or accepts commodities such as gold and silver for compensation. This definition shall not include banks, credit unions, savings and loan establishments or other establishment with a primary purpose of receiving, lending, exchanging, or safeguarding money, or performing financial advisory services.

“Chief executive officer” means the mayor of Helper City.

“Child care facility” means the provision of child care for business for nine or more children including the provider’s children who are under the age of **18**.

“Child placing” means receiving, accepting, or providing custody or care for any child under **18** years of age, temporarily or permanently, for the purpose of:

1. Finding a person to adopt the child;
2. Placing the child temporarily or permanently in a home for adoption; or
3. Foster home placement.

“Church” means a building set apart primarily for the purpose of worship in which religious services are held and with which clergy is associated, the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose, and which is tax exempt under the laws of the state of Utah.

“Cinema, indoor” means an enclosed building used primarily for the presentation of motion pictures.

“Cinema, outdoor” means an establishment at which motion pictures are projected onto an outdoor screen for viewing by patrons seated in parked motor vehicles.

“Civic club, fraternal organization” means a building or use, other than a church or school, operated by a nonprofit association or organization for a social, fraternal, political, civic, or philanthropic purpose, which may include a meeting hall and cooking and dining facilities for large groups but shall not provide overnight lodging.

“Club, private” means any nonprofit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

“Co-location” means the location of a telecommunication facility on an existing structure, tower, or building in a manner that precludes the need for that telecommunications facility to be located on a free-standing structure of its own.

“Coal yard” means the storage of coal in quantities in excess of **10** tons and/or the retail or wholesale sale of coal.

“Complete application” means a submission, which includes all information requested on the appropriate form, and full payment of all applicable fees.

“Conditional use” means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas of a zone district, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

“Condominium” means any structure or parcel that has been submitted to fractionalize ownership under the provisions of the Utah Condominium Ownership Act.

“Congregate living facility” means a residence in which three or more persons unrelated to the owner or provider reside, including but not limited to youth homes, residential facilities for the disabled, and residential facilities for the elderly.

“Conservation easement” means an easement designed to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

“Constitutional taking” means final action by the city to physically take or exact private real property that requires compensation to the owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States, or Article I, Section 22, of the Utah Constitution.

“Convenience goods sales and services” means stores or shops intended for retail sales of convenience goods or performance of convenience services. Goods and services regarded as convenience are those generally needed for daily home consumption and for which locations near residential neighborhoods are considered desirable. This category includes grocery store, drug store, variety store, personal service, hardware store, and dry cleaning pick-up.

“Council” means members of the city council of Helper.

“County” means the unincorporated area of Carbon County.

“Coverage” means the percent of the total site area covered by structures or impervious paving other than those accepted in this title.

“Cul-de-sac” means a minor street having an open end and being terminated at the other end by a vehicle turnaround.

“Culinary water authority” means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

“Cultural, civic services” means a building primarily used for the public, nonprofit display of art, historic or cultural artifacts, or other inanimate exhibits or a building primarily used as a lending library or reading room. [Ord. 2012-4; Ord. 2010-5. Code 1988 § 11-2].

18.10.190 S definitions.

“Sanitary sewer authority” means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on-site wastewater systems.

“Satellite receiving station” means any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbital based uses. This definition includes but is not limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVROs or dish antennas. This definition does not include conventional television antennas.

“School, private or quasi-public” means a school operated by a private or quasi-public organization or individual, which has a program similar to that provided in any public school in the state of Utah, except that such curriculum may include religious instruction. A private school may be a profit-making or nonprofit organization. This definition shall not include commercial schools.

“School, public” means an educational facility operated by a school district or other public agency of the state of Utah.

“Screen” or “screened” means the act, process, or result of visually and/or audibly shielding or obscuring a structure or use from adjacent property by fencing, walls, berms, densely planted vegetation or other features.

“Secure treatment” means 24-hour specialized residential treatment or care for persons whose current functioning is such that they cannot live independently or in a less restrictive environment. Secure treatment differs from residential treatment to the extent that it requires intensive supervision, locked doors, and other security measures which are imposed on residents with neither their consent nor control.

“Senior citizen center” means a government sponsored public building, other than a church or school, serving the social and recreational needs of the elderly. Such a center may include a meeting hall and cooking and dining facilities for large groups but shall not provide overnight lodging.

“Setback” means the required minimum distance between a building or structure and the closest of the following:

1. Property line;
2. Platted street; or
3. Existing curb or edge of a street.

“Shopping center, community (retail commercial, general)” means a completely planned and designed commercial development providing for the sale of general merchandise and convenience goods and including a variety store, discount store, or supermarket.

“Shopping center, neighborhood (retail commercial, limited)” means a planned commercial development providing primarily for the sale of convenience goods and services. The center is designed to serve a residential neighborhood.

“Short-term rental” or “vacation rental” is the renting out of a furnished home, apartment or condominium for a short-term stay (less than 30 consecutive days). The owner of the property usually will rent out on a weekly basis, but some rentals may offer nightly rates. Typically the entire home, apartment or condominium is rented to one user. Some rentals are shared spaces that may be similar to a bed and breakfast style rental with or without meals provided. Short-term rentals are commonly advertised online through various vacation booking websites.

“Sign” means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a commodity, or product which are visible from any public way. “Sign” shall also include the sign structure supports, lighting system and any attachments, ornaments or other features intended to draw the attention of observers.

1. “A-frame sign” means a sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position. Usually temporary and/or moveable.
2. Alteration, Sign. “Alteration” means a change or rearrangement in the structural part or design of a sign whether by extending on a side, by increasing in area or height, or by relocating or change in position.
3. “Animated sign” means a sign, which includes motion or rotation of any part by mechanical, or artificial means, or subdued color changes.
4. “Awning sign” means a sign painted, printed or placed on any portion of a cloth or fabric covering.
5. “Banner sign” means a sign made of fabric or any nonrigid material with no enclosing framework. A type of temporary sign.
6. “Billboard sign” means an off-premises advertising sign.
7. “Campaign sign” means a temporary sign used by candidates running for political and elected offices and signs with political purposes.
8. “Flashing sign” means a sign which has or appears to have motion or rotation of the lighting elements or displays flashing or intermittent light.
9. “Flat sign” means a sign erected parallel to and attached to the outside wall of a building and extending not more than 24 inches from such wall with messages of copy on the face side only.

10. "Floodlighted or externally lighted sign" means a sign made legible in the absence of daylight by devices which reflect or project light upon it.
11. "Illuminated sign" means a sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes.
12. "Mobile changeable copy sign" means a sign mounted on a trailer or frame, lighted, or unlighted, with changeable lettering.
13. "Monument sign" means a sign six feet or less in height which is flush to the ground.
14. "Name plate sign" means a sign indicating the name or names of person(s) legally occupying the premises.
15. "Overhanging sign" means a sign which projects 12 inches or more beyond any portion of the roof of a building.
16. "Pole sign" means a sign affixed in or upon the ground supported by one or more structural members, with air space between the ground and the bottom of the sign face.
17. "Roof sign" means a sign which is erected partly or wholly on the roof of the building.
18. "Sign area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than 10 degrees. For signs that do not have a frame or a separate background, the sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shape shall be computed as one-half of the total surface area.
19. "Sign maintenance" means the upkeep of signs in a safe, presentable and good condition, including the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of said sign.
20. "Sign setback" means the minimum distance that any portion of a sign or sign structure shall be from any street property line.
21. "Sign structure" means anything constructed or erected supporting a sign, which requires locations on or below the ground or attached to something having location on or below the ground.
22. "Snipe sign" means a temporary sign or poster which is attached to the supports for another sign, a public utility pole, tree, fence, etc.
23. "Temporary sign" means any sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed out of doors for a short period of time.

“Significant vegetation” includes all large trees six inches in diameter or greater measured four and one-half feet above the ground, all groves of small trees, and all clumps of oak or maple covering an area 50 square feet or more measured at the drip line.

“Site development standards” means regulations unique to each zone concerning standards for development including, but not limited to, lot areas, setbacks and building height.

“Sketch plat” means a sketch preparatory to the preliminary plat, or subdivision plat in the case of minor subdivisions, to enable the owner to save time and expense in reaching general agreement with the planning commission as to the form of the plat.

“Slope” means the level of inclination of land from the horizontal plane determined by dividing the horizontal run, or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure to a percentage value.

“Small engine repair” means an establishment engaged in the repair and maintenance of small engines with an engine displacement size no greater than 2,000 cc. This includes but is not limited to: motorcycles, OHVs, ATVs, home and garden tools and equipment, outboard motor watercraft (engine removed), snowmobiles, chainsaws, and other similar small engines.

“Solicitors” means any person who goes upon the premises of any business or private residence, not having been invited by the occupant thereof, for the purpose of selling, offering for sale, or taking orders for merchandise or services door to door within the city. Merchandise shall include goods, food, wares, photographs, and subscriptions to any kind of publication, tickets, coupons, or receipts representing value.

“Special district” means an entity established under the authority of Title 17A, Utah Code Annotated 1953, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

“Stable, private” means a detached accessory structure used for the keeping and housing of livestock by the occupants of the premises.

“Stable, public” means a stable other than a private stable.

“Stealth telecommunications facility” means a telecommunications facility which is disguised as another object or otherwise concealed from public view.

“Storage land/sea containers” means any trailer commonly described as a storage container or storage unit, including but not limited to semi-trailers, cargo trailers and any other similar unit with a storage space of greater than 120 square feet.

“Storage units” means a lot or parcel of property containing any number of individual locking sheds or units for lease or rent to store private property. Customarily fenced and lighted for the security of the premises.

“Story” means a habitable level within a building serving to define the building height. Basements that emerge less than four feet from grade or attics not exceeding four feet at the kick wall shall not constitute an additional story.

“Story, half” means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

“Stream” means a naturally fed watercourse that flows year-round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

“Stream corridor” means the corridor defined by the stream’s ordinary high water mark.

“Street” means a private or public right-of-way, highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easements, and other way.

“Street, access” means a street that serves a small number of dwellings and usually does not allow through traffic. Usual ADT (average daily traffic) range is zero to 250 vehicles.

“Street, arterial” means a street which provides for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use and also provides access to highways. Arterials are not usually included in residential street plans. Maximum ADT is 3,000+ vehicles.

“Street, collector” means a street that provides for a high volume of traffic movement between major arterials and local streets, and direct access to abutting property. Usual ADT range is 1,000 to 3,000 vehicles.

“Street, local” means a street that provides for direct access to abutting land and for local traffic movements.

“Street, private” means a right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more lots.

“Street, public” means a street that has been dedicated to and accepted by the city council, that the city has acquired and accepted by prescriptive right, or that the city owns in fee; a public thoroughfare which affords principal means of access to abutting property and has a right-of-way that exceeds 26 feet in width. The term “street” shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

“Street, subcollector” means a street which conveys traffic to more dwellings and includes through traffic between access streets and collectors. Usual ADT range is 250 to 1,000 vehicles.

“Streetscape” means the distinguishing characteristics of a particular street including paving materials, adjacent space on both sides of the street, landscaping, retaining walls, sidewalks, building facades, lighting, medians, street furniture and signs.

“Structural alterations” means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

“Structure” means anything constructed, the use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes “building.”

“Structure, preexisting” means a structure which was legally constructed prior to July 1, 2010.

“Subdivision” means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other residential and nonresidential zoned land, whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

“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 unsubdivided 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:
 - a. No new lot is created; and
 - b. The adjustment does not result in a violation of applicable zoning ordinances; or
 - c. 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;
3. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision” under state law as to the unsubdivided parcel of property or subject the unsubdivided parcel to HMC Title 17.

“Subdivision, major” means all subdivisions of **10** or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements, and not in conflict with any provision or portion of the general plan, official zoning map, streets master plan, or these regulations.

“Subdivision, minor” means any subdivision containing less than **10** lots that may require the recordation of a plat and all or part of the development requirement of a major subdivision, and not in conflict with any provision or portion of the general plan, official zoning map streets master plan, or these regulations.

“Subdivision plat” means the final map or drawing on which the applicant’s plan of subdivision is presented to the city council for approval and which, if approved, may be submitted to the county recorder for filing.

“Subdivision, simple lot” means any subdivision containing not more than three lots fronting on an existing street, not involving any new street, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the general plan, official land use map, streets master plan, or these regulations. Subdivisions qualifying as a simple lot subdivision are exempt for the plat requirement.

“Surplus, secondhand store” means an establishment that sells surplus items, used furniture, appliances, clothing, and miscellaneous small items. Excluded from this definition are establishments selling used motor vehicles, their parts, military surplus, and other heavy equipment. [Ord. 2017-9 § 1; Ord. 2010-5. Code 1988 § 11-2].

“Subdivision Improvement Plan” includes all engineered drawings that accompany a preliminary plat application. The contents are described with the preliminary plat submittal contents.

“Subdivision plat” means the final map or drawing on which the applicant’s plan of subdivision is presented for approval and which, if approved, may be submitted to the county recorder for recorder.

“Subdivision, simple lot” means any subdivision containing not more than five lots fronting on an existing street, not involving any new street, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the general plan, official land use map, streets master plan, or these regulations. Subdivisions qualifying as a simple lot subdivision are exempt from the plat requirement and are filed with the county as a record of survey.

18.20.010 Powers and Duties Matrix

Below is a matrix outlining the powers and duties of each land use authority and appeal authority.

Decision to Be Made	Advisory Body	Deciding Body	Appellate Body	Time to Appeal
General Plan: Adoption or Amendments	Planning Commission	City Council	District Court	30 days from final decision
Land Use Ordinance: Adoption or Amendments	Planning Commission	City Council	District Court	30 days from final decision
Annexation Policy Plan	Planning Commission	City Council	City Attorney	30 days from final decision
Annexation Application	Planning Commission	City Council	City Attorney	30 days from final decision
Appeal of Administrative Decision		City Council	District Court	30 days from final decision
Conditional Use Permit	Zoning Administrator	Planning Commission	City Council	30 days from final decision

Nonconforming Uses, Noncomplying Structures	Zoning Administrator	Planning Commission	City Council	30 days from final decision
Subdivision Ordinance	Planning Commission	City Council	District Court	30 days from final decision
Subdivision Application and Plat Approval	As per Chapter 17	As per Chapter 17	As per Chapter 17	As per Chapter 17
Vacation or Changing a Subdivision Plat	As per Chapter 17	As per Chapter 17	As per Chapter 17	As per Chapter 17
Variances		City Council	District Court	30 days from final decision
Amendment to Platted Street	As per Chapter 17	As per Chapter 17	City Attorney	30 days from final decision

Business License	Planning Commission	City Council	City Attorney	30 days from final decision
Building Permit	Planning Commission	Building Official	District Court	30 days from final decision
Permitted Uses		Zoning Administrator	City Council	30 days from final decision

[Ord. 2010-5. Code 1988 § 11-4.1].



Lenise Peterman
Helper City Mayor

ATTEST:



Billie Heilesen
Helper City Recorder