

Chapter 9-2 Definitions

ADDED: “DEVELOPMENT ACTIVITY” MEANS:

- A. Any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- B. Any change in use of a building or structure that creates additional demand and need for public facilities; or
- C. Any change in the use of land that creates additional demand and need for public facilities.

REVISED: PLAT: An instrument for subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with Sec. 10-9a-603 or Sec.57-8-13 of Utah State Code (as amended).

REVISED: LAND USE APPLICATION: The application required by the Town and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation

Comment?

9-3-2 Reviewing Bodies

ADDED: G. The planning commission reviews and makes decisions on each application for subdivision approval and condominium record of surveys.

9-3-19 NOTIC MATRIX (TABLE)

REVISED: (Land Use Decision) Subdivision plat approval or amendment and for approval of multiple-unit residential or commercial or industrial development

(Time) Within 15 days to entities

(Notice Type) Notice mailed or emailed to:

1. “Affected entities” if multi-residential, commercial, or industrial subdivision;
2. a) to the record owner of each parcel within specified parameters of that property; or
b) posted on the property to give notice to passersby.

Comments?

9-7-1.5 FENCES/WALLS AND HEDGES

REVISED: A. Interior Lot

Referring Figure A, no fence, wall, hedge, or similar device extending into or enclosing all or any part of the front yard, designated by the front corners of the structure, or any side yard adjacent to the street, cannot be construction or maintained at a height greater than forty-eight (48) inches. The maximum height of any fence, hedge, wall, or similar enclosing device situated within any other portion of a lot shall be six (6) feet. All fences and walls shall be constructed of substantial material and the design and construction shall be consistent with the quality of dwellings and other improvements within the surrounding area.

Before commencing construction, plans for all fences and walls shall first be submitted to and approved by the Zoning Administrator.

Where, in the opinion of the Administrator, a proposed fence or all does not conform to the above criteria, they shall refer the application to the Planning Commission for action. Any applicant

aggrieved by a decision may appeal said decision to the Planning Commission who shall have the authority to reverse, affirm, or modify any decision of the Administrator.

B. Corner Lot/Clear View of Intersecting Streets

Referring Figure B, in all zones which require a front setback, no obstruction which will prevent a clear view to automobile drivers of approaching vehicles or pedestrians shall be placed within a triangular area formed by the street property lines and a line connecting them at forty-five (45) feet from the point of intersection of said street lines.

C. Driveway Gates

1. Referring Figure C, any gate installed across a driveway providing vehicular access from private property to a public street shall be set back a minimum of twelve (12) feet from the back of sidewalk or, where no sidewalk exists, from the back of curb or edge of pavement. Where a fence constructed of solid materials (including but not limited to wood, concrete, or vinyl) and six (6) feet in height is installed in conjunction with the gate, the fence shall be recessed a minimum of twelve (12) feet on each side of the driveway, measured from the gate opening. Solid fences four (4) feet in height or less shall be exempt from the fence recess requirement. Fences constructed of chain link or similar open-mesh materials that remain non-sight-obscuring shall also be exempt from the recess requirement.
2. Gates shall be installed and maintained so as not to swing, slide, or otherwise encroach into the public right-of-way.
3. The required setback is intended to prevent obstruction of sidewalks and to allow vehicles to stop clear of pedestrian pathways and public streets while the gate is being opened or closed.

D. Fences Adjacent to Sidewalks Along Side Property Lines

Referring Figure D, where a rear yard or side yard property line abuts a public sidewalk located along a side street, any solid or sight obscuring fence constructed along that property line shall:

1. Be set back a minimum of twelve (12) feet from the back of sidewalk; or be angled or otherwise configured to maintain a minimum of twelve (12) foot clear visibility area measured from the intersection of the property line and the sidewalk.
2. No fence or gate located in such area shall create a visual obstruction that interferes with pedestrian or vehicular sight distance as determined by the City.
3. The setback and visibility area requirements of this section shall not apply to fences constructed of chain link or similar open-mesh materials, provided the fence remains non-sight-obscuring.

Comments?

Chapter 9-8 Conditional Uses

9-8-2 SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES

REVISED: B. Preschool Facilities

1. There shall be one (1) instructor for every sixteen (16) children 3-5 years of age, a maximum of thirty-two (32) children
2. The play yard shall not be located in the front yard and shall only be used between 6:00 am and 9:00pm; and

D. Home Occupation

ADDED: 2. Shall be conducted entirely within a dwelling and shall be carried on in the dwelling only by members of the residing family and a maximum of five (5) Full Time Equivalent employees;

E. Small Neighborhood Commercial Occupations

REVISED: 2. The on-site activities of said small neighborhood commercial occupation shall be conducted only by members of the residing family and a maximum of five (5) employees;

G. Confinement and Keeping of Livestock

REVISED: Confinement and Keeping of livestock: The purpose of this section is to establish regulations and requirements for the confinement and keeping of livestock on lots within the city in a manner that will protect the health of both domestic animals and the general public, and minimize the potential for nuisance. Confinement which meets the requirements of this title shall be considered approved by the Planning Commission.

Livestock Unit

A domestic livestock unit is defined as the continuous confinement of one (1) horse, mule, donkey or other equine; one (1) cow, bull, ox, or other bovine, except bison; three (3) sheep or goats; two (2) llamas; five (5) turkeys, geese, ostriches, emus, or similar animals; or ten (10) chickens, ducks, or other small fowl or rabbits. For the purpose of determining compliance, said definitions shall not include the offspring less than eight (8) months old/ of any residing animal.

Maximum Units per Lot

The maximum number of domestic livestock or fowl permitted on any lot or parcel within the City shall be as follows:

No domestic livestock shall be permitted on any lot or parcel that is less than 10,000 square feet in size;

One domestic livestock unit, as defined herein, shall be permitted on any lot parcel that is over 10,000 square feet.

One additional domestic livestock unit, as defined herein, shall be permitted for each 5,000 square feet above 10,000 square feet; provided that all other requirements of and limitations of this chapter are met.

Animals or livestock must be fenced in with adequate shelter and space as determined by the standard practice for the animal in confinement. Non-pastured animals must meet the following minimum standards;

Chicken, ducks, geese, and other fowl shall be kept in coops, and rabbits shall be kept in hutches with minimum of four (4) square feet per animal. Chickens and ducks shall be allowed to roam free on their own lot. Owners accept liability and responsibility.

Barns, corrals, mangers, pens, runs, stables, or other structures used for the confinement or keeping of sheep, goats, cattle, horses or other medium to large livestock (other than pigs) permitted by this section may not be placed, constructed or situated so that any part thereof lies within thirty (30) feet of any dwelling on the same lot, or within fifty (50) feet of any dwelling on a neighboring lot, which existed at the time confinement and keeping such livestock or animals was legally established. Such restriction shall not include pasture area which otherwise complies with the requirements of this section.

Coops, hutches or other small livestock runs or pens may be placed within thirty (30) feet from any dwelling on the same or adjacent lot which existed at the time of confinement.

Suitable enclosures, substantially constructed of sufficient strength to keep all animals penned at all times, shall be provided and maintained for the safekeeping of all fowl or animals kept within the City. All animal areas will be kept clean of waste as to not gather insects and to not offend neighbors. All structures and enclosures for the confinement and keeping of animals permitted by this section shall meet the minimum requirements for best practices of the livestock held in confinement.

Confinement of Pigs

Pigs, hogs, swine or other porcine shall be permitted only as conditional uses using the review criteria as outlined in section 8-1 above.

A maximum of four (4) pigs shall be allowed per legal lot and the pen size will require, at a minimum, seventy-five (75') square feet per pig.

All pigs shall be kept at all times in a shelter.

Sties or mud wallows shall not be permitted.

Manure shall be cleaned twice a month and odors and smell shall be controlled in order to minimize its effects on the surrounding neighborhood by the owner.

The keeping of pigs for breeding purposed shall not be allowed within city limits

Pig shelters may not placed, constructed or situated so that any part thereof lies within thirty (30) feet of any dwelling on the same lot, or within seventy-five (75) feet of any dwelling on a neighboring lot, which existed at the time confinement and keeping such livestock or animals was legally established.

REVISED: K. Temporary Construction Housing. A resident with an active building permit for new construction or remodeling may utilize or store a personal recreational vehicle or an alternative dwelling, including a single-wide trailer, unconventional dwelling, modular, or manufactured home or other structure intended for human occupancy, on the construction site during the temporary construction or remodel project. The city may impose reasonable conditions upon the permittee to achieve compliance with the conditional use standards of review in Section 9-8-1, the specific review criteria in Section 9-8-2 I. for moved buildings, and pre-inspection of the temporary construction housing.

ADDED: All property owners within a 300-foot radius of the conditional use applicant's property shall be mailed notice of any hearing to grant or deny the conditional use permit a minimum of 10 days prior to the date of the hearing. Completed signature review forms are to be supplied to the city by the applicant. The following uses are exempt from the notice provision requirement: Home Occupation, Small Neighborhood Commercial Occupations, Confinement and Keeping of Livestock, and Temporary Construction Housing.

Comments?

Chapter 9-10 Manufactured Home Parks and Recreational Vehicle Courts

ADDED: SECTION 9-10-3: EXISTING MANUFACTURED HOME PARKS

9-10-2: STANDARDS OF REVIEW

ADDED: D: Standards and requirements

17. In addition to meeting the above requirements and conforming to the other laws of the city, all manufactured home parks shall also conform to requirements set forth in the federal manufactured home construction and safety standards, as published by the U.S. department of housing and urban development, and to the city's fire prevention code. The standard age for manufactured or mobile homes being transported into the city would be twenty (20) years or newer from the current calendar; exceptions may be granted by the Mayor and City Council. In event of any conflict between said regulation or codes and this chapter, this chapter shall take precedence;

ADDED: EXISTING MANUFACTURED HOME PARKS

Zoning clearance is required on all incoming manufactured/mobile homes.

Information required for a Zoning Clearance

Tax Commission Movable Structure Tax Clearance/Moving Permit (TC_138) number and issued date

UDOT permit number, issued date and date of the manufactured home arrival

Year, Make, Model and serial number

Name of the manufactured home owner, address, and phone number

Address of the lot or the manufactured home park name and address

If being installed in a manufactured home park, the signature of the manufactured park owner acknowledging the arrival

The standard age for manufactured or mobile homes being transported into the city would be twenty (20) years or newer from the current calendar; exceptions may be granted by the Mayor and City Council.

Comments?

CHAPTER 9-12 SUBDIVISIONS

REVISED: 9-12-1 GENERAL PROVISIONS:

9-12-1.1 PURPOSE:

- 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.

9-12-1.2 SCOPE OF APPLICABILITY:

This Chapter applies to all applications or petitions to subdivide land in the City, regardless of the intended use (commercial, residential, etc.). The requirements of this Chapter do not apply retroactively to subdivision applications or petitions that were approved by the City prior to the enactment of this ordinance.

9-12-1.3 APPROVED AND RECORDED DOCUMENTS REQUIRED

- A. No land shall be subdivided which is located wholly or in part in the City, except in compliance with this Chapter and Utah Code as adopted and amended.
- B. A subdivision of land is not valid unless its governing document is approved by the Land Use Authority and properly recorded in the County Recorder's Office.

9-12-1.4 PENALTY FOR NONCOMPLIANCE

It is unlawful to transfer ownership of any parcel of land pursuant to an invalid subdivision. The City may, in its discretion, void such transfers. Additionally, any person who transfers ownership of a parcel of land pursuant to a subdivision that has not been approved under this Chapter shall be criminally liable for a Class C misdemeanor. The City may also pursue other legal remedies as detailed in 9-3-10 of this title.

9-12-1.5 INTERPRETATION AND CONFLICT OF LAWS:

See Subsection 9-1-5 of this Title.

Comments?

9-12-1.6 DEFINITIONS:

Chapter 12 adopts and incorporates definitions of terms found in Chapter 9-2 For the purposes of Chapter 12 only, the following definitions shall apply.

A. ASSOCIATION: A corporation or other legal entity, any member of which:

1. Is an owner of a residential lot located within the jurisdiction of the association, as described in the governing documents; and
2. By virtue of membership or ownership of a residential lot is obligated to pay:
 - a. Real property taxes;
 - b. Insurance premiums;
 - c. Maintenance costs; or
 - d. For improvement of real property not owned by the member.

B. COMMON AREA: Property that the association:

1. Owns;
2. Maintains;
3. Repairs; or
4. Administers.

C. COMPLETION ASSURANCE: A surety bond, or other equivalent security required by the City to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat.

D. DECLARANT: All persons who execute the declaration or on whose behalf the declaration is executed. From the time of the recordation of any amendment to the declaration expanding an expandable condominium all persons who execute that amendment or on whose behalf that amendment is executed shall also come within this definition. Any successors of the person referred to in this subdivision who come to stand in the same relation to the condominium project as their predecessors also come within this definition.

E. DECLARATION: Instrument by which the property is submitted to the provisions of this act, as it from time to time may be lawfully amended.

F. FACILITY OWNER: An individual, entity, mutual water company, or unincorporated organization:

1. Operating a water conveyance facility.
2. Owning any interest in a water conveyance facility; or
3. Having a property interest in real property based on the presence of the water conveyance facility located and operating on the real property.

G. IMPROVEMENT PLAN: The civil engineering plan to complete permanent infrastructure and municipality-controlled utilities in the that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

H. MULTI-PHASE DEVELOPMENT: A large-scale subdivision process, subject to a development plan, where the applicant can submit an individual application for each phase of a project until the application is complete.

I. PERIOD OF ADMINISTRATIVE CONTROL: The period of control described in Sec. 57-8-16(1) of Utah State Code.

J. PROPERTY LINES FOR UTILITY REQUIREMENTS: For the purposes of Chapter 12 only, the following definitions shall apply:

1. Minor Subdivisions: 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

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street where water is existing in the street. Water will be considered at the property line in a simple and minor subdivision if it is within one hundred twenty feet (120'), 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.

2. Subdivisions (10 Or More Lots): All City required utilities

3. including electricity 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.

K. PUBLIC LANDSCAPING IMPROVEMENT: Landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

1. Will be dedicated to and maintained by the City; or

2. Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

L. REVIEW CYCLE: the occurrence of:

1. The applicant's submittal of a complete subdivision land use application;

2. The City's review of that subdivision land use application;

3. The City's response to that subdivision land use application; and

4. The applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.

M. STATE ENGINEER'S INVENTORY OF CANALS: the state engineer's inventory of water conveyance systems established in Sec. 73-5-7 of Utah State Code.

N. SUBDIVISION: Any land which is divided, subdivided, 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 plans, terms, and conditions.

1. Subdivision includes:

a. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

b. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

2. Subdivision does not include:

a. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

b. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;

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- c. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
- d. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;
- e. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels does not confer any land use approvals, and has not been approved by the land use authority;
- f. A parcel boundary adjustment;
- g. A lot line adjustment;
- h. A joining of one or more lots to a parcel;
- i. A road, street, or highway dedication plat;
- j. A deed or easement for a road, street, or highway purpose; or
- k. Any other division of land authorized by law.

O. SUBDIVISION ORDINANCE REVIEW: A review by the City to verify that the subdivision land use application meets the criteria of the City's subdivision ordinances.

P. SUBDIVISION PLAN REVIEW: A review of the Applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with City ordinances and applicable standards and specifications.

Q. UNDERGROUND FACILITY: Personal property that is buried or placed below ground level for use in the storage or conveyance of any of the following:

1. Water;
2. Sewage;
3. Communications;
4. Electric power;
5. Oil;
6. Gas;
7. Steam;
8. Slurry; or
9. Other dangerous materials or products.

R. WATER CONVEYANCE FACILITY: means 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. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

Comments?

9-12-1.7 SUBDIVISION LAND USE AUTHORITY:

B. The Land Use Authority for major subdivision applications under this Ordinance is the Planning Commission. For purposes of major subdivision applications, the Planning Commission shall be responsible for the following but may delegate any responsibility to City staff or Zoning Administrator.

1. Rendering land use decisions related to major subdivision applications.

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2. Holding a public hearing for subdivision applications (when needed).
3. Providing feedback to applicants on their subdivision applications.
4. Keeping application forms and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to City staff by default.
5. Providing notice to entities and parties as required by this Section. This task is delegated to City staff by default.
6. Ensuring that documents are properly recorded with the County after final approval as required by this Section. This task is delegated to City staff by default.

C. The Land Use Authority for minor subdivisions applications under this Ordinance is the Zoning Administrator. For purposes of minor subdivision applications, the Zoning Administrator shall be responsible for the following, but may delegate any responsibility to City staff:

1. Rendering land use decisions related to minor subdivision applications.
2. Conducting preliminary review and administrative reviews for both major and minor subdivision applications. Generally:
 - a. Preliminary Review: The applicant shall provide the Zoning Administrator drawings in sufficient detail to allow review of the proposal for compliance with this Section and to direct the applicant to the appropriate process.
 - b. Administrative Review: The Zoning Administrator shall review each complete proposal and may seek the advice and input of other City staff, municipal departments, and/or utility providers, and City engineer. 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) Is the subdivision consistent with the general plan?
 - (6) Will the development enhance the character and aesthetics of the community?
 - (7) Has the geotechnical analysis been completed?

E.

3. Holding a public hearing for subdivision applications (when needed).
4. Providing feedback to applicants on their minor subdivision applications.
5. Scheduling and holding initial contact meetings with potential applicants (when requested) for both major and minor subdivision applications.
6. Providing notice to entities and parties as required by this Section. This task is delegated to City staff by default.
7. Ensuring that documents are properly recorded with the County after final approval as required by this Section. This task is delegated to City staff by default.

D. As subdivision application decisions are administrative, not legislative, the Planning Commission, or Zoning Administrator (for Minor Subdivisions) is authorized to make any land use decision described by this Ordinance without City Council Approval.

E. The City Council shall not require the Planning Commission, or Zoning Administrator (for Minor Subdivisions) to approve or deny any subdivision application under this Ordinance.

Comments?

9-12-1.8 SUBDIVISION APPEAL AUTHORITY:

- A. The Appeal Authority for City decisions (through the Planning Commission and Zoning Administrator, if for minor subdivisions), except where otherwise noted, is the Board of Adjustment.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authorities and shall hear complaints about the conduct of the Land Use Authorities in administering the provisions of this Chapter.
- C. Subdivision appeals shall follow the process and conform to the requirements in Chapter 9-5A of this Title.

9-12-2 SUBDIVISION APPLICATION REQUIREMENTS:

9-12-2.1 CONFORMITY:

The City shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Chapter and received both a preliminary approval and a final approval from the respective Land Use Authorities.

9-12-2.2 PROCESS AND REQUIREMENTS:

- A. To be considered complete, a subdivision application must include at least the following elements:
 - 1. An approved land use application that describes how the property will be used after it is subdivided.
 - a. If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorized the intended use.
 - b. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an approved, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - c. If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an approved, City-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
 - 2. A plat, unless exempted under Subsection 9-12-2.3. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The plat must include the following:

~~9-12-5 MINOR SUBDIVISIONS (LESS THAN 10 LOTS):~~

- a. A minimum scale of 1" = 50';
 - 1. The proposed streets, alleys, parks, open spaces ~~and other offers of public dedications showing widths and pertinent dimensions of each;~~
- b. ~~The proposed streets, alleys, parks, open spaces,~~ and other offers of public dedications, showing widths and pertinent dimensions as well as points of intersection of each;
- c. Existing rights of way and easement grants of record for streets, underground utilities, and other public purposes;

8.

- d. A north arrow facing the top of right margin;
- e. A date on each sheet;
- f. The boundary dimensions and legal description of the subdivision and each lot therein, with the point of beginning clearly labeled;
- g. The acreage or square footage for all parcels or lots and the length and width of the blocks and lots intended for sale;
- h. A legend of symbols;
- i. All survey monuments and proposed hydrant locations;
- j. The streets indicating numbers and/or names and lots numbered consecutively;
- k. The location, width, centerline bearings and, curve data (including delta angle, radius, length, tangent, and the long cord on curves) and other dimensions of all existing, proposed, or platted streets and easements;
- l. A similar description of important features such as utility lines and exceptional topography and structures within the proposed subdivision and within a two hundred -foot (200') perimeter of the subdivision. Utility features must appear on the plat;
- m. The streets, lots, and properties within two hundred feet (200') surrounding the subdivision shown in ghost lines;
- n. The name and address of the applicant, engineer, or surveyor for the proposed subdivision and owners of the land to be subdivided.
- o. A The proposed subdivision name;, must be distinct from any subdivision name on a plat recorded in the County Recorder's Office.
- p. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
- q. Legal description
- r. Applicants for subdivision or land development shall submit a geotechnical analysis consistent with Section 8-1-4 submitted with the preliminary application.

9.

- r. If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
- s. If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).
- t. If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).
- u. If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
- v. If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by City ordinances), the notice language found in Utah Code §10-9a-904.

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w. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.

x. If the application involves a multi-phase development, the application must also include a phasing plan.

3. Reports and Studies, Including:

a. A traffic study, if one is required by an applicable UDOT Access Management Plan or requested by the Land Use Authority.

b. Soil samples, percolation tests, and any other study or report reasonably necessary to ensure compliance with City design standards and improvement requirements.

4. An Improvement Plan, created in accordance with applicable portions of Section 9-12-5 and Chapter 9-13, for all public improvements proposed by the applicant or required by City Ordinance.

a. In addition to the requirements of Section 9-12-5 and Chapter 9-13, the improvement plan must contain an engineer's estimate of the cost of completing the required improvements.

5. An affidavit from the applicant certifying that the submitted information is true and accurate.

6. The signature of each owner of record of land described on the plat, signifying their consent to the subdivision application and their intent to dedicate portions of the plat to the public as described in the application.

7. Certificates including:

a. Certification that the surveyor who prepared the plat:

(1) Holds a license in accordance with Utah Code 58-22; and

(2) Either

(a) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or

(b) Has references a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and

(3) Has placed monuments as represented on the plat.

b. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.

c. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.

d. Owner's certificate of Dedication.

e. Proof of approval from the following:

(1) Culinary Water Authority;

(2) Southeast Utah Public Health Department;

(3) Huntington Fire Department Chief; and

(4) Local Public Safety Representative.

8. A completion assurance for all public improvements required by the approved improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by Subsection 9-12-5.2 of this Title.

9. Binding Dedication Documents, including:

a. As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.

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b. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.

10. Copies, including:

- a. One electronic copy of the final plat in AutoCAD (or comparable) format, with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
- b. A PDF document of the complete application (including the plat and all other plans and supporting documents required by this Section).
- c. Four 24" x 36 copies of plat with one (1) 8 1/2" x 11' copy of the application.
- d. A copy of the plat drawn on Mylar for signing and recording. The applicant may wait to produce this recording-form copy until the Land Use Authority has completed two review cycles, but in such case, the Land Use Authority need not approve the application until this copy has been produced and reviewed.

11. Payment of any application-processing fees required by the City. In addition to any fees listed on the City's Fee Schedule, the applicant shall be liable for any reasonable costs the City incurs in obtaining engineering and legal review of the application.

12. City The planning commission (Zoning Administrator or City staff, as delegated) shall produce, maintain, and make available to the public a list of the specific items that comprise complete subdivision applications and a breakdown of any fees due upon submission or approval of the applications.

13. The planning commission may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the City relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of City residents.

14. Notwithstanding Subsection 9-12-2.2, the planning commission may, in its sole discretion, waive any of the specific requirements found in this Subsection on a case-by case basis.

Comments?

9-12-2.3 EXEMPTIONS FROM PLAT NECESSITY:

A. Agricultural Land:

1. Applications to subdivide agricultural land are exempt from the plat requirements (but not the other application requirements) of Subsection 9-12-2.2 if the resulting parcels:

1. Qualify as land in agricultural use under Utah Code §59-2-502;
2. Meet the minimum size requirement of applicable City land use ordinances; and
3. Are not used and will not be used for any nonagricultural purpose.

a. For subdivision applications for which this exception applies, an applicant may submit to the City—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.

b. If the City approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the City, with the County Recorder's

Office. This shall be done in the same manner as is done for a plat under Subsections 9-12-3.2 and 9-12-3.4.

c. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, impose the penalty in Subsection 9-12-1.4 and/or require a subdivision amendment before issuing a building permit.

B. Minor Subdivision

1. Applications to subdivide land are exempt from subdivision plat requirements; improvement plan requirements; completion assurance requirements; and design standards set forth in chapter 13, unless specifically required by the Minor Subdivision Land Use Authority based on specific findings that comply with the City's general plan and land use ordinances, (but not the other application requirements) of Subsection 9-12-2.2 if the subdivision:

- a. Results in no more than 9 lots;
- b. Is not traversed by the mapped lines of a proposed street (as shown in Huntington City General Plan), City easement, or any other land required for or intended to be dedicated for public purposes;
- c. Has been approved by the Culinary Water Authority and the Southwest Utah Public Health Department;
- d. Is located in a zoned area; and
- e. All proposed lots or parcels front an improved or dedicated public street.

2. For subdivision applications for which this exception applies, an applicant may submit to the City—in place of a plat—both:

- a. A record of survey map that illustrates the boundaries of the parcels; and
- b. A legal metes-and-bounds description that describes the parcels illustrated by the survey map.

3. If the City approves a subdivision application based on a record of survey map and metes-and-bounds description, the applicant shall record the map and description, signed by the City, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Subsections 9-12-3.2 and 9-12-3.4, except that the City shall also provide the notice required in Utah Code §10-9a-605(1).

9-12-2.4 INITIAL CONTACT MEETING:

A. A party intending to submit a subdivision application under this Subsection may request an initial contact meeting with the Zoning Administrator for the purpose of reviewing any element of the party's proposed subdivision application. The proposed application need not be complete for the purpose of this meeting and may—if the party desires—be limited to a concept plan.

1. If a party requests an initial contact / concept plan meeting, the City shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 20 business days after scheduling.

2. The Zoning Administrator shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the City website the following at the time of the meeting:

- a. Copies of applicable land use regulations;
- b. A complete list of standards required for the project; and
- c. Relevant application checklists.

9-12-2.5 NOTICE TO AFFECTED ENTITIES:

A. Within 15 calendar days after receiving a complete subdivision application under this Section, City staff shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.

1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, City staff shall review information:
 - a. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - b. From the state engineer's inventory of canals; or
 - c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.

B. To give water conveyance facilities time to provide feedback on applications, the Land Use Authority shall not approve a subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to ~~be subdivided~~ revised applications the applicant may submit during the application review process.

1. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.

9-12-3 REVIEW AND APPROVAL:

Comments?

9-12-3.1 REVIEW:

A. The review process begins when an applicant submits a complete application to the Zoning Administrator. The Zoning Administrator will conduct an administrative review to determine if the application is complete. The administrative review shall also 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. Is the subdivision consistent with the general plan
6. Will the development enhance the character and aesthetics of the community?
7. Are soil samples, percolation tests, etc., necessary for this property?

B. If the Zoning Administrator determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete. Once complete, the Zoning Administrator will submit the application to the Land Use Authority.

1. If the application is for a minor subdivision the Zoning Administrator will follow Subsection 9-12-3.1 B and then conduct its review, as the Land Use Authority, according to the remainder of this Section.

C. The Land Use Authority shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.

D. After the Zoning Administrator submits an applicant's complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."

1. A review cycle consists of the following phases:

- a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
- b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
- c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.
- d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. This written explanation must be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

E. A Land Use Authority (and other City representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table 9-12-3.1, except as described below. If no further revisions are needed, the Land Use Authority may end the review process early and approve or deny the application.

1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the City is exempt from limits on the number of permitted review cycles and the City's deadlines for reviewing and responding (Phases #2 and #3).
2. If the applicant makes a material change to the application not requested by the City at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
3. If an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the City's requests for modifications and additions (in Phases #1 and #4), the City shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
4. If an applicant takes longer than 180 calendar days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.

F. After the fourth or final review cycle is complete, the Land Use Authority shall approve or deny the application within 20 business days.

1. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the City shall, within 10 business days:

- a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or
- b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.

G. After the Land Use Authority provides comments in the fourth or final review cycle, the City shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.

1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.

2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.

H. The Planning Commission, or on behalf of the Zoning Administrator, may conduct one or more public hearings (up to the number described in Table 9-12-3.1) during the review period for a subdivision application.

1. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.

2. If the Land Use Authority elects to hold a public hearing, the hearing must occur before the end of the Land Use Authority's review period in the fourth or final review cycle. Scheduling issues shall not extend the review and approval deadlines in this Chapter.

I. Other chapters of this Title notwithstanding, the Land Use Authority shall approve or deny a subdivision application under this Part after reviewing a complete subdivision application as described in this Section. This singular application and review process includes the combined elements of traditional "preliminary" and "final" applications, as those terms are used in Utah Code § 10-9a-604.2. For purposes of applying Utah Code §10-91-604.1(3)(a) and §10-91-604.1(9)(b), this Chapter describes a "preliminary" review and approval, with "final" approval happening automatically when the plat is recorded.

Comments?

9-12-3.2 APPROVAL:

A. The Land Use Authority shall approve any complete subdivision applications made under this Part that comply with applicable municipal ordinances.

B. A subdivision application is approved when the Land Use Authority certifies the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

9-12-3.3 MULTI-PHASE DEVELOPMENT

A. Subdivision applications need not include the entire developable space of a proposed subdivision. If a subdivision is intended as part of a larger development project, applicants may submit one application per phase of a project until the project is complete, subject to the requirements of Section 9-12-2 and the process in Subsection 9-12-3.1.

9-12-3.4 POST APPROVAL ACTIONS

A. The applicant shall record the approved subdivision plat with the County Recorder's Office within 365 calendar days after the Land Use Authority approves the subdivision application, provided that the applicant has completed any improvements or posted any performance guarantee required by City ordinances or described in the approved improvement plan. The applicant shall not record the approved subdivision plat until such improvements are completed or guaranteed in compliance with City ordinances and the approved improvement plan.

1. An approved plat not properly recorded within the timeline specified in this provision is void unless the Land Use Authority approves an extension, requiring the applicant to commence the subdivision process anew.

B. City staff shall work with the County Recorder's Office to submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 calendar days after the application is approved, either:

1. An electronic copy of the approved plat; or
2. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

9-12-4 AMENDMENTS AND LOT LINE ADJUSTMENTS:

9-12-4.1 AMENDING A SUBDIVISION:

The City Council by ordinance may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision at a public hearing.

B. A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of the subdivision, which requires a material amendment described in the following provisions.

C. If a petition is filed, the City Council shall hold the public hearing within forty-five (45) calendar days after receipt of the planning commission's recommendation under Subsection (c) if:

- a. The plat change includes the vacation of a public street or alley;
 - b. Any owner within the plat notifies the municipality of their objection in writing within ten (10) days of mailed notification; or
 - c. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
1. Before the City Council may consider a proposed vacation, alteration, or amendment the City Council shall refer the proposal to the planning commission for its recommendation. The planning commission shall give its recommendation within

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thirty (30) calendar days following its receipt of the application for the proposed vacation, alteration, or amendment.

2. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this title may, in writing, petition the legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this Section.

3. The plat (or the record of survey map, if applicable) should:

- a. Depict only the portion of the subdivision that is proposed to be amended;
- b. Include a plat name distinguishing the amended plat from the original plat, that is distinct from any subdivision name on a plat recorded in the County Recorder's Office;
- c. Describe the differences between the amended plat and the original plat;
- d. Include references to the original plat; and
- e. Meet all the other plat requirements specified in Subsection 9-12-2.2

4. Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

- a. The name and address of all owners of record of the land contained in the entire plat;
- b. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
- c. The signature of each of these owners who consents to the petition.

5. A petition that lacks the consent of all owners referred to in Subsection (d) may not be scheduled for consideration at a public hearing before the City Council until the notice required by Subsection b. below, is given. The petitioner shall pay the cost of the notice.

6. If the City Council proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by Subsection (2) below.

D. Notice of Hearing For Plat Change:

1. The City Council shall give notice of the proposed plat change by mailing the notice to each owner of property located within three hundred feet (300') of the property that is the subject of the proposed plat change, addressed to the owner's mailing address appearing on the rolls of the Emery County assessor.

2. The City Council shall ensure that the notice includes:

- a. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the date of the notice;
- b. A statement that if no written objections are received by the Huntington City Council within the time limit, no public hearing will be held; and
- c. The date, place, and time when a hearing will be held, if one is required, to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all landowners as required by Subsection 1) above.

3. If the proposed change involves the vacation, alteration, or amendment of a street, the Huntington City Council shall give notice of the date, place, and time of the hearing by:

- a. Mailing notice as required in Subsection 2) a. above; and

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b. Publishing the notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in the Huntington City area.

E. Grounds For Vacating Or Changing A Plat: Within thirty (30) days after the public hearing, the City Council shall consider the petition.

1. The City Council shall approve a petition to vacate or change a plat if it finds:
 - a. Neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment; and
 - b. There is good cause for the vacation, alteration, or amendment.
2. The City Council, by ordinance, may vacate, alter, or amend the plat, any portion of the plat, or any street or lot;
3. The City Council may approve the vacation, alteration, or amendment by ordinance, amended plat, administrative order, or deed in conformance with and verifying approval by the City Council;
 - a. If the City Council approves the amendment petition, the City Council shall sign the amended plat in the manner described in Subsections 9-12-3.2 and 9-12-3.4.
4. The City Council shall ensure that the vacation, alteration, or amendment is recorded in the office of the Emery County recorder;
5. An aggrieved party may appeal the City Council's decision to the 7th district court in and for Emery County, Utah. (Ord. 1-2009, 2-18-2009)

Comments?

9-12-4.2 LOT LINE ADJUSTMENTS:

A. The fee owners of two parcels may petition to adjust the lot line separating the parcels without a subdivision amendment. Such a petition shall include:

1. A record of survey map and a metes-and-bounds description showing the adjustment.
2. An explanation of the reason for the adjustment.
3. Signatures from all the parcel owners involved in the adjustment.
4. Any other information the City Council requests.

B. If the adjustment will not result in a violation of a land use ordinance or an adverse development condition, the City Council shall approve the petition.

C. If the adjustment is approved, the City Council shall sign the record of survey map and accompanying metes-and-bounds description, and the petitioner shall record the document in the County Recorder's Office.

9-12-5 SUBDIVISION IMPROVEMENTS:

9-12-5.1 REQUIRED IMPROVEMENTS:

A. Improvements. Subdivision improvements must be completed within one year of recordation of the final subdivision plat, unless such time is extended by the Huntington City Council. Development of an approved major subdivision may be carried out in progressive stages, in which event, each stage shall be planned and implemented in full compliance with the requirements and intent of this ordinance at the completion of each stage, as explained in 9-12-3. Improvement requirements need not be installed beyond the approved boundary of the stage to be developed. The initial stage of a major subdivision being developed in stages shall not cover less than one (1) acre.

B. The following improvements are required for all subdivisions, except those that qualify under the Agricultural Land Exemption of Subsection 9-12-2.3:

1. Slopes (if applicable)
2. Fire Standpipes
3. Fire Hydrants
4. Provisions for Handicapped
5. Roads
6. Curbs, Gutters, Sidewalks
7. Road Grade
8. Cuts, Fills, and Retaining walls
9. Water, electricity, telephone, and natural gas.
10. Any other infrastructure (or infrastructure improvement) that is reasonably necessary to meet the needs of the proposed development.

a. The Land Use Authority may require an analysis to be completed and provided to determine if adequate public facilities and services are available to serve the proposed development and if such development will change the existing levels of service, or will create a demand for services that exceeds acceptable service levels. Public facilities that may be required by the Land Use Authority to be included in a public facilities analysis include but are not limited to, road and street facilities and capacities, intersection and bridge capacities, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, fire and emergency services response times, police protection services, and other required public facilities and services. The Land Use Authority may deny or modify any proposed development activity if the demand for public facilities and services exceeds accepted or adopted levels of service, or requires an applicant for approval, license, or permit to provide the required facilities and services concurrent with the demand created by the development activity, consistent with all applicable legal authorities.

9-12-5.2 COMPLETION OF ON- AND OFF-SITE IMPROVEMENTS; PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY:

A. Policy: In order to protect buyers of condominiums, subdivision projects, and other property in the City of Huntington against purchasing property on which the site improvement work is incomplete and which may not be completed, and to protect the public at large from dangerous and undesirable conditions that result from unfinished site improvements such as erosion, flooding, and blowing dust, it is the policy of the City of Huntington that no plat will be approved (when a plat is required) and that no certificate of occupancy will be issued (when plats are not required) on any building project within the City limits unless and until the site improvement work is completed or the developer of the property has provided adequate security to guarantee timely completion of the improvements.

1. The decision whether to guarantee an improvement or to complete it before recording and obtaining a building permit rests solely with the applicant.

B. Detailed Site Plans: A detailed site plan showing the location and nature of drainage work, grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways shall be submitted to the building inspector prior to issuance of an occupancy

permit. Site improvements shall be completed pursuant to this chapter and as shown in the detailed site plan.

C. Construction According to Approved Plans: No plat will be approved and no certificate of occupancy will be issued unless that project and all required site improvements have been constructed in accordance with the plans approved by the building inspector, in accordance with Chapter 9-13, and on which the building permit is issued, except as specified in Subsection 9-12-5.3 below (Security For Completion).

D. All improvements are subject to City inspection before such improvements may be accepted by the City or considered complete. The Zoning Administrator shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable City ordinances (notably Chapter 9-13 of this Title) and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in 9-12-5.3.

1. City shall publish and maintain objective inspection standards for acceptance of improvements that:

- a. Does not change from project to project and
- b. Are backed up by expert opinion.

E. The provisions of this Section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

9-12-5.3 IMPROVEMENT GUARANTEES, COMPLETION ASSURANCES, AND WARRANTIES:

A. 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
10. A trust or escrow account with a federally insured financial institution designating the

~~9-12-6 MAJOR SUBDIVISIONS (10 OR MORE LOTS):~~

- ~~4. A trust or escrow account with a federally insured financial institution designating the city~~ as beneficiary.
 - a. 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.

~~9-12-9 VACATION OR AMENDMENT OF PLATS:~~

B. In the event that buildings on the property are completed before other required on site improvements are completed, and the site improvements cannot be completed simultaneously with the completion of the building due to weather or other conditions beyond the control of the developer (excluding financial inability to perform); or as it relates to subdivisions, in order to record a final plat prior to completion of off-site improvements, the City may grant final plat approval or issue the certificate of occupancy for all or part of the project prior to the completion of site improvements provided that all of the following conditions are met:

1. The building or buildings, or portions thereof, on the property to be platted or occupied have been constructed in accordance with the approved plans for those

buildings, are in full compliance with applicable building and fire codes, and are completed to the extent that only exterior site improvement work remains unfinished and the building inspector determines that occupancy of the buildings, or portions thereof, prior to completion of required on and off site improvements, is safe, and that access for emergency vehicles is adequate with the site improvements unfinished.

2. In regard to subdivisions, the building inspector approves all final construction plans, a development agreement has been approved by the City attorney and executed by the owner/developer, and; the developer posts adequate security for the benefit of the City of Huntington and the public to ensure completion of the site improvements in full compliance with the approved plans within two (2) years from the date of plat approval (if required) or one year from the date of issuance of the certificate of occupancy, whichever occurs first.

C. The City shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the City has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or stormwater management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.

D. Upon acceptance of all required improvements, the applicant shall warrant that said improvements shall remain free from defects in material and workmanship for a period of 12 months after the date of acceptance by the City. The subdivider shall be solely responsible for all repairs and maintenance required to keep the improvements in good working condition for this 12-month period.

9-12-5.4 AMOUNT OF SECURITY:

A. The amount of the security to be posted by the developer shall be determined by the City Council and shall be equal to one hundred percent (110%) of the amount reasonably estimated by an engineer's estimate or licensed contractor's bid as being necessary to complete all remaining on and off-site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the City, the developer may present lower construction costs supported by binding written contracts between the developer and licensed contractors or subcontractors qualified to perform the required work at a stated, fixed price.

B. A full performance bond, ensuring performance by the subcontractor or contractor, must accompany these contracts. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be one hundred ten percent (110%) of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing work not covered by the contracts, if any. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract. The amount of security required for single-family homes shall be the reasonable estimated cost of construction of any retainage and drainage and the estimated cost of landscaping to the extent necessary to hold soil in place.

9-12-5.5 PROOF OF LICENSING:

A. All public improvements required under this chapter shall be installed by a contractor or subcontractors licensed by the state of Utah. Such license is for the work to be performed, and the contractor and subcontractors must provide copies of their current licenses.

9-12-5.6 PAYMENT OF INTEREST:

A. 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 escrow for this purpose.

9-12-5.7 RELEASE OF FUNDS:

A. The City of Huntington shall relinquish funds held or security posted for the purpose of paying for site improvement work performed according to the plans as that work is completed. The City shall release funds equal to the actual cost of performing the work as the work progresses minus ten percent (10%). Upon satisfactory completion of all required site improvement work, as determined by the Zoning Administrator, all funds shall be immediately released to the developer.

B. As improvements are completed, inspected, and accepted by the City, the City Council shall, each quarter, at the option of the applicant, issue a partial release of bonded or escrow funds proportional to the improvements accepted during the prior quarter.

9-12-5.8 MODIFICATION OF PLANS:

A. A developer may request modifications to plans covering site improvement work by submitting revised plans to the City for review and final action. If modification of the plans increases the cost of required site improvements, the developer shall be obligated to cover the increased costs and must provide additional security.

9-13-5.9 PHASED PROJECTS:

A. Site improvements applicable to each phase of a phased project or development shall be completed or security for completion provided as each phase is constructed and either platted or occupied. Site improvements or other phases of the project shall be completed or security offered as those phases are completed. (Ord. 2-2009, 2-18-2009)

Comments?

ADDED/REVISED:

Chapter 9-13

GENERAL DESIGN STANDARDS FOR SUBDIVISIONS

CONSTRUCTION AND DEVELOPMENT OF SUBDIVISIONS

SECTION:

9-13-4 RESTRICTION ON FURTHER SUBDIVISION WITHOUT PLAT

9-13-5: CONSTRUCTION ON SLOPES EXCEEDING TWENTY FIVE PERCENT

9-13-6: LANDSCAPING

9-13-7; BUILDINGS

9-13-8: ROADS

9-13-9: ROAD GRADES

9-13-10: PRIVATE ROAD MAINTENANCE

9-13-11: STREET NAME

9-13-12: DRIVEWAYS

9-13-13: CUTS, FILLS AND RETAINING WALLS

9-13-14: MEASURING CUT AND FILL HEIGHTS

9-13-15: MAXIMUM SLOPE GRADES

9-13-16: RETAINING WALLS

9-13-17: ENGINEERING/GEOLOGICAL ANALYSIS

9-13-18: RE-VEGETATION

9-13-19: BUILDING SETBACKS FROM WATERWAYS AND FLOOD HAZARD AREAS

9-13-20: UTILITIES

9-13-20: MODIFICATION OF PLANS

9-13-21: PHASED PROJECTS

9-13-4 RESTRICTION ON FURTHER SUBDIVISION WITHOUT PLAT

A. Real property that has been subdivided as a minor subdivision under this Title, including both the parent parcel and the parcel which was subdivided from the parent parcel, may not be further subdivided pursuant to a minor subdivision for two years from the submission of the original application for minor subdivision. Any further subdivision of any property that has been subdivided pursuant to a minor subdivision must be completed in accordance with this Title, and all property that was part of the minor subdivision must be included in, and be made part of, the plat and application for any subsequent subdivision.

9-13-5 CONSTRUCTION ON SLOPES EXCEEDING TWENTY FIVE PERCENT:

Comments?