

Title 11

Subdivision Regulations

(without Simple Lot Subdivisions)

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11-1-1: Purpose

The purpose of this chapter is to:

1. Public Health and Safety: Protect and provide for public health, safety and general welfare.
2. Growth And Development Consistent with the General Plan: Guide future growth and development in accordance with the General Plan.
3. Development: Encourage the orderly and beneficial development of land.
4. Avoid Conflicts: Protect the integrity of buildings, land and improvements, and to minimize conflicts among the uses of land and buildings.
5. Relationship Between Uses of Land: Provide a beneficial relationship between the uses of land, buildings, traffic circulation and the proper location and width of streets and building setbacks.
6. Standards of Design: Establish reasonable standards of design and procedures for subdivisions, plat amendments and lot line adjustments, to further the orderly layout and use of land, and to ensure proper legal descriptions and recordation of subdivided land.
7. Public Facilities: Ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.
8. Natural Resources: Encourage the wise use and management of natural resources in order to preserve the integrity, stability and aesthetics of the community.
9. Rural Development: Continue the rural development and variety of structural design within Residential Zones.
10. Open Spaces: Preserve open space in and around the community by allowing a lot size that permits growth inside City limits and maintains the rural community feel.

11-1-2: Approval Required

Subdividing Land: It shall be unlawful for any person to create a subdivision or subdivide for the purpose of transferring, selling, conveying, or assigning any tract or parcel of land, which is located wholly or in part in the City except in compliance with this Title.

1. Subdivisions: It shall be unlawful for any person to sell or exchange or to offer to sell or exchange any parcel of land which is part of a subdivision of land, or recorded in the office of the Sanpete County Recorder as a subdivision unless the subdivision has been approved by the City, or is permitted herein, and complies with the provisions of this Title.
2. Development Review Committee: The Development Review Committee is responsible to review concept plan applications and to review applications for preliminary and final plat approval and make recommendations to the Administrative Land Use Authority. The appointed committee, consisting of the city designee over planning and zoning, Public Works Director, City Engineer, one City Council member as available and assigned by the Mayor, and others as assigned, shall complete a review of each completed Application and provide written comments to the Applicant requesting additional information and/or modifications to plans. Each request shall be specific and include citations to ordinances, standards, or specifications.
3. Administrative Land Use Authority:
 - a. For approval of a Preliminary Plat, the Administrative Land Use Authority shall be the Planning Commission.
 - b. For approval of a Final Plat, the Administrative Land Use Authority shall be the City designee over planning and zoning.
 - c. If a Preliminary or Final Plat requires vacating a street, right of way, or easement, the City Council shall be the Administrative Land Use Authority.
 - d. The City Council reserves the right to change the Administrative Land Use Authority at its discretion, provided that any Administrative Land Authority meets the requirements of Utah Code 10-9a-601, et seq, as amended.
4. Building Permit Conditions. No building permit shall be issued until the final subdivision plat has been recorded by the City at the office of the Sanpete County Recorder, or the City has confirmed that the lot or parcel is otherwise approved for building, and the following improvements are installed and accepted:
 - a. All essential improvements to meet the building and fire codes.
 - b. Six (6) inches of compacted road base in all areas where asphalt will be placed.
 - c. Any over-excavated material must either be utilized on-site or removed from the premises in a manner that conforms to the grade specifications of the existing properties.
 - d. Subdivision improvements shall not negatively impact neighboring properties in terms of drainage, stormwater retention, or other natural conditions. All grading and construction activities must be conducted to prevent adverse effects on adjacent properties.
5. The City Engineer or his/her designee is hereby designated as the responsible official to accept the improvements. Once acceptance has been granted, a building permit may be issued.

11-1-3: Sub-divider to Contact City Officials

Any person desiring to subdivide land within the City shall secure from the representative of the zoning department and/or City Recorder/Clerk, all necessary information pertaining to the City's plan of streets, parks, drainage, zoning and other General Plan requirements affecting the proposed subdivision. (Ord. 2000-4-1 2, 4-12-2000)

11-1-4: Exemptions from Plat Requirements

Sections

11-1-4.10 Properties for Agricultural, Open Space, or Conservation Purposes

11-1-4.10: Properties for Agricultural, Open Space, or Conservation Purposes

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

11-1-5: Subdivisions

Sections:

11-1-5.10: Purpose

11-1-5.15: Applicability

11-1-5.20: Process

11-1-5.25: Concept Plan

11-1-5.30: Preliminary Plan

11-1-5.35: Final Plat

11-1-5.10: Purpose

The purpose of this chapter is to establish a process to approve subdivisions in line with Utah Code 10-9a-601, et al.

11-1-5.15: Applicability

1. The Preliminary Plan and Final Plat process for a subdivision applies in its entirety to subdivision applications for single family and two-family dwellings for any subdivision of land.
2. For other uses, such as commercial, industrial, or mixed-use, the Preliminary and Final Plat process review period dates are removed, however the process remains the same.

11-1-5.20: Process

Sections:

11-1-5.20.10: Procedure

11-1-5.20.15: Preliminary approval of the Planning Commission and an Improvements Agreement Required Prior to Final approval of the land use authority.

11-1-5.20.20: Approval of Land Use Authority

11-1-5.20.10: Procedure

An applicant for a subdivision needs to obtain both Preliminary Plan and Final Plat approval.

The process by which required writings and material shall be submitted, reviewed, and approved or disapproved by the planning commission and Administrative Land Use Authority shall be as follows:

1. Should the applicant desire a concept plan review, the applicant shall submit a concept plan to the Development Review Committee for review. The City shall, within fifteen (15) days after the request, schedule a meeting to review the concept plan and give initial feedback. At this meeting, staff will provide information on accessing applicable land use ordinances, a complete list of standards required for the project, preliminary and final application checklists, and feedback on the concept plan.
2. The applicant shall then prepare and submit a complete application for preliminary review. Any application found to be incomplete shall be returned to the applicant.
3. Staff shall review a complete preliminary application within forty (40) calendar days of submittal and a final plat within thirty (30) calendar days of submittal. The review cycle dates are waived if the proposal includes properties affected by a geological hazard.
4. Any filing and review fees required for any stage of the subdivision process, shall be submitted together with all contents required in this Code.
5. After staff has completed a review, staff shall provide any corrections to the applicant. If no corrections are required, the application shall be forwarded for review by the planning commission or land use authority, as determined by Moroni City Code. Incomplete submittals or resubmittals that do not address all corrections shall not be placed on the agenda for planning commission or the land use authority.
6. In instances where corrections are required, the resubmittal process shall follow the review cycles outlined in Utah State Code 10-9a-604, as amended. No more than four (4) review cycles shall be permitted.
7. Any approval or disapproval made by the planning commission shall be in the form of written findings of fact and conclusions included in the approved minutes of the meeting. Any approval or disapproval by the planning commission described in this chapter may be appealed as outlined in in Utah Code 10-9a-604.2(8), as amended.
8. No excavation or alteration of the terrain within a proposed subdivision may be undertaken prior to approval of the final plat by the land use authority, approval or disapproval in conformity with the processes set forth in this chapter; excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.
9. Receipt of any document for the purposes of official planning commission action shall be deemed to occur only at regularly scheduled meetings of the planning commission.

Steps in the procedure are as follows:

Step 1: Submit Concept Plan (OPTIONAL).

Subdividers may submit a concept plan to the Development Review Committee for review. The concept plan shall enable the subdivider and the Development Review

Committee to have an informal review of a proposed subdivision for general scope and conditions which might affect said subdivision. The concept plan shall be reviewed by the Development Review Committee under guidelines set forth in Chapter 11-1-5.25. There is no approval of a concept plan required or given. After reviewing and discussing the concept plan, the Development Review Committee will advise the applicant of the specific changes or additions, if any, that are needed in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the preliminary plat. The Development Review Committee will grant the applicant the right to move forward with authorization to prepare and submit a preliminary plan.

Step 2: Submit Preliminary Plan Application.

Subdividers shall submit a preliminary plan application. The preliminary plan application shall provide design solutions for problems identified in the review process. Submission requirements and time required for review and notification are included in Chapter 11-1-5.30. Approval of the preliminary plan application shall be valid for twelve (12) months. Thereafter, approval of the preliminary plan application will have expired unless a final plat has been submitted to the land use authority, or an extension has been granted by the land use authority.

Step 3: Submit Final Plat.

Once a preliminary plan application has been approved by the planning commission, the subdivider shall submit a final plat and supporting documents. The final plat shall be reviewed by the land use authority. Appropriate action shall be taken under the process outlined in Chapter 11-1-5.25. Once approved by the land use authority, the final plat may be recorded, and lots may then be sold.

11-1-5.20.15: Preliminary approval of the Planning Commission and an Improvements Agreement Required Prior to Final approval of the land use authority

The Administrative Land Use Authority shall not approve any subdivision or authorize for recording any subdivision which has not previously received preliminary approval by the planning commission, nor shall it approve and authorize such subdivision for recording unless an improvement agreement with regard to the subject subdivision has been signed by all appropriate parties. The improvements agreement shall then also be recorded. This agreement may include, but is not limited to:

1. **Infrastructure Improvements:** Detailing specific infrastructure requirements such as roads, sidewalks, utilities, drainage systems, and landscaping, in accordance with city standards.

2. **Timing and Phasing:** Establishing schedules for the completion of required improvements, including deadlines and phasing if applicable.
3. **Cost Sharing and Financial Guarantees:** Allocating costs between the developer and the city, with provisions for financial guarantees to ensure completion.
4. **Maintenance and Repair:** Outlining responsibilities for ongoing maintenance and repair, including any required maintenance periods.
5. **Compliance with Regulations:** Ensuring that all improvements comply with applicable city regulations, standards, and codes.
6. **Default and Remedies:** Specifying procedures for addressing default, including penalties, termination clauses, and remedies.
7. **Legal and Administrative Provisions:** Including necessary legal and administrative provisions for enforcement, such as definitions, dispute resolution mechanisms, and indemnification clauses.

11-1-5.20.20: Approval of Land Use Authority

The Administrative Land Use Authority shall grant approval for any subdivision only after a subdivider has complied with the process outlined in this title. Intermediate approval at each phase of the process shall not be construed to mean final approval of the subdivision.

11-1-5.25: Concept Plan

Sections:

11-1-5.25.1: Processes and requirements for submission

11-1-5.25.2: Review Process-Concept plan

11-1-5.25.1: Processes and requirements for submission

Should the subdivider desire to have a concept plan review, subdivider shall submit an electronic copy (pdf) of a concept plan to the Development Review Committee, at which point within 15 days after the request, Moroni City will schedule a meeting to review the concept plan and give initial feedback.

The plan shall include the following items:

1. The proposed name of the subdivision;

2. A vicinity plan;
3. A proposed lot and street layout, indicating general scaled dimensions of lots to the nearest foot;
4. A description of the method of financing improvements and a statement concerning the timing of improvement installation, specifically improvements that are to be installed following the recording of the final plat;
5. The acreage of the entire tract proposed for the subdivision, including plans for maintenance and ownership of remaining non-buildable lands.
6. Geologic hazards within the tract;
7. If applicable, letters of feasibility from the appropriate health officers of the proposed water and sewerage systems including irrigation, canals, and ditches necessary to meet the requirements of this title, the health department, and the state Department of Environmental Quality, Central Utah District.

11-1-5.25.2: Review Process-Concept plan

The Development Review Committee shall, upon receipt of the complete submission, distribute copies of the plan to government departments and other agencies as in the opinion of the committee who may contribute to a decision in the best interests of the public.

The Development Review Committee shall review the concept plan submittals and determine compliance with the general plan, zoning ordinance, the subdivision ordinance, and other regulations of the city.

The Development Review Committee shall notify the subdivider of the concept plan, review findings including questionable design or engineering feasibility, inadequacy of submittals, noncompliance with local regulations, and the need for other information which may assist the planning commission to evaluate the proposed subdivision.

The review of the concept plan shall not constitute an absolute disapproval of the proposed subdivision, but rather shall operate in such a manner as to give the subdivider guidance as to the requirements and constraints for subdivision within the city.

11-1-5.30: Preliminary Plan

Sections:

11-1-5.30.10: Purpose

11-1-5.30.15: Pending Ordinance

11-1-5.30.20: Contents

11-1-5.30.25: Site Specific Contents

11-1-5.30.30: Conditions for Review

11-1-5.30.35: Review Cycles

11-1-5.30.40: Completing a Preliminary Subdivision Application Review

11-1-5.30.45: Duration

11-1-5.30.10: Purpose

The purpose of the preliminary plan is to ensure the proposed subdivision meets all requirements and minimize necessary changes and revisions to the Final Plat.

11-1-5.30.15: Pending Ordinance

In the event a pending ordinance, which has been formally initiated, would prohibit the Plat approval, the application need not be accepted, unless the pending ordinance has not been adopted within 180 days of its formal initiation. A subdivision application shall meet the requirements in place at the time of submittal, or the requirements of any ordinance which has been formally initiated at the time of submittal.

11-1-5.30.20: Contents

The preliminary plat shall be clearly and legibly drawn with approved waterproof ink. The following information shall be included on or with the preliminary plan:

1. Complete application, including:
 - a. name and address of the applicant,
 - b. name of the subdivision,
 - c. name and address of the person, firm or organization preparing the preliminary plat, and
 - d. A statement of the present zoning and proposed use of the property, as well as proposed zoning changes, whether immediate or future
2. Payment of all Preliminary Plan fees
3. Owner's affidavit, indicating the recorded owner's permission to file the plat, including:
 - a. Title report, showing clear title for the owner indicated, for the respective properties in the proposed development.
4. An electronic copy of all plans in a PDF format, including:
 - a. Preliminary subdivision plat drawings
 - b. A vicinity sketch with a scale of 200 feet or more to the inch. The vicinity sketch shall show the street and tract lines and names and numbers of all existing subdivisions, and the outline and acreage of parcels of land adjacent to the proposed subdivision.

- c. The date, north point and written and graphic scales.
 - d. A table including: total acreage of area proposed for development, total acreage in lots, total number of lots, size (in sq ft) per lot, street frontage and dimensions per lot, location and total acreage in a flood zone, and location of wetlands and natural hazards.
 - e. Tie to a section corner. Horizontal datum shall be clearly written on all plat drawings.
 - f. A legal description to define the location of the proposed subdivision.
 - g. The names and numbers of adjacent subdivisions and the names of the owners of adjacent un-platted land.
 - h. The boundaries of areas subject to flooding or storm water overflow.
 - i. Layout of all lots, including the average and minimum lot size, lot divisions, building setback lines and consecutive numbering.
 - j. Location and size of sewer and water mains and any other public or private utility.
 - k. Preliminary indication of needed storm drainage facilities with location, size and outlets of the drainage system.
 - l. The locations, proposed street numbers, widths and a typical cross section of the proposed street.
 - m. All existing and proposed streets, alleys, easements, watercourses including flood zone areas, irrigation ditches, fence lines, utilities, buildings, public areas and any other important features within 200 feet of the tract to be subdivided. Streets shall include widths and pertinent dimensions. Any easement or right-of-way shall be shown on the plan.
 - n. A contour map with vertical intervals not to exceed two (2) feet. Contours shall be clearly labeled. All vertical data shall be based on the 1929 North American Vertical Datum (NAVD29) or 1988 North American Vertical Datum (NAVD88). Vertical datum shall be written on plat.
 - o. A stamp and signature of a Civil Engineer licensed in the state of Utah.
5. All other required details, specifications, information, permits, will-serve letters, and other information as detailed in Moroni City Code or regulations by the applicable jurisdiction.

11-1-5.30.25: Site Specific Contents

The following documents shall accompany the Preliminary Plan when deemed necessary by the City Engineer:

- 1. Soils Report. The applicant shall provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design including CBR or existing soils,

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. The report shall 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 shall be required depending on the recommendations based on the GeoTech report.

2. Storm Water Plan. The applicant shall provide a detailed storm water plan for the subdivision. Plans and calculations shall be stamped and signed by a civil engineer licensed in the state of Utah.
3. Wetland Delineation Study. If there are potential wetlands in a development the applicant shall submit a wetlands delineation by a qualified wetlands scientist. This delineation will be reviewed by a qualified wetlands scientist hired by the City. All costs for the delineation and review shall be borne by the applicant.

11-1-5.30.30: Conditions for Review

1. Approval of a preliminary subdivision plat shall not be granted until such time as the applicant has provided information, to the satisfaction of the City Engineer, to establish that adequate public facilities exist in the areas affected by the development to accommodate the development.
2. The public facilities to which the preceding paragraph applies shall include the following:
 - a. The City culinary water system, including quantity, quality, treatment, storage capacity, transmission capacity, and distribution capacity.
 - b. The electric power system, including generation, transformation, transmission, and distribution.
 - c. Streets and roads, which may include sidewalks, curb and gutter.
3. If the City Engineer determines that adequate public facilities are not available and will not be available by the time of final plat recordation, so as to assure that adequate public services are available at the time of occupancy, the developer will be advised that they shall either complete the improvements before the plat is recorded or post a performance guarantee.
4. The applicant shall follow the procedures set forth in Utah Code Ann. §73-1-15.5, as it may be amended from time to time, in contacting any applicable irrigation company whose facilities will be affected by the development. The applicant is to follow the requirements of said section in piping, improving, or relocating any irrigation facilities. Construction plans, in compliance with said section, shall be submitted with the application. The applicant is to provide a certificate of compliance that satisfies the City Engineer that it is compliant with the law.

Existing irrigation ditches located on the site or adjacent to a property boundary, within

ten feet, shall be treated in accordance with this section. Ditches shall be piped with a sufficient size pipe to handle the irrigation need or, if approved by the Development Review Committee, an opaque fence or wall shall be constructed to screen the ditch from lots within the plat. Fences and walls shall be placed on a lot line or parcel line, which shall be two feet from the tow of the ditch embankment. Any land between the fence or wall and the ditch may not be included within lots. Such land shall be maintained by the owner or may be dedicated to the City. Piping shall be coordinated with the City Engineer and the irrigation company or ditch owner by following the provisions of Utah Code Ann. §73-1-15.5, unless otherwise approved by the City Engineer. If the ditch carries greater than 50 cubic feet per second average flow, the Development Review Committee has the discretion to require piping, fencing, and/or landscaping. The City Engineer may waive this requirement for areas zoned commercial or industrial.

Applicant is responsible for the protection of irrigation ditches and facilities from damage resulting from the development work.

11-1-5.30.35: Review Cycles

1. Information Availability:
 - a. The City shall provide or have available on the City's website:
 - i. A copy of the applicable land use ordinance.
 - ii. A complete list of standards required for the project.
 - iii. Preliminary and final application checklists.
2. Submittal Review:
 - a. The City shall review the submittal for completeness. If complete, the City will start the review cycle. If incomplete, the submittal will be returned to the applicant.
3. Review Timeline:
 - a. Within forty (40) days the City shall complete a review of the Preliminary Plat and Subdivision Improvement Plan, except as follows:
 - i. The review cycle dates restrictions and requirements do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
 - ii. The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed use.
 - b. If the location is within one hundred (100) feet of a water conveyance facility, within twenty (20) calendar days after receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water

conveyance facility: access, maintenance, protection, safety, and any other issues related.

- i. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the City may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Authority shall not grant approval until after at least twenty (20) days after the day on which the City mailed notice to the Water Conveyance Facility.
 - ii. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.
- c. After review, the City will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response:
 - i. If the application is found to require corrections, the City must be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 - ii. 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
 - iii. If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
- d. After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
 - i. A Preliminary Plat and Subdivision Improvement Plan application expires if a complete resubmittal is not made within twelve (12) months from the time the City provides comments to the applicant.
- e. The City shall review the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the City shall return the submittal to the applicant.
 - i. If the resubmittal is complete, the City shall accept the application for a second review cycle. The time frame to complete the review depends on how quickly the applicant was able to respond to the corrections in full and if the applicant made any material changes.

1. If the applicant responded within forty (40) days, the City has forty (40) days to complete the second review cycle.
 2. If the applicant responded after forty (40) days, the City has sixty (60) days to complete the second review cycle.
 3. If the applicant made a material change that merits a new review, then the review shall restart at the first review cycle as it relates to the new material.
- ii. The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed use.
- f. If the City neglects to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if it is necessary to protect public health and safety or to enforce state or federal law.
 - g. 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 for preliminary plan review.
 - h. If the City finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forward or to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.
 - i. 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:
 - i. 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
 - ii. 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.
 1. The appeal authority shall be the City Council.
4. Completing a Preliminary Subdivision Application Review
 - a. Review Process:
 - i. The Planning Commission shall act on the preliminary plan application at the next available meeting after completion of the review cycles. The

Administrative Land Use Authority may approve, deny, or approve with conditions the proposed Preliminary Plan.

b. Duration

i. Preliminary Plan Approval Duration:

1. Application Expiration:

- a. A Preliminary Plan application expires if not approved by the City within twelve (12) months from the time of submission and acceptance.

2. Approval Validity:

- a. Approval of the Preliminary Plan is valid for twelve (12) months after approval.
- b. For multi-phase plans, the Preliminary Plan remains active provided a Final Plat is recorded at least every twelve (12) months. If a Final Plat is not recorded within this period, the Preliminary Plan must be resubmitted for re-approval.

c. Subdivision Improvement Plan Requirements

- i. As part of the subdivision approval process, the applicant must submit a comprehensive Subdivision Improvement Plan along with the plat. This plan must include the civil engineering designs related to the required infrastructure improvements and municipally-controlled utilities for the subdivision. The following documents must be submitted with the Plat and are considered part of the application:

1. Utility and Easement Layouts:

- a. Drawings must show the layout, profile, and detailed design of all utilities and easements, including existing fences.
- b. Statements from relevant utility companies (e.g., water, sewer, electric, gas, telephone) confirming service availability to the subdivision must be provided.
- c. All existing rights of way and recorded easements must be accurately depicted on the plat.
- d. Every water conveyance facility, whether recorded or not, must also be clearly indicated on the plat.

2. Roads and Drainage Structures:

- a. Plan, profile, and typical cross-section drawings must be provided for all roads, bridges, culverts, sewers, and other drainage structures within the subdivision.

3. Grading and Drainage Plan:

- a. The grading plan must show proposed solid line contours superimposed on dashed line contours of the existing topography within the area of the Final Plat.
 - b. Contours should be at two-foot intervals for areas with slopes between level and five percent grade.
 - c. For areas with slopes over five percent, five-foot contour intervals should be used.
 - d. In cases of predominantly level terrain, one-foot contour intervals may be required.
4. Erosion Control Plan:
- a. An erosion control plan, if required based on the Preliminary Plat review, must be submitted.

11-1-5.35: Final Plat

Sections:

- 11-1-5.35.10: Purpose
- 11-1-5.35.15: Application Process
- 11-1-5.35.20: Contents
- 11-1-5.35.25: Review
- 11-1-5.35.30: Completing a Final Plat Application Review
- 11-1-5.35.35: Duration
- 11-1-5.35.40: Appeal of Denial
- 11-1-5.35.45: Performance Bond
- 11-1-5.35.50: Copy of Owner's Payment Required
- 11-1-5.35.55: Plat Recordation

11-1-5.35.10: Purpose

The purpose of the final plat is to require formal approval, and ensure the submittal meets all applicable requirements, before a subdivision plat is approved and recorded.

11-1-5.35.15: Application Process

Within two (2) years after approval of the Preliminary Plan, the applicant must make application for Final Plat approval, receive Final Plat approval and have a plat recorded. Application is made by following instructions on the form provided by the City and submitting all required contents in full. If an application is incomplete, it will be returned to the applicant. The review cycle does not begin until the applicant has submitted all required materials and the City has determined it is a complete submittal.

11-1-5.35.20: Contents

An applicant for a Final Plat shall submit the following for review:

- A. All fees for the Final Plat application
- B. Proof of ownership, in a form acceptable to the City
- C. A (PDF) file of the Final Plat in a format approved by the City and Sanpete County. The Final Plat of a subdivision shall contain the following:
 1. 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 and proposed hydrant locations, including bearing and distance of straight lines, and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves.
 2. The boundary dimensions and legal description of the subdivision.
 3. The proposed subdivision name.
 4. A minimum scale of one inch equals fifty (50) feet (1"=50').
 5. A north arrow facing the top right margin.
 6. A date on each sheet.
 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. The plat shall show the right-of-way lines of each street. The widths and locations of adjoining streets and other public properties within 50 feet of the proposed subdivision. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown.

10. All lots and blocks are to be numbered, addressed, and named in accordance with the street numbering and naming system assigned by the City. Streets indicating numbers and lots numbered consecutively.
11. A statement that “All drinking water lines up to and including the meter and all main sewer lines are dedicated to Moroni City”.
12. A statement that “All municipal utility easements platted hereon are in perpetuity for installation, maintenance, repair, and replacement of public utilities, sidewalks, and appurtenant parts thereof and the right to reasonable access to grantor’s easement shall run with the real property and shall be binding upon the grantor and the grantor’s successors, heirs and assigns”.
13. All offsite easements required to provide services or utilities to the project shall be recorded with the Sanpete County Recorder’s office prior or in conjunction with the Final Plat recordation.
14. 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 no more than 100 feet to the inch. Space for approved signatures shall include:
 1. Owners’ dedication and acknowledgment
 2. Administrative Land Use Authority approval
 3. Mayor’s signature
 4. Public utilities acceptance
 5. Public Health Department approval
 6. County Recorder’s certificate
15. The name of the engineer or surveyor with a stamp and signature of a surveyor licensed in the State of Utah.

D. Cost estimate of all off-site improvements prepared by the developer’s engineer.

11-1-5.35.25: Completing a Final Plat Review

1. Check for Completeness: The City checks the submittal for completeness.
 - a. If the submittal includes all materials, the City receives the submittal and starts the review.

- b. If the submittal is 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.
2. City Review Time Frame: After a determination that the application submittal is complete, the City begins its review. The City has a thirty (30) day review window to conduct its review and provide comments to the applicant.
 - a. 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. Water Conveyance Facilities: If the location is within one hundred (100) feet of a water conveyance facility, within twenty (20) calendar days after receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
 - a. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the City may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land 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.
 - b. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.
4. Attorney Review: During review, the City Attorney shall review the Final Plat and shall recommend approval if the attorney finds that:
 - a. There is a current title opinion from a licensed title company showing that the person dedicating the property described on the Final Plat is the title owner as shown on the records of the Sanpete County Recorder's Office.
 - b. The performance bond, escrow deposit, letter of credit, or trust deed with the City is in appropriate form and signed by the necessary parties.
 - c. That the subdivision does not, in the attorney's opinion, violate any ordinance of the City or the laws of the State of Utah of the rules and regulations promulgated pursuant thereto.
5. Determination of Corrections Required: Within the review window specified above 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.
 - a. 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. 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. 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.
 - c. Application Meets All Standards: If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
6. 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.
 7. 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.
 8. Check for Completeness: The City shall check the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the City shall return the submittal to the applicant.
 9. 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 (7).
 - a. 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.
 10. 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 (10).
 11. 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:
 - a. Advise the applicant, in writing, of the deficiency in the application and the right to appeal the determination to a designated appeal authority.
 - i. The appeal authority shall be the City Council.

11-1-5.35.30: Performance Bond

1. Prior to recordation of the Final Plat, after the applicant has obtained Final Plat approval, the applicant shall complete all public improvements required in the subdivision. In lieu, prior to recordation, the applicant may provide an improvement completion assurance agreement to the City to ensure completion of all public improvements required to be

installed in the subdivision. The assurance agreement shall be in a form and contain such provisions as approved by the City Attorney or legal counsel.

2. The bond shall be signed by the developer and a bank, savings and loan or Mortgage Company and shall commit the said parties to faithful performance, or in lieu thereof, payment to the City as set forth in the assurance agreement. There shall be a specific commitment not to release any of the said sums without specific approval of the City Council and/or the City Engineer. The City Attorney shall have discretion as to such other terms as may be required from time to time to adequately protect the City and assure final completion of all public improvements.
3. The agreement shall include but not be limited to:
 - a. Completion of the improvements within two years from the date the agreement is executed. Further, such bond shall contain language unconditionally guaranteeing the performance of the developer. A provision shall be provided for unconditional payment of the face amount of the bond within thirty (30) days from the City's declaration of default by the developer.
 - b. The improvements shall be completed to the satisfaction of the City and in accordance with this Title.
 - c. The bond amount shall be equal to 100% of the estimated cost of the public improvements to be installed and 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.
 - i. The cost estimate shall be reviewed by the City Engineer as outlined in this Title.
 - d. The City shall have exclusive control over the bond proceeds, which may be released only upon written approval of the City Council.
 - e. If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to the City standards, then the applicant is responsible for the deficiency and no further building permits will be issued until the improvements are completed or a new bond issued to insure completion of the remaining improvements.
 - f. If upon written demand of the City after the expiration of the time period bond proceeds are not transferred to the City within 30 days of the demand, then the city's costs of obtaining the proceeds, including any attorney fees and court costs, shall be deducted from the bond proceeds.

- g. The applicant agrees to hold the City harmless from any and all liability, which may arise, as a result of the improvements, which are installed until such time as the City accepts the improvements, required.
4. Two (2) years after the completion of the required improvements, such improvements shall be inspected by the City Council and/or the City Engineer and if found to be in satisfactory condition, the City Engineer will certify the same to the City Council. In the event the sub divider is in default or fails or neglects to satisfactorily install the required utilities and improvements within two (2) years from the date of approval of the final plat by the Administrative Land Use Authority, the City shall declare the bond forfeited and the City may install or cause the required improvements to be installed, using the proceeds of the bond to defray the expense thereof.
5. A property bond where the bond proceeds are property which is deeded over to the City to be sold by the City, if necessary, to complete the required improvements.
6. Within two (2) years after final approval of plans by the Administrative Land Use Authority, all required improvements shall be completed by the developer and inspected by the City Engineer. The City Engineer shall then certify to the City Council that all requirements have been completed by the developer, at which time the City Council shall give final acceptance to the subdivision. Bond requirements continue for two (2) years after final acceptance. (Ord. 2000-4-12, 4-12-2000; amd. 2000 Code)
7. The time period for the completion of the required public improvements may be extended upon approval of the City Council.
8. **Type and Amount of Guarantee:** The performance guarantee shall be one of the following, at the discretion of the City Council:
 - a. **Cash Deposit:** A deposit of cash in a separate escrow account in an amount not less than 100% of the estimated cost of constructing the required improvement or improvements, as determined by the City and 10% of the amount of the deposit to cover administrative costs incurred by the municipality to complete the improvements, if necessary. Said account shall be made with a financial institution acceptable to the City Council and shall be established in such a manner that any release there from shall require the advance written consent of the City. All interest earned from the account shall be the property of the sub divider.
9. **Performance Bond:** A performance bond in an amount not less than 100% of the estimated cost of the public improvements to be installed and 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.

10. **Final Disposition and Release:** The sub divider, or other person giving the performance guarantee provided for by this Chapter, shall be responsible for all materials and workmanship of the improvement. At the completion of the work, or not less than ten (10) days prior to the release date of the bond or other assurance, the person giving the guarantee shall submit to the City Engineer one copy of the drawings of record of the improvement and a certificate of completion. The City Engineer shall then make an inspection of the improvements and shall submit a report to the Mayor and City Council setting forth the condition thereof. If the condition of said improvements is found to be satisfactory and all liens are paid, the Mayor and City Council shall issue a final approval of the improvements. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if the outstanding liens are not paid, the matter shall be referred to the City Council; and in accordance with applicable City ordinances, the City Council may declare the person giving the guarantee in default. (Ord. 2000-4-12, 4-12-2000; amd. 2000 Code)

11. **Partial Release Permitted:** The City Council may, upon recommendation of the City Engineer and application of the person giving the guarantee, authorize from time to time a partial release of the performance guarantee in accordance with the following schedule:

Percent of Work Complete	Maximum Percentage Guarantee Of Performance Eligible For Release (Percent Of Total Bond)
50%	40%
75%	60%
100% and a satisfactory final inspection	80%

(Ord. 2000-4-12, 4-12-2000)

12. Durability Retaining

- a. Retaining: A retaining of not less than twenty percent (20%) of the total amount of the guarantee shall be retained by the City for a period of not less than two (2) years following the date of final acceptance of the improvements by the City. Such retaining shall be a guarantee of the durability of all improvements. If after the two (2) year period the durability of said improvements is found to be satisfactory, the City Council shall authorize release of said retaining. If, however, after said period the condition or material or workmanship of the improvement or improvements fails or shows unusual depreciation, or if it becomes evident that certain work was not completed, or that said improvements do not otherwise comply with accepted standards of durability, said condition shall be corrected by the person giving the performance guarantee. If the corrections are not made

within a reasonable time, the City Council may, in accordance with applicable City ordinances and declare such person in default and use the retaining to defray the cost of any required work. (Ord. 2000-4-12, 4-12-2000)

11-1-5.35.35: Copy of Owner's Payment Required

Prior to the issuance of any permits to install public improvements, the applicant must file a copy of the bond with the City as required by state law.

11-1-5.35.40: Plat Recordation

1. Once all requirements have been met, and the Administrative Land Use Authority has approved the final plat, the applicant shall submit a twenty-four inch by thirty-six inch (24" x 36") mylar drawing of the corrected final subdivision plat with the signatures of the owners and other required signatures.
2. Before the Final Plat can be recorded at the Office of the Sanpete County Recorder, the following shall occur:
 - a. City shall review mylar for completeness and consistency with the approved plat,
 - b. City shall collect all required signatures, in waterproof ink.
 - i. While the public utilities and the public health department have a space to sign on the plat, they are required to have the opportunity to sign but may elect to not sign the mylar given that they have provided a will serve letter for the plat.
 - c. Developer shall complete the required public improvements or provide a security for improvements as determined by the City Engineer and approved by the City Attorney. The security bond shall be properly posted with the City unless improvements are already completed and accepted by the City,
 - d. Developer shall provide signed and notarized covenants, conditions and restrictions (CC&R's) for the subdivision, if applicable,
 - e. Developer shall provide signed and notarized development agreement, if applicable,
 - f. Developer shall provide signed and notarized deeds and agreements for any easement,

- g. Developer shall provide the recordation fee, made in favor of the Office of the Sanpete County Recorder, and
 - h. Developer shall provide all required impact fees and any other fees required to be paid to the City.
- 3. Once all of the above actions have occurred, the City Recorder or his/her designee shall record the final subdivision plat at the Office of the Sanpete County Recorder. In no instance shall a fully executed final plat be released to an applicant or property owner for recording on their own.
- 4. Within thirty (30) days after approving a final plat, the City shall submit to the Utah Geospatial Resource Center (UGRC) for inclusion in the unified statewide 911 emergency service database. This shall include:
 - a. An electronic copy of the approved final plat, or
 - b. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

11-1-6: Subdivision Standards

Sections:

11-1-6.10: Design and Documentation Requirements

11-1-6.15: Improvement Requirements

11-1-6.20: Subdivision Costs and Charges

11-1-6.25: Standards and Specifications

11-1-6.30: Street Design

11-1-6.35: Lots

11-1-6.40: Public Use and Service Areas

11-1-6.45: Suitability of Land

11-1-6.50: Access to Lots

11-1-6.55: Processing Fees

11-1-6.60: Drawings Required

11-1-6.65: Variances

11-1-6.70: Park Fees and Park Development

11-1-6.75: Donation, Gifting or Procurement of Land for Parks

11-1-6.80: Administrative Responsibilities

11-1-6.10: Design and Documentation Requirements

The layout and design of all subdivision and engineering plans and the content of all required documentation shall be in accordance with the minimum City standards and specifications which are provided for by this Title. (Ord. 2000-4-12, 4-12-2000)

11-1-6.15: Improvement Requirements

Before final acceptance of any subdivision lying within the City shall be approved, the following improvements shall be constructed in accordance with City specifications and under the inspection of the City Council and/or the City Engineer:

- b. Permanent Markers: All subdivisions boundary corners, all points tangent and street intersections shall be definitely marked with metal monuments approved by the City Council and/or the City Engineer.
- c. Streets: All streets shall be graded, graveled and hard-surfaced in accordance with City specifications. Traffic regulatory, safety and street identification signs shall be erected.
- d. Curbs, Gutters and Sidewalks: In subdivisions in which one or more lots have frontage along a public street, curbs, gutters and sidewalks shall be installed on both sides of all streets (except on streets bonding the subdivision, curbs, gutters and sidewalks shall be required only on the subdivision side); however, required sidewalks may be waived by the City Council upon recommendation of the Planning Commission.
- e. Drainage:
 - i. The subdivider shall provide adequate surface drainage for the development, including primary on-site drainage adequate to handle a twenty-four (24) hour, ten (10) year storm event. Design calculations shall be submitted along with the construction plans. Inlets shall be provided so that surface water is not carried across intersections, or for a distance of more than six hundred (600) feet in the gutter. Underground seepage sumps may be approved only after receipt of acceptable engineering calculations. Sumps shall be approved by the City Engineer.
 - ii. If a storm retention or detention basin is used, it shall be approved by the City Engineer. Written approval from the Irrigation Company is required before altering or tying into a ditch or canal. Drainage in cul-de-sacs shall drain away from the turn-around unless otherwise approved by the City Council and/or City Engineer. All storm drainage designs shall be certified by a licensed professional engineer.
- f. Water Lines and Fire Hydrants: In all subdivisions, a culinary water supply, water lines and fire hydrants shall be required as follows:
 - i. The sub divider shall have prior approval for connections to system or other source and shall make such water available to each lot within the subdivided area. Sizes of water mains shall be subject to the approval of the public works director and/or the City Engineer and shall be based upon fire protection requirements, but in no case shall they have a diameter of less than six inches (6"). Workmanship and details of construction shall be

in accordance with City specifications and with the State Board of Health requirements.

- ii. Fire hydrants shall be installed at intervals within the subdivision in such a manner that no lot will be a distance greater than five hundred feet (500') from the closest hydrant, measured along the streets.
- g. Sewers: Sewer connections, subdivision sewer systems and individual sewage facilities shall be installed in accordance with specifications set by the State Department of Health. Sub dividers shall make necessary provisions by installing sewer mains and laterals to the property line of each lot, in accordance with requirements established by the Planning Commission, City Council and/or the City Engineer, so that a minimum of roadway excavation will be required to connect said subdivision to a the City sewer system.
- h. Gas, Electricity, Telephone Services and any Other Utility: The sub divider shall make natural gas, electricity, telephone services and any other utility available to each lot in the subdivision area. These improvements shall be complete before the streets are hard-surfaced. Installation shall be approved by the utility company providing the service and the City Council. (Ord. 2000-4-12, 4-1 2-2000)

11-1-6.20: Subdivision Costs and Charges

Except as may otherwise be provided in this Chapter, all costs and charges for the development and planning of subdivisions shall be borne and paid by the sub divider and shall not be paid by the City. (Ord. 2000-4-12, 4-12-2000)

11-1-6.25: Standards and Specifications

- a. Compliance Required: All subdivisions in the City shall be subject to the design criteria as set forth by the Sanpete County Development Committee, hereby adopted for the use in the City by reference, or the Sanpete County General Plan. These standards shall be strictly followed in the design and construction of all improvements, including asphalt paving, curbs, gutters, sidewalks, utilities, storm drainage and any other improvements related to the development of a subdivision. All subdivision plats submitted to the city for approval will be reviewed by the representative of the zoning department and/or the City Engineer to determine compliance with these standards. The City Engineer, Building Official or other authorized personnel will inspect the installation of improvements to assure compliance to these standards during construction.

- b. Conflicting Provisions: If there are any conflicts or inconsistencies between the requirements as set forth in this Chapter, the General Plan and the standards set by the Sanpete County Development Committee, whichever is more stringent shall prevail. (Ord. 2000-4-12, 4-1 2-2000)

11-1-6.30: Street Design

Street design must conform to chapters one and two of title seven (Public Ways and Property). Additional requirements are, but are not limited to, the following:

- a. Intersect Right Angles: Streets shall intersect each other as nearly at right angles as topography and other limiting factors of good design will permit.
- b. Service from Dedicated Public Street: Every subdivided property shall be served from a dedicated public street.
- c. Center Line Radius: On arterial and collector streets, the center line radius and curvature shall not be less than five hundred feet (500').
- d. Dead-End Streets: Streets shall not be designed to have one end permanently closed.
- e. Street Numbers: Proposed streets shall bear a number (#), not a name, and any existing street to which it is in obvious alignment must have the same number (#).
- f. Block Length: Blocks shall not be less than four hundred ninety-five feet (495') in length.
- g. Sidewalks, Curb and Gutter: Sidewalks, curb and gutter are required on all subdivision lots developed after the passage date hereof.
- h. Surfacing: Streets shall be hard-surfaced from curb to curb. (Ord. 2000-4-12, 4-1 2-2000)

11-1-6.35: Lots

- a. Side Lot Lines: Insofar as practical, side lot lines shall be at right angles to street lines. Each lot shall front on a public street or road that is on the State highway system or that is dedicated to the City.
- b. Lot Sizes: Residential lots shall conform to the zoning as established in this Title and the adopted Zoning Map.
- c. Lot Abutting Two Parallel Streets: Lots which abut on two (2) parallel streets shall be avoided, except when one Street is an arterial street, the lots may have the rear yard abutting, without access, on the arterial street.
- d. Actual Measurements: Lot size measurements will be considered as actual measurements. It is not intended that all lot sizes in an area be of identical size. Lot size denotes the minimum allowable under the zoning ordinances. (Ord. 2000-4-1 2, 4-12-2000)

11-1-6.40: Public Use and Service Areas

- a. Easements: The Planning Commission may require easements not exceeding ten feet (10') in width for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines along the rear lot lines and alongside lot lines.
- b. Ditches, Canals: No irrigation ditches, canals or other waterways shall be located within a dedicated public street except to cross such Street in a location approved by the City Engineer and/or the City Council.
- c. Dedicated Streets: All streets within the subdivision must be dedicated to the City.
- d. Fencing and Protection of Water Areas: All canals and major ditches shall be fenced on both sides for public safety, health and welfare with a six-foot (6') chain link fence as specified by the City Engineer and/or the City Council. All irrigation ditches running contiguous or within a property or subdivision shall be piped and covered. Pipe size and quality shall be determined by the City Engineer, public works director and/or the City Council in consultation with serving Irrigation Company. Developers of any parcel of land must give due consideration in their development plan to the location of any existing legally established irrigation supply or wastewater ditch, either company or private owned, and provide for the continued supply of irrigation water to downstream users and disposal of wastewater. Written approval by irrigation companies of

alterations to irrigation systems within proposed developments shall be submitted by developers to the City Council prior to recording the final plat.

- e. Dedication of Open Space: Dedication of all parks, school grounds and other public open space within the subdivision will be required in accordance with the General Plan. Where this Plan calls for larger amount of public open space than the subdivider's fair amount, as established by the Planning Commission, the additional land is to be reserved for acquisition by a public body, provided such acquisition is made within one year from the date of final approval. It will be the responsibility of the City Council to determine appropriate legislation in relation to this subsection. (Ord. 2000-4-12, 4-12-2000)

11-1-6.45: Suitability of Land

No land shall be subdivided for residential use which is held by the Planning Commission to be unsuitable for such use by reason of flooding or bad drainage, or any feature likely to be harmful to the health, safety or welfare of the future residents in the proposed subdivision or of the community unless and until such land is rendered suitable for residential use. (Ord. 2000-4-12, 4-12-2000)

11-1-6.50: Access To Lots

Access to each and every lot shall be provided by a public street that has been dedicated to the City. The Street layout for any proposed development must give due consideration to the future development of adjacent parcels of ground. Reasonable access to adjacent properties must be provided. No parcel of ground may be landlocked as a result of the development of any other parcel of ground. (Ord. 2000-4-1 2, 4-1 2-2000)

11-1-6.55: Processing Fees

The following provisions and standard fees shall be required and collected with respect to new subdivisions:

- a. Sketch Plan Fee: A sketch plan fee shall be paid prior to submission of the said sketch plan to the Planning Commission.
- b. Subdivision Plat Submittal Fee: For the preliminary plat presented to the Planning Commission for consideration, with respect to each subdivision, there shall be a

fee paid in the amount set forth in the City resolution for fees and charges. The said fees shall provide for the following services:

- i.** Review and verification of meets and bounds, conformity of lots to zoning code and planning standards.
- ii.** Planning review of layout and site planning placement of parks and common area, if any, and verification of conformance of subdivision with planning policy of the City, including General Plan conformity.
- iii.** Legal review of plat, bonding instrument, dedication of public area, preliminary title report and conformity to ordinance.
- iv.** Written notice of preliminary review of the proposed development to owners of properties located within three hundred feet (300') of the proposed development.

c. **Engineering Review Fees:** Engineering review fees shall be collected for each lot shown upon the preliminary plan approved by the Planning Commission in such amount as set forth in the City resolution of fees and charges. The fees collected pursuant to this subsection shall pay for the following regulatory services:

- i.** Flood control, topographical and drainage review.
- ii.** Traffic review (pattern and scope).
- iii.** Review of public improvements design as to adequacy and placement.
- iv.** Review of capital impact of subdivision, including revenue projection and estimated costs of services.
- v.** Calculations and verification of public improvement bond estimates and final amount.

d. **Zone Change and Annexation Fees:** Each application for a zone change for any parcel of land regardless of size shall be accompanied by a fee to pay for legal notices and preliminary staff review of request. Annexation fees shall be based on a flat fee, plus a fee per acre of area annexed, plus fee for preparing impact statement. These fees are as established by the City resolution of fees and charges.

- e. Payment of Fees. The fees set forth and required by this Section shall be paid as follows:
- i. Subsection A fees; prior to submission of the sketch plan to the Planning Commission.
 - ii. Subsection B fees; prior to submission of the preliminary plat to the Planning Commission.
 - iii. Subsection C fees; prior to submission of the final plat to the Planning Commission secretary immediately prior to consideration of the same by the City Engineer and/or the City Council.
 - iv. Subsection D fees; concurrent with the filing of the petition.
- f. Refunds; Modifications: Fees once paid are not to be refunded. The fees herein charged may be modified from time to time hereafter by resolution of the City Council. (Ord. 2000-4-1 2, 4-12-2000)

11-1-6.60: Drawings Required

Plans showing the locations, size, grade and depth of all water and sewer mains, water and sewer laterals, valves, manholes and other subsurface utility and service lines and facilities shall be submitted to the City by the sub divider prior to the release of any performance guarantees. The location of required survey monuments shall be approved by the City Council and/or the City Engineer, at the request of the sub divider to the City Council, before the release of any performance guarantees. (Ord. 2000-4-1 2, 4-12-2000)

11-1-6.65: Variances

Where the sub divider can show that a provision of these general requirements and minimum standards of design would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission, a departure may be made without destroying the intent of the provisions, the Planning Commission may recommend to the Board of Adjustment that it authorize a variance. Any variance so authorized shall be stated on the final plat and the reasons for such departure shall be entered in writing in the minutes of the Board of Adjustment. (Ord. 2000-4-12, 4-1 2-2000)

11-1-6.70: Park Fees and Park Development

The City Council is responsible for the establishment and adjustment of park fees. These fees are to be used for the procurement, development and maintenance of parks in the community. One-half (1/2) of the fees are to be collected at the time of final plat and one-half (1/2) at the time of issuance of a building permit.

11-1-6.75: Donation, Gifting or Procurement of Land for Parks

A developer or a landowner may propose a park incorporated into his development plat for purposes of donation or gifting, or for future sale to the City. It will be the option of the City Council to determine the need and feasibility for such a design. When a park or recreational facility has been designated in the City's General Plan and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the neighborhood within which the subdivision is located, the subdivider or developer may donate, gift or sell land for a local park sufficient in size and topography to serve the residents of the neighborhood within which the subdivision is located. Donated, gifted or sold land for parks will not be in the computation of the lots allowable in their development. Such donation, gifts or procurement are at the option and discretion of the City Council and they may place conditions to the acceptance of such property. It is the intent of this Section to encourage incentives and cooperation with developers in the implementation of the City's General Plan as it relates to parks and recreation properties. It will be the responsibility of the City Council to establish criteria for park development. (Ord. 2000-4-12, 4-12-2000)

11-1-6.80: Administrative Responsibilities

All administrative officials of the City shall refrain from issuing building permits or from opening, accepting, grading or paving a street or authorizing the laying of sewers and water mains, making connections from the mains to such lines in a street which has: a) not received the status of a public street; or b) does not correspond with a street on a subdivision plat tentatively approved by the Administrative Land Use Authority; or c) having been submitted to the Planning Commission and disapproved by it, has not been accepted by the Administrative Land Use Authority. (Ord. 2000-4-12, 4-12-2000)

11-1-7: Plat Amendments and Boundary Line Adjustments

Sections:

11-1-7.10: Purpose

11-1-7.15: Vacation of Public Street or Right of Way

11-1-7.20: Land Use Authority

11-1-7.25: Plat Amendment Process

11-1-7.30: Boundary Line Adjustment and Parcel Combinations

11-1-7.35: Vacation of a Recorded Plat

11-1-7.10: Purpose

In some instances, it becomes necessary to vacate, alter or otherwise modify the dimensions of existing lot lines. When such alterations involve at least one platted or record of survey lot, a plat amendment is appropriate; when an easement or right-of-way is involved, a vacation process is necessary; and in circumstances that only involve adjacent owners on platted parcels, a boundary adjustment is adequate. The purpose of this Chapter is to clarify these processes.

11-1-7.15: Vacation of Public Street or Right of Way

When the proposed amendment includes a vacation of a public street or public right-of-way, the City Council may, on its own motion, a recommendation of the planning commission, or pursuant to a petition, consider the proposed vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in Utah Code §§ 10-9a-608 and 10-9a-609 (1953 as amended). If the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment and there is good cause for such action, the City Council may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.

11-1-7.20: Land Use Authority

The land use authority depends on the nature of the request, as follows:

1. The planning commission acts as the land use authority when the vacation or plat amendment does not require the vacation or amendment of a public street, public right-of-way, or public easement.
2. The City Council acts as the final land use authority when the vacation or plat amendment includes a vacation or amendment to a public street, right-of-way, or easement.
3. City staff, or the city representative, shall act as the land use authority to review and approve any boundary line agreement that does require amending any platted lot line, public easement, or public right of way.

11-1-7.25: Plat Amendment Process

When an owner of a platted lot seeks to change boundary lines, vacate a lot, or combine a lot, a plat amendment is necessary. The process of filing a petition and amending a plat shall meet the following regulations:

1. 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 section shall, in writing, submit a petition to the representative of the zoning department 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.
 - a. The petition shall be submitted on a form provided by Moroni City and consistent with the regulations in Utah Code 10-9a-608.
2. 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,
 - c. The signature of each of these owners who consents to the petition, and
 - d. A plat that:
 - i. Depicts only the portion of the subdivision that is proposed to be amended,

- ii. Includes a plat name distinguishing the amended plat from the original plat,
 - iii. Describes the differences between the amended plat and the original plat,
 - iv. Includes references to the original plat, and
 - v. Identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.
3. If there are any affected entities that provide service to an owner of record of the portion of the plat that is being vacated or amended, the City shall provide notice to that affected entity at least ten (10) calendar days before the land use authority may approve the petition.
4. If any of the following are true, the land authority shall hold a public hearing:
 - a. Any owner within the plat notifies the City of their objection in writing within ten (10) days of mailed notification.
 - i. The public hearing shall be within forty-five (45) days after the petition is filed.
 - b. An owner of property within the subdivision has not signed the revised plat.
 - i. The public hearing shall be within forty-five (45) days after the petition is filed.
 - c. The plat change includes the vacation or amendment to a public street, alley, public right of way, or municipal utility easement.
 - i. In this case, the public hearing shall be conducted by the City Council. Any review is subject to Utah State Code 10-9a-609.5, as amended,
5. Notice of Hearing for Plat Amendment: When required under this section, a notice shall be sent according to the following:
 - a. The City 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 County Assessor.
 - b. The City shall ensure that the notice includes the date, place and time when a hearing will be held.

- c. If the proposed change involves the vacation, alteration or amendment of a street, public alleyway, or public right of way, or municipal utility easement, the City Council shall give notice as required by Utah State Code 10-9a-608 and 609.5, as amended.
6. If none of the conditions that necessitate a public hearing, as outlined above, are present, the City shall provide a courtesy notice to adjoining property owners of the proposed subdivision amendment and the applicant may be considered at a public meeting, without the need for a public hearing.

11-1-7.30: Boundary Line Adjustment and Parcel Combinations

1. The representative of the zoning department may, upon petition, consider and approve a boundary line adjustment or parcel combination of a metes and bounds parcel, under the provisions of this Section and Utah Code. Petitions to adjust parcel lines between adjacent properties may be executed upon the recordation of an appropriate deed if:
 - a. No new dwelling lot or housing unit results from the adjustment,
 - b. The adjoining property owners consent, in writing, to the new parcel lines,
 - c. The boundary line adjustment does not result in remnant land that did not previously exist, and
 - d. The adjustment does not result in any violation of applicable zoning requirements.
2. A request to combine two (2) legally existing parcels may be approved by the City without any public hearing, Planning Commission, or City Council approval, unless the parcel combination involves the vacation of a street, right-of-way, or easement. Following approval, the applicant shall prepare and record deeds removing the property line between the two (2) parcels.
3. If the boundary line adjustment or combination involves the vacation of a street, right-of-way, or easement, the applicable requirements of Utah Code, including Utah Code § 10-9a-609.5, shall be satisfied.
4. If public utilities exist in the public utility easement between the two (2) parcels, the public utilities shall be relocated to an appropriate easement at the expense of the applicant for a boundary line adjustment.
5. The boundary line proposed to be adjusted must be surveyed by a licensed surveyor and the existing property line(s) and the proposed property line(s) will need to be identified. This will allow the City and representatives of the private utility companies to determine

whether the proposed boundary line adjustment will impact the ability of the utility company to provide adequate service. In making a determination concerning a boundary line adjustment, the representative of the zoning department shall consider, at a minimum, the following:

- a. Utility easements surrounding each parcel or through a parcel,
 - b. The impact on the ability of any other utility provider to serve the properties, and
 - c. The vacation of existing easements and the potential recording of new easements.
6. If the boundary line adjustment satisfies all applicable ordinances and resolutions of Moroni City, a notice of approval shall be recorded in the office of the Sanpete County Recorder that satisfies the provisions of Utah Code § 10-9a-609 (1953 as amended). The notice of approval does not convey title. To convey title, the adjoining property owner(s) will need to prepare and record a quit claim deed, warranty deed, or other acceptable instrument in the office of the County Recorder.
7. Denial: A request for a boundary line adjustment to accommodate development may be denied by the representative of the zoning department if it is determined the application fails to meet the requirements of this Title or Utah State Code.

11-1-7.35: Vacation of a Recorded Plat

The procedure for vacation of a plat shall be governed by the provisions of Utah Code Annotated 10-9a-608, as amended.