

**APPLE VALLEY
ORDINANCE O-2022-32**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: AMENDMENT “11.02.040 Necessity Of Plat; Exemption From Plat Requirements” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.040 Necessity Of Plat; Exemption From Plat Requirements

All subdivisions shall be required to prepare and receive approval of a preliminary and final plat in accordance with the provisions of this chapter, except as follows:

- A. A subdivision creating no more than one new lot may be approved by the Town staff without the necessity of preparing and filing a preliminary plat or final plat if:
 - 1. Notice is provided by Town as required by this title.
 - 2. The proposed subdivision:
 - a. Is not traversed by the mapped lines of a proposed street as shown in the general plan unless the Town has approved the location, and dedication of any public street, Town utility easement, any other easement, or any other land for public purposes as the Town’s ordinance requires. Created lots shall be located on a public right-away or dedicated street.
 - b. Does not impact an existing easement or right of way or, if it does have an impact, evidence is shown that the impact will not impair the use of any such easement or right of way.
 - c. Has been approved by the culinary water authority and sanitary sewer authority.
 - d. Is located in a zoned area, and conforms to all applicable land use code or has properly received a variance from the requirements of an otherwise conflicting and applicable land use code.
- B. A lot or a parcel resulting from a division of agricultural land or land located in an Open Space, Open Space Transitional zones is exempt from the plat requirements of this title if the lot or parcel:
 - 1. Meets the minimum size requirement of applicable zoning; and
 - 2. Is located on a public right-away or dedicated street, and
 - 3. Is only used for purposes allowed in the Open Space, Open Space Transitional, and Agricultural zones.
- C. The creation of a lot under subsection A of this section shall not be approved until a plan for providing utilities and other required improvements to the proposed lot has

been reviewed by the local utilities (Big Plains WSSSD). No building permit will be issued for said lot until the approved improvements are constructed and accepted.

- D. The boundaries of each lot or parcel exempted under subsection A or B of this section shall be graphically illustrated on a record of survey map or by deed, and upon approval of Town staff, shall be recorded with the county recorder.
- E. Notice of the application for a lot split shall be published in the Town Council Agenda following the receipt of the application.

AFTER AMENDMENT

11.02.040 Necessity Of Plat; Exemption From Plat Requirements

All subdivisions shall be required to prepare and receive approval of a preliminary and final plat in accordance with the provisions of this chapter, except as follows:

- A. A subdivision creating no more than one new lot may be approved by the Town staff without the necessity of preparing and filing a preliminary plat or final plat if:
 - 1. Notice is provided by Town as required by this title.
 - 2. The proposed subdivision:
 - a. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for streets or other public purpose. ~~unless the Town has approved the location, and dedication of any public street, Town utility easement, any other easement, or any other land for public purposes as the Town's ordinance requires.~~ Created lots shall be located on a public right-away or dedicated street.
 - b. Does not impact an existing easement or right of way or, if it does have an impact, evidence is shown that the impact will not impair the use of any such easement or right of way.
 - c. Has been approved by the culinary water authority, ~~and~~ sanitary sewer authority, and all other members of the joint utility commission, in writing.
 - d. Is located in a zoned area, and conforms to all applicable land use code or has properly received a variance from the requirements of an otherwise conflicting and applicable land use code.
- B. A lot or a parcel resulting from a division of agricultural land ~~or land located in an Open Space, Open Space Transitional zones~~ is exempt from the plat requirements of this title if the lot or parcel:
 - 1. Meets the minimum size requirement of applicable zoning; and is not used and will not be used for any non agricultural purpose.
 - 2. ~~Is located on a public right-away or dedicated street, and~~
 - 3. ~~Is only used for purposes allowed in the Open Space, Open Space Transitional, and Agricultural zones.~~
- C. The creation of a lot under subsection A of this section shall not be approved until a plan for providing utilities and other required improvements (as per Title 11.08) to the proposed lot, has been reviewed and approved by all members of the joint utility

commission, in writing, by the local utilities (Big Plains WSSSD). No building permit will be issued for said lot until the approved improvements are constructed and accepted.

- D. The boundaries of each lot or parcel exempted under subsection A or B of this section shall be graphically illustrated on a record of survey map ~~or~~ and by deed, and upon approval of Town staff, shall be recorded with the county recorder.
- E. Notice of the application for a lot split shall be ~~published in~~ on the Town Council consent ~~A~~ agenda following the receipt of the application, prior to the recording.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley