

11.02.040  
approval of the city council, the planning commission and the fire chief.

Street, Private: A right of way or easement in private ownership not dedicated or maintained as a public street.

Street, Residential: A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve local needs of a neighborhood.

SUBDIVIDER: Any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect a subdivision for himself or for another.

SUBDIVISION: A. Includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and
2. Except as provided herein, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

B. Does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
2. A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use ordinances; or
3. A recorded document executed by the owner of record, revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property, or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances.

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the unsubdivided parcel of property or subject the unsubdivided parcel to the provisions of this chapter. (Ord. 2008-32, 12-18-2008)

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~~10-39-4~~ **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 city staff without the necessity of preparing and filing a preliminary plat or final plat if:

1. Notice is provided by city as required by this chapter.
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 street or other public purposes.
  - 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 ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

B. A lot or a parcel resulting from a division of agricultural land is exempt from the plat requirements of this chapter if the lot or parcel:

1. Meets the minimum size requirement of applicable zoning; and
2. Is not used and will not be used for any nonagricultural purpose.

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 and signed by members of the joint utility committee. 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 described by deed and upon approval of city staff, shall be recorded with the county recorder. (Ord. 2008-32, 12-18-2008)

#### **10-39-5: NOTICE REQUIREMENTS:**

A. Notice Of Proposed Multiple-Unit Residential, Commercial, Or Industrial Development: Notice of any public hearing to consider a preliminary plat describing a multiple-unit residential, commercial, or industrial development shall be provided in writing to any affected entity.

B. Notice Of Proposal To Vacate Some Or All Of A Public Street, Right Of Way, Or Easement: The legislative body shall hold a public hearing and give notice of the date, place, and time of the hearing at least ten (10) days before the public hearing by:

1. Mailing notice to the record owner of each parcel that is accessed by the public street, right of way, or easement;
2. Mailing notice to each affected entity;
3. Posting notice on or near the street, right of way, or easement in a manner that is calculated to alert the public;
4. Publishing notice in a newspaper of general circulation in the city; and
5. Publishing notice on the Utah public notice website. (Ord. 2011-11, 12-15-2011)

#### **10-39-6: PRELIMINARY PLAT PROCESS:**

All applications for preliminary plat approval shall be subject to the following:

A. City and/or applicant shall determine whether proposed subdivision is consistent with current zoning of the property.

B. If proposed subdivision is consistent with zoning designation, the applicant shall meet with planning staff to discuss the proposed project.

C. Applicant shall obtain a preliminary plat application form and complete the application and have a plat prepared by a licensed engineer or surveyor meeting all the requirements for a preliminary plat.

D. Applicant shall submit completed application, preliminary plat, subdivider's agreement pursuant to section 10-39-12 of this chapter, and required fee to planning department on or before deadline for submissions established by the city.

E. Staff shall review application and plat for completeness and obtain comments from joint utility committee.