

**ORDINANCE # 2017-**

**AN ORDINANCE OF PLAIN CITY, UTAH AMENDING THE CITY'S  
SUBDIVISION ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE**

**Section 1. Recitals**

WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all legislative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that this issue has been reviewed by the Planning Commission and certain recommendations made by them; and

WHEREAS, the City Council finds that there is a need to establish regulations for subdivisions; and

WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now,

NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows:

**Section 2. City's Subdivision Ordinance Amended.**

**The following amendment is made to Plain City Code Title 11-2-4 C 1. The other subsections A, B, and D remain as written.**

**A. and B. Remains the same**

C. No land shall be laid out and platted within the corporate limits of the city until:

1. The city council has given final approval of the plat unless delegated to the planning commission; and
2. The approved plat is filed with the county recorder.

**D. Remains the same.**

**The following amendment is made to Plain City Code Title 11-2-12 LOT LINE ADJUSTMENT AND CONSOLIDATION OF PARCELS: A (4) is amended and subsection A (7) is eliminated; subsection C (6) is also eliminated.: These are the only subsections being amended. The other subsections remain as written.**

11-2-12: LOT LINE ADJUSTMENT AND CONSOLIDATION OF PARCELS:

A. LOT LINE ADJUSTMENT

**Subsections 1-3, and 5-8 remain the same. 7. Is deleted and 8. Is renumbered to 7.**

4. Procedure: For any change in a map of an approved or recorded plat, if such change affects any street layout shown on such map, area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the planning commission and ~~city council~~ by the same procedures, rules and regulations as for a subdivision

~~7. Processing Fee: At the time of filing the plat, the submitter shall deposit with the city recorder a nonrefundable fee made payable to the city. The ~~city council~~ shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats.~~

B. Consolidation of Parcels. **Remains the same.**

C. Parcel Consolidation:

**Subsections 1-5 remain the same. Subsection 6 is deleted and subsection 7 is renumbered to be 6.**

~~6. Processing Fee: At the time of filing the plat, the submitter shall deposit with the city recorder a nonrefundable fee made payable to the city. The city council shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats.~~

**The following amendment adds a new subsection to the Plain City Code Title 11-3-2 ADMINISTRATION AND ENFORCEMENT The current sections 11-3-(2 – 6) are renumbered 11-3-(4-8).**

11-3-2 ADMINISTRATION AND ENFORCEMENT

A. Purpose and Intent

The purpose of this Title is to establish regulations and procedures for the processing and consideration subdivision applications.

B. Land Use Authority

The planning commission is designated as the land use authority for the approval of lot line adjustments and minor subdivisions.

C. Interpretation: In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. The planning commission is designated as the land use authority to interpret Title 11 of this Code.

D. Fees for Processing Applications.

1. Fees for processing applications shall be established by the Plain City Consolidated Fee Schedule.

2. Applications that have been deemed complete and have not been pursued with reasonable diligence before the appropriate board shall expire after six months. The applicant will have to submit a new application and fees to restart the process.

E. Notice of Decision.

After hearing the evidence and considering the application, the approving authority planning commission, shall make its findings and have them entered in the minutes. Upon a decision by the approving authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in the application. A notice of decision can be a written notice or a copy of the approved minutes. A decision by the approving authority is final at the time the notice of decision is issued. If a notice of decision is not sent, the decision shall be final on the date the minutes from the meeting are approved by the approving authority. The city recorder shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Decisions are subject to requirements and conditions stated in the staff report and listed in the meeting minutes.

F. Hearing and Publication Notice for the Planning Commission and City Council.

At least 10 days' notice of the time and place of which shall be given of any public hearing before the Planning Commission as per state code.

**The following amendment adds a new section to the Plain City Code Title 11-3-3 Technical Review and all subsequent sections 2-6 are renumbered 4-8.**

11-3-3 Technical Review

A. Process: The city periodically hosts a technical review committee (TRC) meeting. In order for a preliminary plat to be scheduled for a TRC meeting, a complete preliminary plat application must be received and accepted by the city prior to a date approximately one month prior to the TRC meeting at which the applicant desires the project to be discussed. The city recorder's office maintains this schedule.

B. Meeting With Representatives: The applicant is provided an opportunity to meet with representatives from all applicable utilities and other interested governmental agencies to receive comments regarding the preliminary plat application. At this meeting, the applicant will also receive written comments from the city, detailing the extent to which the plans are required to be revised in order for the city to schedule land use authority consideration of their application. Extensive revisions caused by the TRC comments or by voluntary action of the applicant, may require additional TRC meetings.

C. Timetables: Critical path preliminary plat processing project timetables, including monthly preliminary plat application deadlines, TRC meeting dates, required resubmittal

dates and land use authority meeting dates are established and maintained by the city recorder's office.

**The following amendment is made to Plain City Code Title 11-3-2 renumbered to 11-3-4: PRELIMINARY PLAT Subsections B. and C. are deleted, they are the only subsections being amended. The other subsections remain as written except section D is renumbered B. A new subsection E. Preliminary Approval is added.**

#### 11-3-4: PRELIMINARY PLAT

A. General: **Remains the same**

~~B. Subdivision Processing Fee: At the time of filing the preliminary plat, the developer shall deposit with the city recorder a nonrefundable fee made payable to the city. The city council shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats. (Ord. 2001-02, 3-1-2001, eff. 3-1-2001)~~

C. Engineering, Planner, And Legal Fees:

~~1. Engineering Checking And Inspection Fees: At the time of application for the subdivision, the subdivider shall pay an engineering checking and inspection fee for said subdivision. The city council shall, by resolution, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for engineering fees incurred on behalf of said subdivision. The subdivider is responsible to reimburse the city for any and all engineering fees that are incurred on behalf of said subdivision over and above the fees paid at time of application. No final approval shall be granted on said subdivision until the engineering fees are current. Nonpayment of the engineering fees shall be cause to order all work to cease in said subdivision until such fees are paid in full.~~

~~2. City Planner Checking Fees: At the time of application for the subdivision, the subdivider shall pay a planner checking fee for said subdivision. The city council shall, by resolution, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for fees incurred on behalf of said subdivision. The subdivider is responsible to reimburse the city for any and all planner fees that are incurred on behalf of said subdivision over and above the fees paid at the time of application. Nonpayment of the fees shall be cause to order all work to cease in said subdivision until such fees are paid in full.~~

~~D.~~**B. Features: The preliminary plat shall contain the following: **Renumbered and text remains the same.****

E. C. Preliminary Approval: After the planning commission has reviewed the preliminary plat, the report from the city staff and any municipal recommendations, the applicant shall be advised of any required changes and/or additions. The commission shall then approve, table, conditionally approve or disapprove the preliminary plat. ~~One copy of the proposed preliminary plat shall be returned to the developer with the date of approval,~~

~~conditional approval or disapproval and the reasons therefor accompanying the plat. A notice of decision will be sent to the developer outlining the decision of the planning commission.~~ Before the commission approves a preliminary plat showing park reservation or land for other city use proposed to be dedicated to the city, the developer shall obtain approval of the park or land reservation from the city council.

F, G, H, I are renumbered to D, E., F., G.

**The following amendments are made to the Plain City Code Title 11-3-3 is renumbered to 11-3-5 IMPROVEMENT PLANS.**

**The following amendments are made to the Plain City Code Title 11-3-4 is renumbered to 11-3-6 FINAL PLAT Amending Subsections D 2 and D3. The other subsections remain as written.**

11-3-6: FINAL PLAT

A. General

1.-6. **Remain the same.**

B. Preparation. **Remains the same.**

C. City Recorder: **Remains the same.**

D. Requirements For Final Approval:

1. Materials Needed For Approval: **Remains the same.**

2. Final Approval By Planning Commission: The planning commission shall take action on the final plat after the applicant has satisfied the preliminary plat approval conditions. The city engineer will provide a recommendation prior to being placed on the planning commission agenda. recommend to the city council the approval, conditional approval or disapproval of the final plat within thirty (30) days after the date the plat is submitted to the planning commission. The commission shall set forth in detail any conditions to which the recommendation is made or reason for its recommendation. The subdivision plat shall then be forwarded to the city council for their approval.

~~Requests to extend final approvals shall be conducted at six (6) month intervals for a total of eighteen (18) months. At the time of submitting final approval extension request, the developer shall pay the extension fees established the city council, by resolution, shall prescribe extension fees which shall be for the purpose of reimbursing the city for expenses incidental to the final approval extension process.~~

The developer shall have a period of six (6) months to conduct a pre-construction meeting with city staff and start construction of the infrastructure within in the development. If such work has not been completed the developer must file a request to extend the time for installation of improvements final approval. (Ord. 2014-03, 5-15-2014, eff. 5-15-2014)

3. Completion of Improvements Determination By City Council: Upon receiving the recommendation of the planning commission, the city council shall consider the recommendation at a regularly scheduled city council meeting and shall approve, modify and approve, or disapprove the final plat by resolution which shall set forth in detail any conditions to which the approval is subject or reasons for disapproval. In no event shall the period of time stipulated by the city council for completion of required improvements exceed two (2) years from the date the final plat is recorded, ~~as identified in 11-4. One copy of the final subdivision plat shall be returned to the developer with the date of approval, conditional approval or disapproval noted thereon and the reasons therefor accompanying the plat.~~ A notice of decision will be sent as identified in 11-3-2 E.

4. Materials Testing: **Remains the same.**

5. Plat Approval Required: **Remains the same.**

**The following amendments are made to the Plain City Code Title 11-3-5 renumbered to 11-3-7 and subsection C Final Plat amended to add additional time to record a plat from 180 days to 365 days after final approval. A and B are not being amended. The other subsections remain as written.**

11-3-7: SIGNING AND RECORDING OF SUBDIVISION PLAT:

A. and B. **Remain the same.**

C. Final Plat; Time Limit For Recording: Any final plat having received final approval ~~by the city council~~ shall be offered for recording within one ~~hundred eighty (180) year (365)~~ days after final approval. If a final plat is not offered for recording within one ~~hundred eighty (180) year (365)~~ days after final approval, final approval shall be considered null and void, and the developer must resubmit the final plat for recommendation by the planning commission and approval by the city council. (Ord. 2004-14, 12-2-2004, eff. 12-2-2004)

D. **Remains the same.**

**The following amendments are made to the Plain City Code Title 11-3-6: MINOR SUBDIVISION PRELIMINARY/FINAL PLAT is renumbered to 11-3-8: Subsection A 5 h is deleted, sections E and F are deleted, G is renumbered E identifies the planning commission as the approval authority, H is deleted, I is renumbered F and remains the same, J is renumbered G identifies the timing of improvement installation. K is renumbered H and L is renumbered I. The other subsections remain as written.**

11-3-8: MINOR SUBDIVISION PRELIMINARY/FINAL PLAT

A. General

1. – 4. **Remains the same.**

5. The standard forms approved by the planning commission lettered for the following:

a. – g. **Remains the same.**

~~h. Certificate of acceptance by the city council, attested by the city recorder.~~

**B. – D. Remains the same.**

~~E. Subdivision Processing Fee: At the time of filing the preliminary plat, the developer shall deposit with the city recorder a nonrefundable fee made payable to the city. The city council shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats.~~

~~F. Engineering Checking And Inspection Fees: At the time of application for the subdivision, the subdivider shall pay an engineering checking and inspection fee for said subdivision. The city council shall, by resolution, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for engineering fees incurred on behalf of said subdivision. The subdivider is responsible to reimburse the city for any and all engineering fees that are incurred on behalf of said subdivision over and above the fees paid at time of application. No final approval shall be granted on said subdivision until the engineering fees are current. Nonpayment of the engineering fees shall be cause to order all work to cease in said subdivision until such fees are paid in full.~~

~~G. E. Preliminary/Final Approval By Planning Commission: In one meeting, the planning commission may grant preliminary / final approval and recommend to the city council the approval, conditional approval or disapproval of the final plat within thirty (30) days after the date the plat is submitted to the planning commission. The city engineer will provide a recommendation prior to being placed on the planning commission agenda. The commission shall set forth in detail any conditions to which the recommendation is made or reason for its recommendation decision. The subdivision plat shall then be forwarded to the city council for their approval.~~

~~H. Determination By City Council: Upon receiving the recommendation of the planning commission, the city council shall consider the recommendation at a regularly scheduled city council meeting and shall approve, modify and approve, or disapprove the final plat by resolution which shall set forth in detail any conditions to which the approval is subject or reasons for disapproval.~~

~~I. F. Materials Testing: The developer shall be responsible for payment of materials testing required by the city engineer during construction of subdivision improvements.~~

~~J. G. Plat Approval Required: No street improvements or utilities shall be installed until after approval of the final plat by the city council and recordation thereof. No lots included in such plat shall be purchased, sold, exchanged, nor offered for sale or~~

exchange; and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.

~~K. H. Mylar Copy~~ **Remains the same.**

~~L. I. Electronic Copy of Signed Plat Required:~~ **Remains the same.**

**The following amendments are made to the Plain City Code 11-4-1: IMPROVEMENTS AND GUARANTEE. The other subsections 11-4-(2-5) remain as written.**

#### 11-4-1: IMPROVEMENTS AND GUARANTEE

A. Methods For Installation: The owner of any land which has been laid out, platted and recorded pursuant to the provisions of this title shall at his own expense install the required improvements within a period of two (2) years from the date the final plat is recorded. Said owner shall guarantee the installation of such improvements by the following methods designated by the city:

1. Deposit In Escrow: The developer will deposit in escrow with an escrow holder approved by the city council an amount of money equal to the cost of improvements required plus ten percent (10%) as estimated by the developer and approved by the city engineer under an escrow agreement conditioned for the installation of said improvements within two (2) years from the date the final plat is recorded. The escrow agreement aforesaid shall be approved by the city council and city attorney and shall be filed with the city recorder. The ten percent (10%) improvement guarantee amount will be held for one year beyond the date of conditional final acceptance of improvements.

2. Development Agreements: A development agreement and escrow agreement shall be provided for all subdivisions after final approval and prior to recording. ~~with five (5) or more lots to be submitted at the rezone or preliminary approval process and recommended by the planning commission to the city council for approval. The planning commission retains the right to require additional information be provided on the agreement.~~

B. Default: In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the final plat is recorded, the city may declare the escrow deposit forfeited, and the city may install or cause the required improvements to be installed using the proceeds from the collection of the escrow to defray the expense thereof. The developer may apply to the Plain City Council for an extension of time of one year, with additional one year extensions after the first extension. The Plain City council may grant this request upon proof of difficulty. Said extensions shall be subject to adequate security for the completion of said improvements being made by increasing the amount of the escrow account, if necessary. The city council may require certain improvements to be completed before an extension is allowed. (Ord. 2010-03, 8-5-2010, eff. 8-6-2010)



**The following amendments are made to the Plain City Code Title 11-4-5 B: ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY. The other subsections remain as written.**

11-4-5: ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

**A. Remains the same.**

B. Public Safety Improvements: Certificates of occupancy will not be issued on any home within a subdivision prior to the fencing or piping of all ditches, as required by the final plat approval ~~city council~~, or installation of any improvements determined to be necessary for public safety, in complete and satisfactory condition as determined by the city engineer.

**C. Remains the same.**

**The following amendments are made to the Plan City Code Title 11-5-1 C: General Improvements referencing 10-18 Sensitive Lands. The other subsections remain as written.**

11-5-1 C: General Improvements

**A. and B. Remain the same.**

C. Character Of The Land: Land which the planning commission finds to be unsuitable for subdivision or development due to flooding, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other such features which will be reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be laid out or platted or developed unless adequate methods are formulated by the developer and approved by the planning commission and city council, upon recommendation of the city engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger. Title 10-18 Sensitive Lands shall be applied in these instances.

**D. and E. Remain the same.**

**The following amendments are made to the Plain City Code Title 11-5-3 STREETS. A General Requirements 1 Frontage On Improved Streets 1. B. and 2. e. The other subsections remain as written.**

11-5-3 STREETS

A. General Requirements

1. Frontage On Improved Streets

**a. Remains the same.**

b. Wherever the area to be laid out and platted is to utilize existing street frontage, such street shall be fully improved as required by the public works standards unless otherwise provided for by the city council after a recommendation from the planning commission. (Ord. 2001-02, 3-1-2001, eff. 3-1-2001)

c. **Remains the same.**

**2. Remains the same.**

3. Topography And Arrangement

a. – d. **Remains the same.**

e. Plain City may require selected streets within a subdivision to be extended to the boundary lines of the subdivision. All streets required to be extended to the boundary lines of the subdivision shall be properly terminated with a temporary turnaround constructed in accordance with current public works standards or as approved by Plain City. However, in all cases, the temporary turnaround shall have sufficient stability to support snowplows, emergency vehicles, school buses and trash collection trucks. If the terminal street extends no more than the length of one lot beyond the nearest intersection, the city council after a recommendation from the planning commission may waive the turnaround requirement as stated herein. If the temporary turnaround is located on an adjacent property an agreement between the two property owners and the city is required. (Ord. 2016-03, 5-5-2016, eff. 5-5-2016)

j. – m. **Remains the same.**

**The following amendments are made to the Plain City Code Title 11-5-4 DRAINAGE AND STORM SEWERS: B. 4 Nature Of Stormwater Facilities and C Floodplain Areas referencing 10-18 Sensitive Lands. The other subsections remain as written.**

11-5-4 DRAINAGE AND STORM SEWERS

A. **Remains the same.**

B. Nature Of Stormwater Facilities.

1. – 3. **Remains the same.**

4. Effect On Downstream Drainage Areas: The city engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the city council may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in a manner the city council shall determine. No

subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

C. Floodplain Areas: The city council may, when it deems necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the planning commission. Title 10-18 Sensitive Lands shall be applied in these instances.

D. Remains the same.

**Section 3.** **Prior Ordinances and Resolutions** The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

**Section 4.** **Repealer of Conflicting Enactments** All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

**Section 5.** **Savings Clause** If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City.

**Section 6.** **Date of Effect** This Ordinance shall be effective on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2017, and after publication or posting as required by law.

DATED this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2017

PLAIN CITY, a municipal corporation

\_\_\_\_\_  
MAYOR – Bruce Higley

ATTESTED AND RECORDED:

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Diane Hirschi, CMC  
CITY RECORDER