

## **CHAPTER 21-30. SUBDIVISION REVIEW<sup>1</sup>**

### **Sec. 21-30-1. Purpose.**

- (a) The purposes of this Chapter are:
- (1) To promote the health, safety, and general welfare of City residents;
  - (2) To ensure the efficient and orderly development of land;
  - (3) To prevent the uncontrolled division and development of real property;
  - (4) To avoid poorly planned developments that:
    - a. Do not comply with the General Plan or City ordinances;
    - b. Cannot be efficiently served by existing utilities or public services;
    - c. May prove to be dangerous or unsafe;
    - d. May cause an undue burden on existing traffic or transportation services;
    - e. May require the future expenditure of public funds to correct problems caused by the development;
    - f. Restrict the ability of efficient development on adjoining properties;
  - (5) To minimize the number of boundary line disputes in the City and eliminate existing property line gaps and property line overlaps;
  - (6) To establish a mechanism requiring each developer to provide for the public improvements associated with a particular subdivision, and provide a mechanism for each subdivision to pay its fair share of increased burdens on existing public services;
  - (7) To establish a procedure to ensure the provision of:
    - a. Public improvements, facilities and utilities;
    - b. Access to public rights-of-way;
    - c. The dedication of land and streets deemed necessary for the proper development of the subdivision;
    - d. Easements or rights-of-way that are necessary to service the property.
- (b) This Chapter sets forth the processes for obtaining preliminary and final subdivision development approval, as well as vacating or amending a subdivision plat, vacating a public street, right-of-way or easement, property line adjustments, and subdivision improvements.

(LDC 2008, § 15A-30-01; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)

### **Sec. 21-30-2. Necessity of Subdivision Plat Approval.**

- (a) *Subdivision Approval Required.* Any division of real property located within the City that meets the definition of subdivision as set forth in this Title must obtain City subdivision approval before it may be filed or recorded at the Salt Lake County Recorder's Office.

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<sup>1</sup>State law reference(s)—Subdivisions, U.C.A. 1953, § 10-9a-601 et seq.

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- (b) *Parcels Previously Divided.* The preliminary plat shall include within its boundary all parcels of property that have at any time after July 18, 1960, been part of the parcel now being subdivided, except parcels that have already been included in another recorded subdivision.
- (c) *Transfer Before Approval Prohibited.* No person shall transfer, sell, convey, gift, or assign any subdivided property before a final subdivision plat is approved by the City and recorded with the Salt Lake County Recorder's Office, except with City consent granted and documented according to Utah Code .
- (d) *Approval to Amend Plat Required.* No person shall amend, vacate, alter, or modify any plat which has already been approved or recorded without first receiving City approval.
- (e) *Lot Remnants Prohibited.* No person shall divide real property in such a way that a parcel of property is created or left behind (remnant) that cannot be developed according to the requirements of this Title or other applicable laws, regardless of whether or not a subdivision plat is required for the division.
- (f) *Lot of Record.* A single-lot subdivision plat is not required prior to development on any parcel of property that was created prior to July 18, 1960, and has remained intact since that date. However, development on the parcel must comply with all regulations of the zone district. Review for necessary improvements from Public Works, Public Utilities, Parks and Recreation, and Community Development Departments shall be required prior to issuance of building permit.

(LDC 2008, § 15A-30-02; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)

State law reference(s)—Plats required, U.C.A. 1953, § 10-9a-602.

### Sec. 21-30-3. Preliminary and Final Subdivision Application Review Process.

- (a) *Initial Staff Review.* To help expedite review of a development proposal, prior to submitting an application for subdivision review, persons interested in undertaking development may meet informally with members of the Community Development Department to become acquainted with the substantive and procedural requirements of this Title, applicable City Code, and Sandy City Standard Specifications.
- (b) *Development Review Meeting.* It is strongly recommended that the applicant attend a pre-application meeting where the development proposal will be reviewed by the Development Review Team. At the meeting, representatives from various departments will provide initial feedback on the concept plan along with copies, links, or instructions for accessing the applicable land use regulations, a list of standards, and preliminary and final subdivision application checklists.

(c) *Neighborhood Meeting.* A neighborhood meeting is required to be held after notice is provided in compliance with Title 21, Chapter 36, Notice Requirements, and prior to making a determination on a preliminary subdivision plat application unless the Director determines it is not required. This meeting is conducted by staff for the purpose of providing information to the public and gathering public comments prior to a land use decision being made by the land use authority.

(ed) Preliminary and Final Subdivision Application Review.

(1) *Complete Preliminary and Final Subdivision Applications Required.*

- a. A preliminary subdivision application will not be accepted until staff has determined it is complete.
- b. A final subdivision application will not be accepted until preliminary subdivision approval has been granted and staff has determined the final subdivision application is complete and complies with the requirements of this Chapter and preliminary subdivision approval.

(2) *Review Cycle.* If the application is complete, the review cycle will commence with City staff.

- a. Upon submittal of a preliminary or final subdivision application and supporting information the application shall be forwarded to the reviewing departments and agencies who shall perform an

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initial review to verify that the application, subdivision plans, and supporting information are complete and comply with applicable Sandy City Code, and the Sandy City Standard Specifications and Details for Municipal Construction.

- b. Upon completion of the staff review, the City will inform the applicant of deficiencies, comments, corrections, and requirements, including required additional information and studies that need to be addressed.
  - c. The applicant shall complete the review cycle by submitting the additional information and the modified subdivision plat and plans. In addition, they shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. The applicant's written explanation shall be comprehensive and specific, including a response to each requested revision or required correction. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.
  - d. If needed, additional review cycles will commence when the applicant resubmits revised application materials, plans, and supporting information to the City. No further review cycles are needed if all departments and agencies verify that the preliminary or final review standard is met as described in Subsection ~~(de)~~ and ~~(ef)~~ of this Section.
- (3) Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

### ~~(de)~~ Preliminary Subdivision Review Approval.

- (1) *Land Use Authority Designation.* When the preliminary subdivision plat has been determined to be complete and in compliance with all requirements, the plat, together with all supporting information, will be forwarded to the Planning Commission for review at a public meeting.
- (2) *Land Use Authority Determination.* The Planning Commission shall review the preliminary plat and all supporting documents and plans to determine if they are complete and substantially comply, or can be conditioned to substantially comply, with Sandy City Code, and the Sandy City Standard Specifications and Details for Municipal Construction, as applicable to preliminary plat review.
- (3) *Appeal.* The decision of the Planning Commission may be appealed according to the applicable provisions of this Title.

### ~~(ef)~~ Final Subdivision Review Approval.

- (1) *Director Review.* The Director shall review the final plat, plans and all supporting documents to determine if they are complete, comply with all conditions of approval, Sandy City Code, and the Sandy City Standard Specifications and Details for Municipal Construction.
  - a. The Director shall also ensure the following items have been completed, unless the Director determines they are not applicable:
    1. Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) are required according to the requirements identified in Sandy City Standard Specifications.
    2. Post Construction Storm Water Maintenance Agreements are required according to requirements identified in Sandy City Standard Specifications. For residential development, the agreement shall be referenced in and recorded with the restrictive covenants of the Homeowners' Association.
    3. Approval letters from applicable agencies and districts, such as Sandy City Public Utilities Department, Water Reclamation District, Sewer District, Utah Department of Transportation, Irrigation Canal, or Ditch Company.
    4. Signed and notarized Improvement Agreement and Agreement to Conditions.

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5. A guarantee for improvements according to the requirements of Title 21 Chapter 2, Improvement Completion Assurance (Guarantee).
  6. The final plat has been approved by the Salt Lake County Recorder's Office.
  7. All construction drawings have been approved by all applicable City Departments.
  8. All applicable development fees have been paid.
- (2) *Final Plat.* Upon completion of final review, the applicant shall submit the final plat drawn with waterproof black ink on Mylar sheets to the Community Development Department. The final plat will be signed by each person or entity that is required by the Utah Code Annotated or elsewhere in this Title.
- (3) *Land Use Authority Designation and Determination.* The Mayor shall grant final subdivision approval upon recommendation from the Director that the final plat, plans, and documents are complete, comply with all conditions of approval, Sandy City Code, Sandy City Standard Specifications and Details for Municipal Construction, and all applicable fees have been paid. The Mayor shall deny final subdivision approval if the Mayor finds that the final plat and documents do not comply with all applicable City ordinances, or fees have not been paid. In the event of denial for unpaid fees, the applicant may pay the fees within twenty (20) business days and request reconsideration.
- (4) *Appeal.* The decision of the Mayor may be appealed according to the applicable provisions of this Title.
- (5) *Plat Recordation.* The developer shall be responsible for plat recordation with the Salt Lake County Recorder's Office. In addition, an electronic copy of the recorded subdivision plat shall be returned to Sandy City prior to the issuance of any building permits.
- (6) *Completion of Subdivision Development.* The property must be developed, and the improvements constructed in strict compliance with the approved final plat, approved construction drawings, and the Sandy City Standard Specifications and Details for Municipal Construction. Failure to note any improvement required by this Chapter on the final plat or the construction drawings shall not eliminate the developer's responsibility to complete those improvements in the subdivision.

### Sec 21-30-4. Preliminary and Final Subdivision Application Contents.

- (a) *General Subdivision Application Contents.* All applications for preliminary and final subdivision review shall be submitted to the Community Development Department and shall include the following:
- (1) Electronic copies in PDF format of all plans and documents required in this Chapter unless the Director determines they are not applicable. All plans shall be submitted together as one set, and all documents shall be submitted together as another set as required by the subdivision review checklist that is available from the Community Development Department.
  - (2) Payment of all applicable fees.
  - (3) All necessary documents, reports, maps, etc., as required for developments located within an Overlay Zone.
- (b) *Preliminary Subdivision Application Contents.* An application for preliminary subdivision review shall comply with all applicable City Code, and shall include the following information:
- (1) *Document Set.* The following shall be submitted in the document set:
    - a. General Development Application Form with property owner signature, and a project description narrative.
    - b. Preliminary title report prepared by a title company. The title report shall have an "effective date" that is no more than three (3) months old at the time the preliminary subdivision application is submitted. The title report legal description shall match exactly the boundary description on the proposed recording plat.

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- c. Preliminary Storm Water Analysis Report according to the requirements identified in Sandy City Standard Specifications.
  - d. Infiltration Report according to the requirements identified in Sandy City Standard Specifications. Infiltration shall be measured in the field at the same location and depth as the proposed retention (or infiltration) facility using the double ring infiltrometer test.
  - e. Geotechnical Investigation Report according to the requirements identified in Sandy City Standard Specifications.
  - f. Traffic Impact Study or Trip Generation Report prepared by a certified professional transportation engineer.
  - g. Any other documents related to the development that the City may reasonably require and those shown in other applicable Chapters.
- (2) *Plan Set.* The subdivision plan set shall be drawn to a standard engineer's scale and formatted to a print size of 24 inches by 36 inches. The scale must be indicated on each sheet and shall not be less than one-inch equals 60 feet. The following shall be included in the plan set:
- a. The preliminary plat shall include information from the subdivision plat template (available from the Community Development Department) and contain the following:
    - 1. Date, scale, and arrow indicating north drawn on each sheet.
    - 2. The proposed name of the subdivision as approved by the Salt Lake County Recorder's Office.
    - 3. The names and contact information of the property owners, the developer, and the engineer or surveyor of the proposed subdivision.
    - 4. The names of current owners, and the property lines of all parcels or lots immediately adjoining the proposed subdivision.
    - 5. The subdivision boundary lines showing the proper bearings and dimensions, which lines shall be of heavier line weight than any other lines on the drawing and which shall be referenced to two monuments.
    - 6. The boundary lines, dimensions, and legal description of the parcel to be subdivided, including public and private streets with centerline descriptions.
    - 7. The bearings, dimensions, and square footage of each lot.
    - 8. The bearings, dimensions, and locations of existing and proposed easements.
    - 9. The location and dimensions of existing and proposed secondary water systems (including ditches and canals).
    - 10. A Certificate of Survey with a metes and bounds description, the signature of a land surveyor licensed in the State of Utah, and the land surveyor's seal.
    - 11. A notice of all covenants, conditions, and other restrictions which may be relevant and applicable to the property contained within the final plat.
    - 12. An Owners Dedication with signature lines for all property owners and others who may have a financial interest in the subdivision acknowledged by a notary public, as required by the Salt Lake County Recorder's Office and Sandy City.
    - 13. A signature block for appropriate signatures from the following: The Land Use Authority, Salt Lake Valley Health Department, City Engineer, and Chief Engineer of Public Utilities Department, Director of Parks and Recreation Department, City Attorney, and the Mayor with attestation by the City Recorder.

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14. Other signature approval blocks as may be needed or as required by Utah Code.
  15. All requirements of the Sensitive Area Overlay Zone, including, but not limited to, location of known earthquake faults and their respective zones of deformation, hillside slopes greater than 30 percent, etc.
  16. A clear delineation of any common, limited common and private areas when shared ownership applies to the plat, such as property ownership associations, condominium plats and planned unit developments.
  17. Tabulations showing:
    - i. Total number of acres in the proposed development.
    - ii. Total number of lots or units.
  - b. Record of Survey that was filed with the Salt Lake County Surveyor's Office for this property.
  - c. Site Plan overlaid with the proposed plat showing the dimensions and locations of all existing and proposed improvements and structures, and all topographical and environmental features as required by the Sensitive Aea Overlay, within and adjacent to the plat boundaries. A notation shall be made as to whether the existing structures within and adjacent to the plat will remain or be demolished.
  - d. Storm Water Drainage Plan meeting requirements in Sandy City Standard Specifications. These plans include, but are not limited to, required design details and information of existing and proposed post-construction storm water quality facilities, retention and detention facilities, culverts, ditches, drainpipes, and invert elevations of storm water drainage pipes at proposed connections points.
  - e. Grading Plan showing existing and proposed contour lines at two-foot intervals, excavations, fills, grading, and limits of disturbance. Existing contours shall extend a minimum of 25 feet beyond the property line.
  - f. Roadway Plan, road profiles and typical road sections that include the location, widths, centerline descriptions, and names of all existing and proposed public and private streets, alleys, access easements, trails, or other public ways within or directly adjacent to the property; and other important features, such as railroad rights-of-ways, and City boundary lines.
  - g. Utility plan that includes the location of existing and proposed utility easements, fire hydrants, streetlights, water mains and services, sanitary sewers, and stormwater facilities.
  - h. Master plan showing how undeveloped property adjacent to the proposed subdivision could be developed, by showing the location of the subdivision as it forms part of a larger developable area with a conceptual future street system and lot layout.
  - i. Any other plans related to the development that the City may reasonably require and those shown in other applicable Chapters.
- (c) *Final Subdivision Application Contents.* An application for final subdivision review shall comply with all applicable City Code, and shall include the following information:
- (1) *Document Set.* The document set shall contain all the information from preliminary review with the following additional information:
    - a. A written response to all corrections and redlines from preliminary review.
    - b. Title report prepared by a title company that coincides with the owners' signatures on the final plat. The title report shall have an "effective date" that is no more than three (3) months old at the time the final subdivision application is submitted. The title report legal description shall match exactly the boundary description on the proposed recording plat.

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- c. Documents evidencing conveyances or consents from property owners within the subdivision when such are required by law.
  - d. Final Storm Water Analysis Report according to the requirements identified in Sandy City Standard Specifications.
  - e. The proposed restrictive covenants of the Homeowners' or Commercial Owners' Association.
  - f. Any other documents related to the development that the City may reasonably require and those shown in other applicable Chapters.
- (2) *Plan Set.* The subdivision plan set shall contain all the information from preliminary review with the following additional information:
- a. The entire plan set shall have the designing engineer's State license seal stamped on all submitted plan sheets.
  - b. The final plat shall include:
    - 1. The name of the subdivision as approved by the Salt Lake County Recorder's Office.
    - 2. Lot numbers, approved street names with intersection coordinates as determined by staff, and street addresses of which numbering shall be in accordance with the City street numbering system, as designated by staff.

### Sec. 21-30-5. Expiration.

(a) *Validity of Preliminary Plat Approval.*

- (1) Preliminary plat approval is valid for two years. The Director may grant two one-year extensions of the preliminary plat provided the plat still complies with all applicable ordinances. The Director may hold a public meeting to consider the proposal prior to their decision.
- (2) If a final plat, which covers only a phase of the preliminary plat is recorded within the two-year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat may be extended by the Director for one year from the date of recording that final plat.

(b) *Validity of Final Plat Approval.* The final plat shall expire and be void one year after approval by the Mayor unless the plat has been recorded. The Director may grant two six-month extensions of the final plat provided the final plat still complies with all applicable ordinances.

(LDC 2008, § 15A-30-04; Ord. No. 10-01, 1-26-2010; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)

### Sec. 21-30-6. Changes to Final Plat.

- (a) *Minor Changes.* The Director may approve minor changes to approved final plats before the plat is recorded. The types of minor changes contemplated by this Section include legal description mistakes, minor boundary changes, decrease in the number of lots in the subdivision, and items that should have been included on the original final plats.
- (b) *Major Changes.* Major changes to unrecorded approved final plats shall be reviewed by the Planning Commission for approval if the Director determines the changes are substantially different from the original approval. For changes that are substantially different from the original approval, the developer must apply for an amendment to the original preliminary plat. The types of major changes contemplated by this Section include a change to the grade or location of streets within the subdivision, an increase to the number of lots in the subdivision, or a substantial alteration of the original subdivision design. Changes to recorded final plats shall be in accordance with state law and any policies or procedures adopted by the City.

(LDC 2008, § 15A-30-05; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)

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### Sec. 21-30-7. Vacating or Amending a Subdivision Plat; Process.

- (a) Applicability. As set forth in Utah Code, any fee owner of land within a previously platted subdivision may apply to have some or all of the subdivision plat vacated or amended. If no new lots are created, the land use authority, application and review are as set forth in this Section.
- (ab) Land Use Authority Designation; Public Meetings; Notice.
- (1) Director. The Director is hereby designated to consider and determine those proposed subdivision plat vacations or amendments ~~which are set forth in Subsection (b)(5) of this Section and~~ which are requested by petition of a fee owner of land within the subdivision, except those determined by the Planning Commission, as set forth in Subsection (b)(2) of this Section.
  - (2) Planning Commission. The Planning Commission is hereby designated to, ~~with or without petition,~~ consider and determine any proposed vacation or amendment of a subdivision plat except those designated in Subsection (a)(1) of this Section for which a public hearing is required. A public hearing is required for all of the following:
    - a. Any owner within the plat objects in writing to the petition within ten days of mailed notification;
    - b. All the owners have not consented to the petition; and
    - c. The City proposes to vacate or amend a subdivision plat.
  - (3) Public Meetings and Notice. A public meeting or hearing shall be held, and notice provided as required by this Title and Utah Code. No neighborhood meeting is required.
- (c) Application and Procedure.
- (1) Preliminary subdivision approval shall not be required before applying for final subdivision approval.
  - (2) The applicant shall file an application that meets all the final subdivision application requirements of this Chapter, except as follows:
    - a. Signatures approval blocks shall include the Mayor, the Land Use Authority, and applicable Water and Sewer Districts.
    - b. Other signature approval blocks shall be included as may be needed or as required by Utah Code.
    - c. The subdivision plat shall show only the lots that are being amended, and the property lines of all lots or parcels immediately adjoining the proposed subdivision.
    - d. Any plans or documents that the Director determines are not applicable may be excluded.
- (d). Request for Vacating or Amending a Plat That Includes Public Street, Right-of-Way or Easement. Each request to vacate or amend a plat that contains a request to vacate or amend a public street, right-of-way or easement is also subject to Section 21-30-8.
- (e) Land Use Authority Determination. The land use authority may vacate or amend a subdivision plat if it finds that:
- (1) The final amended subdivision plat and documents comply with all applicable provisions of Sandy City Code, and Sandy City Standard Specifications and Details for Municipal Construction;
  - (2) All applicable fees have been paid;
  - (3) No new lot results from the vacation or amendment;
  - (4) There is good cause for the vacation, alteration, or amendment;
  - (5) No public street, right-of-way or easement has been vacated or amended; and
  - (6) The amendment does not result in an increase of a nonconforming situation.



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~~(f) *Appeal.* The decision of the land use authority may be appealed according to applicable provisions of this Title.~~

~~(b) *Request for Amendment.*~~

~~(1) *Fee Owner May Petition.* Any fee owner of land, as shown on the last county assessment roll, within the subdivision that has been laid out and platted as provided in this title may, in writing, petition the City to have some or all of the plat vacated or amended as provided in this section.~~

~~(2) *Petition Contents.* Each petition to vacate or amend an entire plat or a portion of a plat shall include:~~

~~a. The name and address of all owners of record of the land contained in the entire plat or on that portion of the plat described in the petition; and~~

~~b. The signature of each of these owners who consents to the petition.~~

~~(3) *Proposal by City.* The City may propose to vacate or amend a subdivision plat, which shall be considered by the Planning Commission in accordance with the procedures set forth in this section.~~

~~(4) *Requirements for Hearing.* The Planning Commission shall hold a public hearing:~~

~~a. If a petition is filed, within 45 days after the day on which the petition is filed, if:~~

~~1. Any owner within the plat objects in writing to the petition within ten days of mailed notification; or~~

~~2. A public hearing is required because all of the owners have not consented to the petition.~~

~~b. If the City proposes to vacate or amend a subdivision plat.~~

~~c. After notice is given in compliance with Section 21-36-5, or its successor.~~

~~(5) *Public Meeting Required.* The public hearing requirement does not apply and an owner's petition to vacate or amend a subdivision plat may be considered at a public meeting if:~~

~~a. The petition seeks to:~~

~~1. Join two or more of the petitioner fee owner's contiguous lots;~~

~~2. Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;~~

~~3. Adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;~~

~~4. Adjust an internal lot restriction imposed by the local political subdivision on a lot owned by the petitioning fee owner; or~~

~~5. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:~~

~~(i) Owned by the petitioner; or~~

~~(ii) Designated as a common area; and~~

~~b. Notice has been given to adjacent property owners in accordance with Section 21-36-5, or its successor.~~

~~(c) *Request for Plat Amendment Which Includes Public Street, Right-of-Way or Easement.* Each request to vacate or amend a plat that contains a request to vacate or amend a public street, right-of-way or easement is also subject to Section 21-30-7.~~

~~(d) *Changing the Name of a Recorded Subdivision.*~~

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- ~~(1) The name of a recorded subdivision may be changed by amending the plat as set forth herein and recording the amended plat making the change.~~
- ~~(2) The new name shall not be a duplicate of another subdivision within Salt Lake County.~~
- ~~(e) Grounds for Vacating or Changing a Plat. The land use authority may vacate, alter, or amend the plat or any portion of the plat if it finds that:
  - ~~(1) There is good cause for the vacation, alteration, or amendment; and~~
  - ~~(2) No public street, right-of-way or easement has been vacated or amended.~~~~
- ~~(f) Preparing the Amended Plat.
  - ~~(1) The surveyor preparing the amended plat shall certify that the surveyor:
    - ~~a. Holds a license in accordance with the Professional Engineers and Professional Land Surveyors Licensing Act established by state law;~~
    - ~~b. Has completed a survey of the property described on the plat in accordance with state law and has verified all measurements; and~~
    - ~~c. Has placed monuments as represented on the plat.~~~~
  - ~~(2) If an exchange of title is approved under Subsection (b)(5) of this section, the petitioner shall not be required to file an amended plat map but shall comply with Section 21-30-8, or its successor.~~
  - ~~(3) If the vacation or amendment of the subdivision is approved after compliance with the requirements set forth herein, the Planning Commission and the Mayor shall sign the amended plat showing the vacation or amendment.~~~~
- ~~(4) The City shall ensure that the amended plat showing the vacation or amendment, and the City Council resolution, where required, is recorded in the office of the Salt Lake County Recorder's Office.~~

(LDC 2008, § 15A-30-06; Ord. No. 12-03, 1-27-2012; Ord. No. 21-08, § 1(Exh. A), 3-23-2021)

State law reference(s)— Subdivision Amendments, U.C.A. 1953, § 10-9a-608 and 10-9a-609 et seq.

### **Sec. 21-30-8. Vacating a Public Street, Right-of-Way, or Easement; Within a Subdivision or Not Within a Subdivision.**

- (a) A petition to vacate some or all of a public street, right-of-way, or easement shall include:
  - (1) The name and address of each owner or record of land that is:
    - a. Adjacent to the public street, right-of-way, or easement; or
    - b. Accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and
  - (2) The signature of each owner under Subsection (a)(1) of this Section who consents to the vacation.
- ~~(b) The requirements for vacating a public street, right-of-way or easement shall comply with those set forth in Utah Code currently in effect or as it may be amended.~~
- ~~(b) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the City Council shall hold a public hearing in accordance with Section 21-30-7 and determine whether:
  - ~~(1) Good cause exists for the vacation; and~~
  - ~~(2) Neither the public interest nor any person will be materially injured by the proposed vacation.~~~~
- ~~(c) The City Council may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the City Council finds that:~~

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- ~~(1) Good cause exists for the vacation; and~~
- ~~(2) Neither the public interest nor any person will be materially injured by the vacation.~~
- ~~(d) If the City Council adopts an ordinance vacating some or all of a public street, right of way, or easement, the City Council shall ensure that one or both of the following is recorded in the office of the County Recorder:~~
  - ~~(1) A plat reflecting the vacation; or~~
  - ~~(2) An ordinance described in Subsection (c) of this Section.~~
- ~~(e) The action of the City Council vacating some or all of a public street, right of way, or easement that has been dedicated to public use:~~
  - ~~(1) Operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the City's fee in the vacated street, right of way, or easement; and~~
  - ~~(2) May not be construed to impair:~~
    - ~~a. Any right of way or easement of any lot owner; or~~
    - ~~b. The franchise rights of any public utility.~~

(LDC 2008, § 15A-30-06.5; Ord. No. 12-03, 1-27-2012; Ord. No. 21-08, § 1(Exh. A), 3-23-2021)

State law reference(s)— Petition to vacate a public street, U.C.A. 1953, § 10-9a-609.5 et seq.

### Sec. 21-30-9. Property Line Adjustments.

- (a) *Standards.* Owners may adjust property lines between adjacent legal parcels that are described by ~~either a metes and bounds description or a recorded plat~~, by exchanging title to portions of those parcels after City approval if:
  - (1) No new ~~dwelling lot or housing unit~~ parcel results from the property line adjustment.
  - (2) The adjoining property owners consent to the property line adjustment.
  - (3) The property line adjustment does not result in remnant land that did not previously exist.
  - (4) The property line adjustment does not result in violation of ~~applicable zoning requirements~~ the City Code.
  - ~~(5) The property line adjustment does not result in an increase of a nonconforming situation.~~
- ~~(b) Adjustments to lots within a recorded subdivision plat shall follow Section 21-30-7, Vacating or Amending a Subdivision Plat.~~
- ~~(bc) Application.~~ The owners shall file an application requesting a property line adjustment together with all required documents, in electronic PDF format scaled to a print size of 8.5 inches by 11 inches, as follows:
  - ~~(1) Legal Descriptions.~~ Property legal descriptions as follows:
    - a. A legal description for each of the properties that will be affected by the proposed changes, as they currently exist on record with the Salt Lake County Recorder's Office, including the square footage, and the Salt Lake County parcel number of each property.
    - b. A legal description for each of the properties that will be affected by the proposed change, in their final proposed configuration(s), including the revised square footage.
    - c. Each legal description shall be prepared, stamped certified, and signed by a professional land surveyor that is currently licensed in the State of Utah.

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- (2) Property transfer deed(s). A draft of all deeds that will be used to transfer the fee title ownership of the subject properties. They shall include a specific notation as to the purpose of this deed relating to a property line adjustment.
- (3) Notice of Approval. An approval form, as provided by the City, that declares approval of the property line adjustment and an acknowledgement of approval by the City.
- a. Is executed by each owner included in the adjustment;
  - b. Is executed by the Director;
  - c. Contains an acknowledgment for each party executing the notice as required by state law for real property; and
  - d. Recites the description of both the original parcels and the parcels created by the property line adjustment.
- (4) Map Exhibit. A visual depiction reflecting the proposed parcel configuration upon completion of the adjustment. It shall contain a north arrow, standard engineer's scale, bearings and distances, curve tables, location of existing structures, easements, setback lines or other information as requested by the City.
- (d) Public Meetings and Notice. A public meeting shall be held, and notice provided as required by this Title and Utah Code. No neighborhood meeting is required.
- (ee) Director Review. The Director shall act as the land use authority and, ~~in accordance with the procedures set forth in Section 21-30-7(b)(5),~~ review all the documents to determine if they are complete, and that they comply with the requirements set forth above. If the Director determines that documents are complete and the requested property line adjustment complies with the standards set forth above, the Director will approve the property line adjustment.
- (df) Notice of Approval and Conveyance of Title-Recordation. After approval by the Director, the applicant shall:
- ~~(1) Prepare a Notice of Approval which:~~
    - ~~a. Is executed by each owner included in the exchange;~~
    - ~~b. Is executed by the Director;~~
    - ~~c. Contains an acknowledgment for each party executing the notice as required by state law for real property;~~
    - ~~d. Recites the description of both the original parcels and the parcels created by the property line adjustment.~~
  - ~~(2) Record a deed which conveys title as approved.~~
  - (31) Record the Notice of Approval and approved deeds that convey title with the Salt Lake County Recorder's Office.
  - (2) Provide digital copies of all recorded documents to the City and provide a limited title report or informational report (provided by a title company) of property that was altered, showing that the property was properly transferred and configured as approved by the City.
- (g) Expiration of Property Line Adjustment Approval. The property line adjustment notice of approval shall expire and be void one year after issuance by the Director unless it has been recorded. The Director may grant two six-month extensions of the property line adjustment notice of approval, provided it still complies with all applicable ordinances.

(LDC 2008, § 15A-30-07; Ord. No. 12-03, 1-27-2012; Ord. No. 21-08, § 1(Exh. A), 3-23-2021)

**Sec. 21-30-10. Required Subdivision Improvements and Procedures.**

- (a) The following improvements are mandatory in all subdivisions and shall be installed by the developer in accordance with the City Code, and the Sandy City Standard Specifications and Details for Municipal Construction:
- (1) Street paving (including proper road base).
  - (2) Curbs, gutters, and sidewalks.
  - (3) Drive approaches for each lot.
  - (4) Culinary water systems.
  - (5) Sanitary sewer systems.
  - (6) Surface water runoff drainage systems.
  - (7) City survey monuments.
  - (8) Permanent markers to identify lot corners (as required by Sandy City Engineering).
  - (9) Utilities (overhead and underground as required by this Title).
  - (10) Street lighting system.
  - (11) ADA ramps.
- (b) The City may also require the developer to install or provide any or all of the following improvements according to the particular needs of the subdivision:
- (1) Fire hydrants.
  - (2) Subsurface water drainage systems.
  - (3) Bridges.
  - (4) Fencing and barrier walls.
  - (5) Grading.
  - (6) Retaining walls.
  - (7) Landscaping, irrigation, tree preservation, removal of noxious vegetation, and/or streetscape.
  - (8) Public facilities.
  - (9) Open space and/or trails.
  - (10) Piping, relocating, or abandoning irrigation ditches.
  - (11) Engineered footings.
  - (12) Extending and constructing roads, water lines and sewer lines beyond the boundary of the subdivision.
  - (13) Flood control system.
  - (14) Regulatory signs.
  - (15) Any other improvements as may be required by the City based upon approvals.
- (c) In determining the particular needs of the subdivision and in determining whether any of the improvements specified in Subsection (b) of this Section should be required in a particular subdivision, the City shall consider, among other things:
- (1) The requirements of the International Building Code, International Residential Code, International Fire Code, City ordinances, and the Urban Wildland Interface Code.

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- (2) The topography of the property, the type of soil on the property, the existence of subsurface water drainage systems in the vicinity of the property, and the City's Storm Water Drainage Master Plan.
  - (3) The extent to which the proposed subdivision causes or contributes to the need for the improvement.
  - (4) The need for the improvement to protect the health, safety, and welfare of residents of the subdivision and the community at large.
  - (5) The types of development and uses adjacent to the subdivision.
- (d) The developer may be required to install off-site improvements when it is shown that the proposed subdivision causes or contributes to the need for such improvements. In cases where the proposed subdivision causes or contributes to the need for off-site improvements but the developer is not required to install them, the City may impose an impact fee as allowed by law, or may otherwise require financial contribution pursuant to written agreements between the City and the developer. Whether or not the developer actually installs the improvements, the City may require that owners of other undeveloped properties, the development of which will also contribute to the need for the improvements, pay impact fees, or be party to such agreements. The fees or the monies collected pursuant to agreements shall be used towards the costs of installing the improvements.
- (e) All required improvements shall be completed and pass City inspections within two years of the date the subdivision is approved or at a date to be determined by the City.
- (f) All subdivision improvements shall be completed by qualified contractors in accordance with the Sandy City Standard Specifications and Details for Municipal Construction (latest edition). No work may be commenced on public improvements without first obtaining approval.
- (g) Unless otherwise authorized by the Director, no building permit for any structure may be issued until the final plat has been recorded and the following subdivision improvements have been installed:
- (1) Street paving (including all weather surface, which is two inches minimum asphalt depth on approved road base), unless otherwise approved by the City Engineer and Fire Marshal based upon weather constraints.
  - (2) Curb, gutter, and sidewalk.
  - (3) Permanent markers to identify lot corners.
  - (4) Operational fire hydrants (unless otherwise approved by the Fire Marshal).
  - (5) Water lines and facilities (tested and approved) and sewer line facilities.
  - (6) Storm drainage facilities.
- (h) When installing any of the subdivision improvements, the developer and contractors shall be required to keep all paved streets, sidewalks, and gutters within or outside the subdivision, free from any debris, trash, mud, or dirt from the project. Upon notification by the City of a violation of this provision, the developer and/or contractors shall have the affected areas cleaned within 24 hours. If he fails to do so, the City may clean the affected areas with the developer providing reimbursement to the City for all costs incurred. Exception: Small mounds of dirt placed over the curb, gutter, and sidewalk may be placed during the initial construction phase of the home to protect said improvements from damage. However, this exception does not release the developer or his successors from the requirement to keep the street clean and free of mud and debris.
- (i) The requirement to install public improvements (e.g., curb, gutter, sidewalk, etc.) may be waived by the Planning Commission for properties with design restraints. Cause for such waivers shall be noted on the plat.
- (j) No final subdivision plat shall be recorded until the developer of the subdivision has clearance of all property taxes owed upon the parcels to be dedicated to the City and tendered the guarantee and entered into an agreement with the City in which the developer agrees to install the improvements as required by this Title and agrees to indemnify and hold the City harmless from any claims, suits, or judgments arising from the condition of property dedicated to the City, from the time that the property is dedicated to the City to the

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time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).

(LDC 2008, § 15A-30-08; Ord. No. 14-29, 9-28-2014; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)

**Sec. 21-30-11. Improvements Installation Priority.**

- (a) Underground utilities, service lines, storm drainage facilities, water system, sewer system including laterals, shall be installed and approved prior to the installation of any other street improvements, unless the Public Utilities Director or the appropriate governing body waives this requirement in writing.
- (b) All new sewer lines shall be inspected by the appropriate sewer district.
- (c) All new water lines and/or connections shall be inspected by the Public Utilities Department.
- (d) All new storm drain facilities shall be inspected by the Public Utilities Department and/or Public Works Department.
- (e) All new street lights shall be inspected by the Public Utilities Department.

(LDC 2008, § 15A-30-09; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)

**Sec. 21-30-12. Costs of Improvements.**

The developer shall pay for all costs of designing, purchasing, installing, warranting, and otherwise providing the improvements required by this Chapter.

(LDC 2008, § 15A-30-10; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)

**Sec. 21-30-13. Street Dedication.**

Unless previously dedicated, declared a private street, or located within a planned unit development, the developer shall dedicate to the City the full width of all street rights-of-way on the final plat; provided, however, that in cases where a proposed street in the subdivision parallels undeveloped property where no street currently exists and evidence is provided showing that the owner of the abutting property has no intention of developing it within the near future, and as may be recommended by the City Engineer and approved by the Planning Commission, the Mayor may waive the full width dedication requirement and allow the dedication of a lesser width if the Mayor finds that it promotes the public interest.

(LDC 2008, § 15A-30-11; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)

**Sec. 21-30-14. Penalties.**

- (a) Any plat of a subdivision filed or recorded without the approvals required by this Chapter is void.
- (b) Any owner or agent of the owner of any land who transfers or sells any land before a plan or plat of the subdivision has been approved and recorded as required in this Chapter is guilty of a violation of this Chapter for each lot or parcel transferred or sold.
- (c) The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation or from the penalties or remedies provided in this Chapter.

(LDC 2008, § 15A-30-12; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)

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**Sec. 21-30-15. Reasonable Diligence.**

The review for application completeness, substantive application review and determination of whether improvements or warranty work meets standards shall be done in accordance with the standards set forth in the Municipal Land Use, Development, and Management Act, Part 5 Land Use Ordinances (U.C.A. 1953, § 10-9a-509.5) (LDC 2008, § 15A-30-13; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)



## **CHAPTER 21-36. NOTICE REQUIREMENTS<sup>1</sup>**

### **Sec. 21-36-1. General Public Notice Requirements.**

- (a) For each land use application which requires a public hearing or public meeting, public notice shall be done as provided within this chapter, except as required by Utah State Code.
- (b) For each land use application which requires a public hearing or public meeting, and public notice is not specified by Utah State Code, the City shall provide notice (including the type of meeting, date, time, location, description of land use application, and City contact information) as follows:
  - (1) *Notice of Public Hearing.* The City shall provide notice of a public hearing at least three days before the hearing that shall be posted in at least three public locations within the City, on the City's official website, and on the Utah Public Notice Website.
  - (2) *Notice for Public Meetings.* The City shall provide notice of a public meeting at least 24 hours before the meeting that shall be posted in at least three public locations within the City, on the City's official website, and on the Utah Public Notice Website.

(Ord. No. 20-12 , § 1(Exh. A), 10-20-2020)

### **Sec. 21-36-2. Third-Party Public Notice.**

- (a) For each land use application that requires a public meeting or hearing that concerns a specific parcel of property, public third-party notice shall be done as provided within this chapter, except as required by Utah State Code. The City shall:
  - (1) Mail notice at least five days before the public hearing or public meeting to the record owner of each parcel within 500 feet of the property that is the subject of the hearing, including property owners within the City boundaries and property owners within adjacent jurisdictions; or
  - (2) Post notice at least ten days before the public hearing or public meeting on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passersby.
    - a. The City shall take a photo verifying that the notice has been posted. The City shall inspect and verify, with another photo, at least one other time during notice period. This verification shall be included in the application packet for the public meeting/hearing.
    - b. This posted notice should include the following: type of meeting, date, time, location, description of land use application, and City contact information.
    - c. If this posted notice is destroyed or disappears during the notice period, the City's ability to hold the public meeting/hearing will not be delayed, and it will not affect the validity of decisions made at the public meeting/hearing.

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<sup>1</sup>Editor's note(s)—Ord. No. 20-12 , § 1(Exh. A), adopted October 20, 2020, amended Ch. 21-36 in its entirety, in effect repealing and reenacting said Ch. 21-36 to read as set out herein. The former Ch. 21-36, §§ 21-36-1—21-36-10, pertained to notice requirements and derived from LDC 2008, §§ 15A-36-01, 15A-36-02, 15A-36-05, 15A-36-07, 15A-36-09, and 15A-36-10.

State law reference(s)—Notice requirements, U.C.A. 1953, § 10-9a-201 et seq.

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~~(b) For all rezone, residential subdivision, and commercial site plan (within 250 feet of a residential zone district boundary) land use applications that require a public meeting or hearing, the City shall mail notice to adjacent property owners and post notice on the property as required by State Code and this section.~~

~~(b) The City shall mail notice to adjacent property owners and post notice on the property in accordance with Subsection (a) of this Section, prior to any required public meeting or hearing that involve any one of the following:~~

~~(1) Rezone;~~

~~(2) Commercial site plan within 250 feet of a residential zone district boundary; or~~

~~(3) Residential subdivision.~~

~~(c) For all land use applications that require a neighborhood meeting, the City shall mail a public notice in accordance with Subsection (a)(1) of this Section.~~

(Ord. No. 20-12 , § 1(Exh. A), 10-20-2020)

### **Sec. 21-36-3. State Code Required Notices.**

(a) *General Plan.*

See U.C.A. 1953, §§ 10-9a-203 and 10-9a-204.

(b) *Zone District Map and Land Development Code.*

See U.C.A. 1953, § 10-9a-205

(c) *Subdivision Amendments.*

See U.C.A. 1953, § 10-9a-207.

(d) *Street Vacations, Alteration, Amendments or Closure.*

See U.C.A. 1953, § 10-9a-207 and § 10-9a-208.

(e) *Miscellaneous Notice Requirements (Transportation Corridors, Higher Education Housing, Canals, etc).*

See U.C.A. 1953, § 10-9a-206, § 10-9a-210, § 10-9a-211, § 10-9a-212, and § 10-9a-213.

(f) *Applicant Notice—Waiver of Requirements.*

See U.C.A. 1953, § 10-9a-202.

(g) *Notice Challenge.*

See U.C.A. 1953, § 10-9a-209.

(Ord. No. 20-12 , § 1(Exh. A), 10-20-2020)