

TITLE 20 – ZONING ORDINANCE OF GENOLA

CHAPTER 08 SUBDIVISION ORDINANCE

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20.08.01 **TITLE AND PURPOSE**

This Ordinance shall be entitled the Subdivision Ordinance of Genola Town and may be so cited and pleaded. The purpose of this Ordinance shall be to promote the health, safety, convenience, and general welfare of the present and future inhabitants of the Town; to facilitate the orderly development of the Town and to establish the rights, duties, and responsibilities of developers with respect to the subdivision of land.

20.08.02 **GENERAL SUBDIVISION REGULATIONS**

1. Unless exempt as outlined under this section, no person shall subdivide any tract of land which is located wholly or in part within the limits of Genola, Utah, nor shall any person sell, exchange or offer for sale any parcel of land which is any part of a subdivision of a larger tract of land within the Town, nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein unless the person shall first make or cause to have made a final subdivision plat thereof which plat shall be approved in accordance with all of the requirements of this Ordinance and recorded in the office of the County Recorder.
2. **AGRICULTURAL EXEMPTION.** Notwithstanding Subsection (1), a lot or parcel resulting from a division of a tract of agricultural land is exempt from the plat requirements and improvement requirements of this Chapter if:
 - a. The original tract of land:
 - i. qualifies as land in agricultural use, meaning land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
 1. forages and sod crops;

2. grains and feed crops;
 3. livestock;
 4. trees and fruits; or
 5. vegetables, nursery, floral, and ornamental stock; and
- b. the lots or parcels resulting from the division of the original tract of land:
- i. qualifies as land in agricultural use, meaning land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
 1. forages and sod crops;
 2. grains and feed crops;
 3. livestock;
 4. trees and fruits; or
 5. vegetables, nursery, floral, and ornamental stock;
 - ii. meet all the requirements of applicable land use ordinances; and
 - iii. excepting a preexisting single-family residence, will not be used for any nonagricultural purpose.

If a lot or parcel exempted under this subsection is later intended to be used for a nonagricultural purpose, the Town shall require the lot or parcel to comply with the requirements of this Chapter before allowing its nonagricultural use.

The boundaries of each lot or parcel exempted under this subsection shall be graphically illustrated on a survey map, that after receiving the same approvals as are required for a plat under this Chapter, shall be recorded with the County Recorder. The developer will also prepare and submit to the Town Clerk for recording with the county recorder a notice of approval which:

- a. recites the legal descriptions of the original parcel and the parcels resulting from the exempt division;
 - b. includes notice that the resulting parcels were divided according to a subdivision exemption and will not be approved for non-agricultural use without completing the Town's subdivision requirements in effect at the time of the application for the change in use;
 - c. is approved by the Town Attorney;
 - d. is executed by each owner of the parcel of land and by the Planning Commission Chairperson; and
 - e. contains an acknowledgement for each party executing the notice in accordance with the provisions of Utah Code Title 57, Chapter 2A, Recognition of Acknowledgment Acts, as amended.
3. **BUILDING PERMITS.** The Town shall not grant a permit for the construction of any building or structure on a lot within a proposed subdivision until a subdivision plat has been approved pursuant to this Chapter and recorded in the Office of the County Recorder, as applicable. Any permit issued prior to recording shall be null and void.
 4. **FEES.** All fees paid related to a subdivision application are nontransferable and nonrefundable. The landowner is responsible for all fees incurred by submitting an application or petition under this Chapter, including any fees listed on the town's fee schedule plus the cost of engineering and legal review of an application or petition.
 5. **LAND USE AUTHORITY.**

- a. The Planning Commission shall be the Land Use Authority for preliminary applications made under this Chapter. The Development Review Committee (DRC) shall be the Land Use Authority for final applications made under this Chapter. These Land Use Authorities are fully authorized to administer the provisions of this Chapter by reviewing and approving or denying subdivision applications.
- b. The Development Review Committee (DRC) shall act as an advisory body to the Planning Commission throughout the process of reviewing preliminary subdivision applications and shall act as the Land Use Authority for final subdivision applications. The membership of the DRC shall include the Town Public Works Director, the Town Planning and Zoning Clerk, the Fire Chief, the Town Attorney, and two members of the Planning Commission. Each member may designate an alternate member who has the authority to attend and vote in the place of the member. When acting as the Land Use Authority, the DRC shall act by majority vote.

6. APPEALS.

- a. The Appeal Authority for Town decisions relating to this Chapter, except where otherwise noted, is the Town Council.
- b. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authorities and shall hear complaints about the conduct of the Land Use Authorities in administering the provisions of this Chapter.
- c. A party appealing or complaining of a Land Use Authority's decision under this Chapter must exhaust its remedies under this Section (by appealing or complaining to the Appeal Authority) before bringing an action against the Town in a court of law.
- d. A party desiring to appeal or complain of a Land Use Authority's decision shall submit to the Appeal Authority the following in writing:
 - i. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Chapter or abused the discretion given it by this Chapter.
 - ii. The most recent version of the application or petition the party submitted.
 - iii. Any supplemental documentation or information that the Appeal Authority requests.
- e. All appeals and complaints must be emailed or mailed to the Town Clerk using the address of the Town office or the official email account listed on the Town website.
- f. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 45 calendar days after the Appeal Authority receives the appeal or complaint.

(Amended by Ordinance 2022-01, passed on January 19, 2022.)

20.08.03 PROCEDURE FOR OBTAINING APPROVAL OF A SUBDIVISION

1. Vicinity Plan and Pre-application Meetings (Optional).

- a. The developer may request a pre-application meeting with the Planning Commission to review any element of a potential application. The Town Clerk shall schedule the meeting within 15 business days after the request. The meeting shall take place at the next regularly scheduled Planning Commission meeting for which appropriate public notice is attainable.
- b. If the Developer desires to review a Vicinity Plan at a pre-application meeting, the Developer and shall submit three (3) copies of the same to the Planning Commission and pay the applicable fee.
- c. The Vicinity Plan shall show a simple sketch, drawn to scale, of the proposed layout of streets, lots, and other features of the proposed subdivision, in relation to existing and planned streets (planned streets include both those proposed by the Developer as part of the subdivision as well as those proposed by the Town of Genola) within one-fourth mile of the subdivision. The plan shall be prepared at a scale of not smaller than one inch = 500 feet. The plan may be:
 - i. a pencil sketch or
 - ii. may be made directly on an aerial photograph.
- d. If requested, the Planning Commission shall review the Vicinity Plan and shall provide the developer with feedback in preparation for the submission of a preliminary application.

2. Notice to Affected Entities.

- a. Within 15 calendar days after receiving a complete subdivision application under this Chapter, the Land Use Authority shall provide written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
 - i. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the Land Use Authority shall review information:
 - 1. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - 2. From the state engineer's inventory of canals; or
 - 3. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- b. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application under this Chapter sooner than 20 days after the developer submits a complete application. This waiting period does not apply to revised applications the developer may submit during the application review process.
 - i. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.
 - ii. When applicable, Developers shall make reasonable changes (unless prohibited otherwise by a contract or deed, etc.) to the Developer's subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.

3. Preliminary Application Submission.

- a. The Developer shall prepare a preliminary application of the subdivision for review and approval by the Planning Commission. A preliminary application may be presented informally to the Town during a pre-application meeting at the same time as a Vicinity Plan.
- b. Where a Developer owns or controls more land than the Developer wishes to develop immediately, the Developer shall prepare a preliminary application that contains all of the land owned, controlled or represented by the Developer that is contiguous to the land being subdivided. The preliminary application shall identify the portion to be developed immediately and the portion to be held for future development. Any portion identified as future development shall not be required to comply with this Ordinance until it is included in an application for development.
- c. A preliminary application shall not be considered “complete” until all of the following have been provided to the Town Office:
 - i. **An approved land use application** that describes how the property will be used after it is subdivided.
 1. If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an approved, Town-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 2. If the intended use is prohibited under Town ordinances and requires a variance or rezoning, the land use application must include an approved, Town-issued variance or the Town must enact a rezoning ordinance authorizing the intended use. Should an applicant seek a variance or rezoning concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued or rezoning ordinance is enacted.
 - ii. **A preliminary plat.** The plat shall include:
 1. The proposed name of the subdivision, which must be distinct from any subdivision name on a plat recorded in the County Recorder’s Office.
 2. Sufficient information to locate accurately the property shown on the plat.
 3. The location of the subdivision as forming a part of a larger tract or parcel where the plan submitted covers only a part of the Developer’s tract.
 4. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to the public survey monuments. Those lines should be slightly heavier than street and lot lines.
 5. The names, widths, lengths, bearings, and curve data of the proposed public streets, alleys, easements; also the boundaries, bearings and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the public; the lines, dimensions, bearings, and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the Town Engineer. All proposed streets shall be named or numbered in accordance with and in conformity with the Town’s street naming and numbering system.

6. The boundary lines of the tract to be subdivided, including temporary addresses of each lot.
7. The names and addresses of the Developer(s), the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
8. The location, width, and other dimensions of all existing or platted streets and other important features such as water courses; exceptional topography, and buildings within the tract and within two hundred (200) feet of the tract to be subdivided.
9. All existing and proposed water mains, fire hydrants, and services to each lot.
10. All existing and proposed irrigation water infrastructure, including any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
11. All existing and proposed roads within the proposed plat map, including all applicable road signage, with road widths matching the Town's current proposed road map.
12. All roads within the proposed plat that will be dedicated to the Town, with road widths matching the Town's current proposed road map.
13. All existing or proposed easements.
14. Existing drainage facilities and the location (both on site and off site), size, and type of proposed drainage facilities, and other proposed improvements such as sidewalks, curbs and gutters, parks, and fire hydrants.
15. Existing sanitary sewers, storm drains, water supply mains, and bridges within the tract, or within two hundred (200) feet thereof.
16. The location, width, and other dimensions of planned streets (planned streets include both those proposed by the developer as part of the subdivision as well as those proposed by the Town of Genola), alleys, easements, parks, and other open spaces, with proper labeling of spaces to be dedicated to the public or to be reserved for common use and benefit of development residents.
17. North Point, scale, and date of preparation.
18. The description and locations of all monuments set and established by the County or the United States Government that are adjacent or near this proposed subdivision.
19. Notice of any restrictive covenants associated with the proposed lots.
20. If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
21. If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).
22. If any portion of the proposed subdivision is within 1,000 feet of a Critical

Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).

23. If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
 24. If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by City ordinances), the notice language found in Utah Code §10-9a-904.
 25. Signature blocks for the landowners, all utility providers who will service the subdivision, the Planning Commission, the DRC, the Mayor, and a Notary Public.
 26. Note: It is necessary that all dimensions and calculations shall show proper closure in all boundaries of the subdivision, and no plat shall be accepted that shows a plus or minus distance for closure, unless agreed to by the Planning Commission.
- iii. **A map of the area** around the proposed subdivision, with contour lines at appropriate intervals.
- iv. **Studies and reports:**
1. A traffic study completed by a qualified expert, if the subdivision touches a road managed by the Utah Department of Transportation (such as Highway 6).
 2. A water report from a qualified expert, regarding flood risks and stormwater needs.
 3. A soils report from a qualified soils engineer, identifying the types of soils within the proposed subdivision area and identifying any soils constraints on the proposed subdivision.
 4. Any other study or report reasonably necessary to assess the impact of the proposed subdivision on the Town or to assess compliance with Town ordinances.
- v. **Certifications:**
1. A letter from the Utah County Health Department describing soil conditions and recommended water and wastewater facilities that will be adequate for the proposed development.
 2. A Public Land Survey System (PLSS) clearance letter from the Utah County Survey Office (if there are PLSS monuments located on or adjacent to property, a monument excavation permit may be required).
 3. An approval letter and notarized plans from the proposed secondary water supplier (if any lot is not serviceable with secondary water by the Highline Canal company or local pond company, see Town specifications for additional requirements regarding secondary water service and/or water dedication).
 4. An approval letter from electrical and natural gas suppliers that is consistent with the obligations in Paragraph 6 of Section 20.08.05, indicating that primary and secondary power must be provided to each lot in the subdivision as part of the improvement requirements.

5. Registered Professional Engineer and/or land surveyor's Certificate of Survey. The surveyor who prepared the plat must hold a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and must complete the survey of the property described on the plat in accordance with Section 17-23-17 and 10-9a-603 of Utah State Code.
- vi. **An improvement plan**, created in accordance with applicable portions of Sections 20.08.04–07 of this Title, for all public improvements proposed by the developer or required by Town ordinances. In addition to the requirements in Sections 20.08.04–07, the improvement plan must contain:
 1. An estimate of the cost of completing the required improvements as required to comply with Section 20.08.06.
 2. If over 500 feet of culinary water line will be installed, a hydraulic analysis approved by the Town Public Works Director.
 3. Construction drawings with all contractor information, including but not limited to General Contractors and all Subcontractors working on the project. A contractor form may be obtained from the Town Office. Information that will need to be submitted must include: the contractor's name, address, phone number, and license number. The Town of Genola may verify license numbers to confirm contractors are in good standing with the State of Utah.
- vii. **Copies:** One electronic copy of all plans in PDF format and three printed copies of the application.
- viii. **Payment of all Town fees** and costs through the Preliminary Plat Approval, including consultation fees for engineering and legal services.
- d. The Planning Commission shall produce, maintain, and make available to the public a list of the specific items that comprise a complete preliminary application and a breakdown of any fees due upon submission or approval of the applications.
- e. The Planning Commission or DRC may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Town relating to an applicant's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of Town residents.
- f. Notwithstanding the above, the Planning Commission may waive specific application requirements on a case-by-case basis and consider an application "complete", whether during a pre-application meeting, during the application review period, or both.
4. **Final Application Submission.**
 - a. After the Planning Commission has approved a Developer's preliminary application, the Developer shall prepare and submit for approval a final application. This final application shall not be considered complete until the following materials are delivered to the Town Office:
 - i. Land Use Authority **approval of the applicant's preliminary application**, given within the last 180 calendar days.
 - ii. **The approved land use application** that was accepted during the preliminary application review process.
 - iii. **A final plat.** The final plat should be the version of the preliminary plat

approved by the Town during the preliminary application review process, plus any other additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office.

iv. **A completion assurance** for all public improvements required by the approved improvement plan, OR a statement that such improvements will be completed before development occurs on the proposed subdivision, OR an approval letter from the Town Public Works Director for the installed improvements.

v. **Proof of deposit** for the required Installation Guarantee, Improvement Warranty, and Road Resurfacing Fee, if applicable.

vi. **Certifications**, including:

1. A Title Report, Abstract of Title, Registered Property Certificate, or Title Insurance Policy for the land to be subdivided verifying property ownership.
2. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
3. An affidavit from the applicant certifying that the submitted information is true and accurate.
4. The signature of each owner of record of land described on the plat, signifying their consent to the final subdivision application.

vii. **Binding dedication documents and agreements**, including:

1. As applicable, formal, irrevocable offers for dedication by the owners of the land to the Town of streets, Town uses, utilities, parks, easements, or other spaces.
2. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
3. A draft agreement with the Town of Genola regarding permission, terms and conditions for extensions and connections to the Town of Genola's water system.

viii. **Copies**, including:

1. One electronic copy of the final plat in AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to; and
2. A PDF document of the final plat and all other plans and supporting documents.
3. The official, recording-ready copy of the final plat. The final plat shall be prepared on a sheet of approved tracing linen or Mylar to the outside or trim line dimension of twenty-four (24) by thirty-six (36) inches and the border line of the plat shall be drawn in heavy lines, leaving a space of at least one and one-half (1½) inches margin on the left-hand side of the sheet for binding, and not less than one-half (1/2) inch margin in from the outside or trim line around the other three sides or edges of the sheet. The plat shall be so drawn that the top of the sheet either faces North or West, whichever accommodates the drawings best. All lines, dimensions, and

marking shall be made with approved waterproof black "India Drawing Ink," or equivalent. The actual map shall be made on a scale large enough to clearly show all details, and workmanship on finished drawings shall be neat, clean cut, and readable.

ix. **Fees:** Payment of any final-application-processing fees required by the Town, plus the cost of any engineering or legal review required by the application.

- b. The Planning Commission shall produce, maintain, and make available to the public a list of the specific items that comprise a complete final application and a breakdown of any fees due upon submission or approval of the applications.
- c. The Planning Commission may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Town relating to an applicant's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of Town residents.

5. **Application Review (Preliminary and Final).**

- a. The Planning Commission shall review all preliminary applications, and the DRC shall review all final applications (each a respective Land Use Authority), in accordance with the requirements of this Section before approving or denying those applications.
- b. For both preliminary and final applications, the review process begins when an applicant submits a complete application.
 - i. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
 - ii. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
- c. For both preliminary and final applications, after the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."
 - i. A review cycle consists of the following phases:
 - 1. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - 2. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances. In the preliminary phase, the Development Review Committee (DRC), acting as an advisory body and not as the Land Use Authority, shall review the application and provide advisory feedback to the Planning Commission.
 - 3. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.
 - 4. Phase #4: The applicant revises the application, addressing each comment

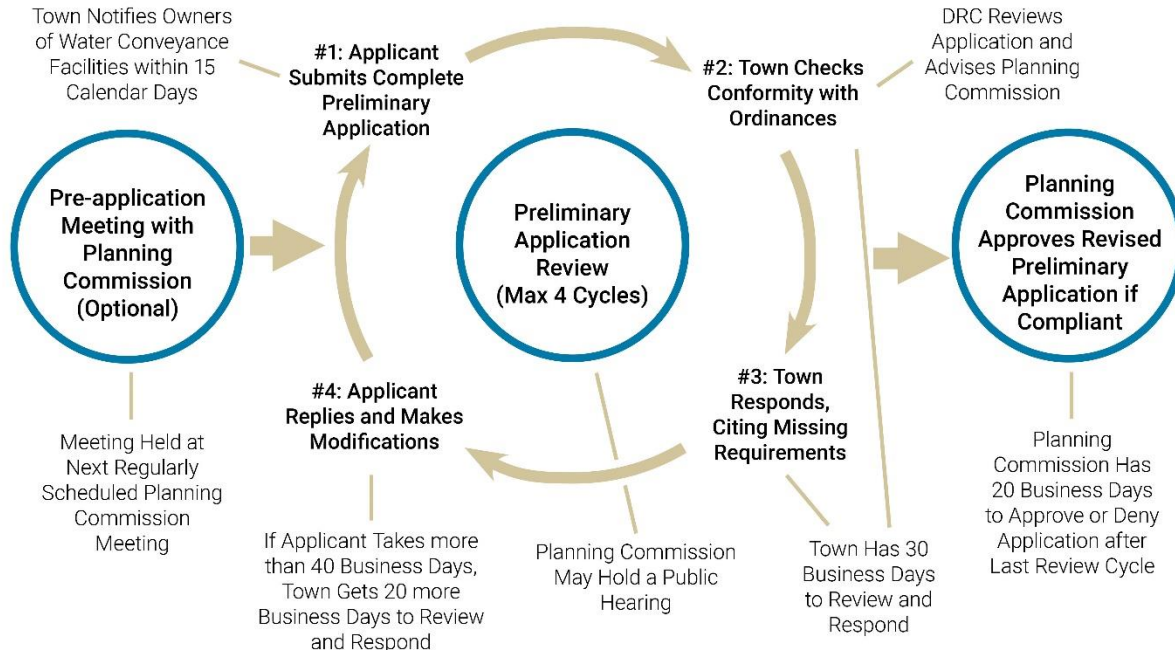
or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the Town's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. This written explanation must be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

Table 20.08.03 – Review Cycles, Hearings, and Timelines by Subdivision Use Type				
<i>Use Type</i>	<i>Approval Stage</i>	<i>Max Review Phases</i>	<i>Max Public Hearings</i>	<i>Town Turnaround Deadline*</i>
All Zones/Uses	Preliminary	4	1	30 Business Days
	Final	2	0	30 Business Days

*Describes the total time (per review cycle) the Town may take to complete both Phase #2 and Phase #3.

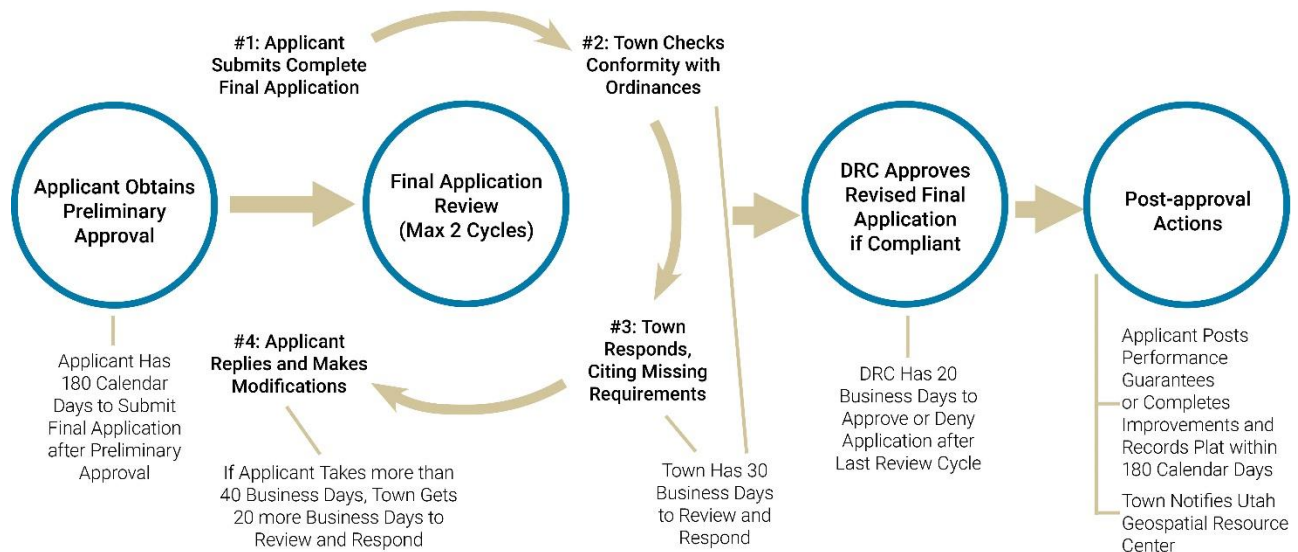


NEW SUBDIVISION REVIEW PROCESS: PRELIMINARY APPLICATION





NEW SUBDIVISION REVIEW PROCESS: FINAL APPLICATION



- d. The Land Use Authorities (and other Town representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table 20.08.03, except as described below. If no further revisions are needed, a Land Use Authority may end the review process early and approve or deny the preliminary or final application.
 - i. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town's deadlines for reviewing and responding (Phases #2 and #3).
 - ii. If the applicant makes a material change to a preliminary or final application not requested by the Town at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
 - iii. For both preliminary and final applications, if an applicant takes longer than 40 business days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
 - iv. For both preliminary and final applications, if an applicant takes longer than 180 calendar days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.
 - v. If the applicant has not submitted a final application within 180 calendar days after the Land Use Authority notifies the applicant that it has approved the related preliminary application, the related preliminary approval shall expire. In this case, the applicant shall not submit a final application until the Land Use Authority has issued a new preliminary application approval.

- e. After the Land Use Authority provides comments in the last review cycle for a final application, the Town shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
 - i. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the Town waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
 - ii. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
- f. The Town may conduct one or more public hearings (up to the number described in Table 20.08.03) during the review period for a preliminary subdivision application.
 - i. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
 - ii. If the Town elects to hold a public hearing, the hearing must occur before the end of the Land Use Authority's preliminary review period (end of Phase #3 of the last preliminary review cycle). Scheduling issues shall not extend the review and approval deadlines in this Chapter.
 - iii. The Town shall not hold a public hearing during the review period for a final application under this Chapter.
- g. The Land Use Authorities shall approve or deny preliminary and final applications under this Chapter after reviewing the complete applications as described in this Section.

5. **Approval.**

- a. The Planning Commission and the DRC shall respectively approve any complete preliminary and final applications made under this Chapter that comply with applicable Town ordinances.
- b. The Planning Commission and DRC shall issue all approvals in writing and shall certify the approved final plat, either by signing the plat directly or by attaching a signed certification to the plat.
- c. Following final application approval, the Mayor shall sign the final plat and related agreements and dedication documents. Approval of the final plat by the DRC shall not be deemed as the acceptance of the dedication of any street, public way, easement, or ground. Such acceptance shall be obtained by signature of the Mayor.

6. **Post Approval Actions.**

- a. Following final application approval, the applicant shall secure all necessary signatures on the final plat.
- b. The applicant shall resubmit the signed and approved final plat to the Town for recording and shall, within 180 calendar days, either:
 - i. complete any improvements required by Town ordinances or described in the approved improvement plan, or

- ii. post a performance guarantee for such improvements.
- c. The Town shall then record the approved final plat with the County Recorder's Office, provided that the applicant has completed or guaranteed any improvements required by Town ordinances or described in the approved improvement plan. The Town shall not record the approved final plat until such improvements are completed or guaranteed.
 - i. If any required improvement is not completed or guaranteed according to this Subsection within 180 calendar days, the approved final plat shall be void, unless the Planning Commission approves an extension.
- d. Town staff shall submit, within 30 days after approving a final plat, to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database) either:
 - i. an electronic copy of the approved final plat; or
 - ii. preliminary geospatial data that depict any new streets and site addresses proposed for construction within the bounds of the approved plat.
- e. Sale of Lots Before Improvements Prohibited. A Developer may not sell any lot in a subdivision until the required improvements are made to such lot, regardless of whether the Developer provides a guarantee for such improvements.

20.08.04 DESIGN STANDARDS AND REQUIREMENTS

- 1. Minimum Area of Subdivision: There shall be no minimum area for a subdivision except as required to meet the minimum lot size and requirements as provided in the Zoning Ordinance for the area in which the subdivision is located.
- 2. Streets and Alley Widths, Cul-de-sacs, and Easements:
 - a. Street Widths: All streets shall conform to the required widths as found in the Genola Town Road standards as adopted by the Town of Genola. Where the Town of Genola has designated a future road that is located within a subdivision that is to be developed by the Developer, the corresponding road dedication shall conform to the width requirements of such planned road. The dedicated road shall be graded and paved and culverts installed in accordance with Town standards. Wider areas of roads for fire truck turn arounds shall be required as determined by fire code standards and by the Town Fire Chief.
 - b. Alleys: Alleys shall have a minimum width of twenty-six (26) feet. Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the Planning Commission.
 - c. Reverse Curves: Reverse curves shall have a tangent of at least one hundred (100) feet, unless in the opinion of the Planning Commission such is not necessary.
 - d. Street Intersection: Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the major or collector streets at an angle of not less than eight (80) degrees. Offsets in street alignment of more than ten (10) feet or less than one hundred twenty (120) feet shall be prohibited.
 - e. Street Grades: Minimum street grades of one percent (1.0%) will be required with the maximum grade being 7 per cent for collector streets and 10 per cent for minor streets. Where the observance of this standard is unfeasible, the Town Council shall have the power to grant an exception when special pavement surfaces and adequate

leveling areas are installed or in the opinion of the Town Council the best subdivision of the land is thereby secured.

- f. Street Curves: Where the street lines within a block deflect from each other at any one point more than ten (10) degrees, there should be a connecting curve. The radius of the curve for the inner street line should be not less than 350 feet for major streets, 250 feet for an important neighborhood street, and 100 feet for minor streets.
- g. Street Names: New street names should not duplicate those already existing. A street obviously a continuation of another already in existence should bear the same name. Before the street is named, the proposed name must be submitted to and approved by the Town Council.
- h. Relations to Adjoining Street System: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary by the Town Council, for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.
- i. Cul-de-sacs: Cul-de-sacs (dead end streets) shall be used only where unusual conditions exist which make other designs undesirable. Each cul-de-sac shall have a minimum right-of-way width of sixty (60) feet and must be terminated by a turnaround of not less than one hundred ten (110) feet in diameter or a hammerhead turnaround with a minimum width of sixty (60) feet. Surface water must drain away from the turn-around, except that where surface water cannot be drained away from the turn-around along the street, due to grade, necessary catch basins and drainage easements shall be provided.
- j. Easements: Where alleys are not provided, easements of not less than eight (8) feet on each side of all lot lines will be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of main sewers or similar utilities.

3. Blocks:

- a. Length: The maximum length of blocks, generally, shall be two thousand six hundred forty (2640) feet and the minimum length of blocks shall be three hundred and thirty (330) feet. Where the length of a block exceeds thirteen hundred feet (1,300) feet where the street dead ends, the Planning Commission may establish additional requirements to ensure the general safety and future road connectivity.
- b. Width. The width of blocks generally shall be sufficient to allow two (2) tiers of lots.
- c. Use: Blocks intended for business or industrial use shall be designed especially for such purposes with adequate space set aside for off-street parking and delivery facilities.

4. Lots:

- a. Building Sites: The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.

- b. Building Lot Sizes and Frontage Requirements: All lots shall meet the lot size and frontage requirements for the zone in which it is located.
- c. Building Lots Must Abut on Public Streets: Each lot shall abut on a street dedicated by the subdivision plat or an existing publicly dedicated street. Interior lots having frontage on two streets shall be allowed, except where topographic conditions make such design undesirable.
- d. Corner Lots: Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
- e. Angle of Lots: Side lines of lots shall be approximately at right angles, or radial to the street line, except where topographic conditions make it advisable to have side lot lines deflect at sharper angles.
- f. Parts of Lots: All remnants of lots below minimum size left over after subdividing of a larger tract must be attached to adjacent lots rather than allowed to remain as unusable parcels.
- g. Divided Lots: Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the County Recorder's office before being certified to the Planning Commission by the Developer.

(Amended by Ordinance 2022-01, passed on January 19, 2022.)

20.08.05 IMPROVEMENT REQUIREMENTS

Improvements shall be installed in all subdivisions in accordance with standards and requirements hereinafter set forth and in accordance with the standards adopted by the Town of Genola for infrastructure and utilities, provided, however, that actual construction of required improvements in the subdivision may be delayed up to two years where a suitable bond or other assurance is furnished to the Town by the Developer as provided for elsewhere in this ordinance. (See particularly Section 20.13.08)

Said improvements shall be as follows:

1. Streets and Travel Easements: All streets and travel easements, including proposed roads within the subdivision, shall be dedicated to the Town and shall be graded and paved and culverts installed in accordance with Town Standards as directed by the Town Public Works Director.
2. All Sewage Disposal Systems: Systems shall conform to Genola Town and Utah County Board of Health specifications.
3. Water Mains: Both "off-site" and "on-site" water mains shall be installed in accordance with Genola Town standards.
4. Fire Hydrants: Fire hydrants shall be installed in accordance with Town specifications.
5. Permanent Monuments: Permanent monuments shall be installed in accordance with Town specifications.
6. Utilities: Primary and secondary power must be provided to each lot in the subdivision. Natural Gas must be provided to each lot in the subdivision. Communications conduit shall be located underground except when the Developer can show the Planning

- Commission that underground lines are not feasible.
7. Environmental Hazards: Environmental hazards must be eliminated as required by the Town Council as follows:
 - a. Cut and fill slopes must be covered with top soil and reseeded.
 - b. Location of streets and buildings on unstable soil shall be avoided.
 - c. Surface water shall be confined to the subdivision or shall be drained into natural channels in a manner that will prevent the soil within and outside of the subdivision from eroding.
 - d. Natural drainage channels shall be adequately taken into account in laying out the subdivision.
 - e. Other environmental hazards must also be eliminated or adequately handled as directed by the Town Council.
 8. Secondary Water:
 - a. If construction is required on Strawberry High Line Canal Company's existing infrastructure, a letter of approval from SHLCC must be obtained.
 - b. If construction is required on local pond company's pressurized system outside the tract to be subdivided, a letter of approval must be obtained from that pond company. If changes will be made on local pond company's pressurized system inside the tract to be subdivided, a letter of notification must be sent to the local pond company.
 - c. The location of all secondary water mains, meters, shutoff valves and water risers.
 - d. Note: It is necessary that all secondary water mains, meters, and shutoff valves within the subdivision must be installed in accordance with Genola Town water standards and inspected by personnel authorized by the Genola Town Council.
 9. Regulatory signs: All traffic and road signage required by the Genola Town Public Works Director.

(Amended by Ordinance 2023-01, passed on April 19, 2023.)

20.08.06 GUARANTEE OF PERFORMANCE

1. INSTALLATION GUARANTEE: The Installation Guarantee is an amount of money or money equivalent, as described below, given to Genola Town by a Developer to ensure that the required improvements are installed.
 - a. Type and Amount of Installation Guarantee: The type of guarantee shall be in the form of a bond, mortgage, or a cash deposit. If a bond or cash deposit, the amount shall be equal to one hundred ten percent (110%) of the cost of the required improvements, as determined by the DRC. The one hundred ten percent guarantee shall include:
 - i. 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
 - ii. 10% of the amount of the bond to cover administrative costs incurred by the Town to complete the improvements, if necessary.
 - b. The design engineer shall submit an opinion of probable construction cost containing an itemized listing of all public improvements as well as other costs required to

construct them (i.e. construction staking, mobilization, etc.).

- c. Duration: The duration of the bond or other assurance shall be for two years from the date of approval of the subdivision by the Town Council. An extension of time may be granted by the Town Council upon application by the Developer. Provided such application is submitted at least sixty (60) days prior to the expiration of the bond, and provided the issuer of the bond is willing to extend the time of the assurance.
 - d. Partial Completion: If the Developer completes portions of the required infrastructure improvements and such completions are inspected and accepted by the Town Public Works Director, the Town shall release a portion of the installation guarantee equal to the cost of the completed, accepted infrastructure improvements, minus the amount of the Warranty set forth in Subsection 2 below.
 - e. Default: In the event the Developer is in default or fails or neglects to satisfactorily install the required improvements within two years from the date of approval of the plat by the Town Council, or to pay all liens in connection therewith, the Town Council may declare the bond or other assurance forfeited and the Town may install or cause the required improvements to be installed using the proceeds from the collection of bond or other assurance to defray the expense thereof.
 - f. Final Disposition and Release: The Developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the Town Public Works Director shall make a preliminary inspection of the improvements and shall submit a report to the Town Council, setting forth the conditions of such facilities. If all liens are paid, and other conditions thereof are found to be satisfactory, the Town Council shall release the bond or other assurance, minus the amount of the Warranty set forth in Subsection 2 below. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability or if any outstanding liens are not paid, the Town Council may declare the Developer in default.
2. IMPROVEMENT WARRANTY: The Improvement Warranty is an amount of money or money equivalent, as described below, given to Genola Town by a Developer to cover the costs of inadequate quality of improvements or the early failure of the same.
- a. Type and Amount of Warranty: The type of warranty shall be in the form of a bond, mortgage, or a cash deposit or other valuable consideration acceptable to the Town Council in an amount equal to ten percent (10%) of the cost of the required improvements, as determined by the Town Engineer (or contracted engineering firm) or the developer's reasonable estimated cost of completion. The developer shall submit a report of the construction cost containing an itemized listing of all public improvements as well as other costs required to construct them (i.e. construction staking, mobilization, etc.) in order to determine the amount of the warranty.
 - b. Duration: The duration of the bond or other assurance shall be for one calendar year from the date the Town of Genola accepts the improvements as completed in accordance with Town specifications. The Town of Genola may extend the duration of the assurance if the Town of Genola:
 - i. Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
 - ii. has substantial evidence, on record:
 - 1. that the area upon which the infrastructure will be constructed contains suspect soil and the Town of Genola has not otherwise required the

- Developer to mitigate the suspect soil; OR
- 2. of prior poor performance by the Developer; OR
- 3. there is reasonable evidence that the improvements may be of unacceptable quality but additional time would be helpful to determine the extent of such unacceptable quality.
- c. Default: In the event the improvements made by the Developer fail in any manner or show unusual wear or the Developer fails to pay all liens in connection therewith, the Town Council may declare the bond or other assurance forfeited and the Town may repair, replace or cause the deficient improvements to be installed or replaced or pay any liens that remain using the proceeds from the collection of bond or other assurance to defray the expense thereof.
- d. Final Disposition and Release: The Developer shall be responsible for the quality of all materials and workmanship. At the conclusion of the bond performance guarantee period, the Town Public Works Director shall make an inspection of the improvements and shall submit a report to the Town Council setting forth the conditions of such facilities. If all liens are paid, and all improvements are found to be satisfactory, the Town Council shall release the bond or other assurance within 60 days upon written request from the Developer.
- 3. ROAD RESURFACING FEE. New roads within a development will be resurfaced (e.g. chip sealed) approximately two years after the installation of the road. Before a final plat will be recorded, the Developer must pay the Town of Genola the estimated cost for resurfacing all new roads within the development. The cost estimate shall be determined by the Town Public Works Director.

(Amended by Ordinance 2022-08, passed on December 14, 2022.)

20.08.07 COSTS AND CHARGES IN CONNECTION WITH THE DEVELOPMENT OF SUBDIVISIONS

- 1. Except as noted below, costs and charges in connection with the planning and development of subdivisions in Genola, Utah, shall be paid for by the Developer.
- 2. **Reimbursement for Public Improvements.** Any Developer who expends funds to install municipal services or public improvements (i.e., water lines, asphalt or concrete pavement, road base, etc.) ("Installed Improvements") associated with an approved development may receive reimbursement of part of that expense under the following conditions:
 - a. The Developer shall enter into a written reimbursement agreement with the Town prior to the Installed Improvements being installed.
 - b. The amount of the reimbursement shall be limited to the Installed Improvement addressed in the reimbursement agreement which:
 - i. are municipal services or public improvements,
 - ii. provide a direct benefit to property adjacent to the Installed Improvements, and
 - iii. are greater than the roughly proportional share of improvements needed to service the original development.
 - c. If within five (5) years from the date of the reimbursement agreement, a party ("Subsequent Developer") develops property that: (a) is adjacent to the property with the Installed Improvements and (b) directly benefits from the Installed

Improvements in order to meet its obligations for development, the Subsequent Developer shall pay to the Town a developer reimbursement payment for the Installed Improvements. The developer reimbursement payment for installed municipal services or public improvements, street, curb, gutter, sidewalk, and pavement (including road base and sub-base) shall be at a rate per linear foot of street frontage as indicated in the written reimbursement agreement with the Town and based on the Developer's actual costs for such public improvements per linear foot. The Subsequent Developer shall pay 50% of the indicated per linear foot rate for the portion of the improvements that benefit the Subsequent Developer. The developer reimbursement payment is separate from and in addition to the payment of any other required fees or improvements.

- d. After payment is received from the Subsequent Developer and after completion of the subsequent development, the Town of Genola will withhold ten percent (10%) of the collected developer reimbursement payment for administrative purposes, and the Town of Genola will pay the Developer up to 50% of the cost of the Installed Improvements, less the administrative fee. In no event shall the amount paid to the Developer exceed the amount actually collected by the Town from the Subsequent Developer less the administrative fee.
- e. If the Town installs public improvements at the Town's expense, the Town may receive reimbursement from developing parties pursuant to this Section as though the Town were a private party. The agreement described in Subsection (1) of this Section shall not be required for reimbursement to the Town.
- f. The developer reimbursement payment described in Subsection (3) of this section shall be paid to the Town in its entirety prior to final plat approval of the subsequent development.

(Amended by Ordinance 2018-01, passed on January 10, 2018.)

20.08.08 SUBDIVISION AMENDMENTS AND BOUNDARY LINE ADJUSTMENTS

Subdivision Amendments. A Developer desiring to amend a recorded subdivision may file a written application with the Town of Genola to request an amendment to the recorded plat. The following provisions apply to petitions, amendments, and boundary line adjustments:

1. The owner shall record the approved plat in accordance with Section 10-9a-603. The Planning Commission shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder
2. Minor typographical or clerical errors in a document of record may be corrected by the recording with the county an affidavit or other appropriate instrument.
3. A fee owner(s) of land in a platted subdivision may initiate or request a subdivision amendment if:
 - a. the owner files a written petition, and
 - b. the last county assessment roll shows that the owner is the fee simple owner of the land.

Except for Boundary Line Adjustments described below, the application to vacate, alter, or amend an entire plat, portion of a plat, or a street or lot contained in a plat shall be accompanied by the following:

1. The name and address of all owners of record of the land contained in the entire plat;
2. The name and address of all owners of record of land adjacent to any street that is

proposed to be vacated, altered, or amended; and

3. The signature of each of these owners who consents to the application.

The application to amend a recorded subdivision shall be submitted to the Planning Commission for review in accordance with the following:

1. The Town shall provide notice of the petition by mail to the owners within the plat and each affected entity that provides a service to an owner of the record of the portion of the plat that is being vacated or amended at least ten (10) calendar days before the Planning Commission will first discuss the vacation or amendment of the plat.
2. The petition shall include:
 - a. the name and address of each property owner affected by the petition;
 - b. the signature of each of those property owners who consents to the petition and;
 - c. certification from the surveyor who prepared the amended plat that the surveyor:
 - i. holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - ii. (A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or (B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - iii. has placed monuments as represented on the plat.
3. The Planning Commission shall hold a public hearing within forty five (45) calendar days after the day on which the petition is filed if:
 - a. Any owner within the plat notifies the Town of the owner's objection in writing within ten (10) days of mailed notification; or
 - b. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
 - c. The public hearing requirement does not apply and the Planning Commission may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if the petition seeks only to:
 - i. join two (2) or more of the petitioning fee owner's contiguous lots;
 - ii. Subdivide one or more of the Developer's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
 - iii. adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 - iv. on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
 - v. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner and are not designated as a common area.
4. The Planning Commission shall make a recommendation as to the application to the Town Council. The Town Council will then review and make a decision on the application.
 - a. The appeal authority for subdivision amendment decisions made by the Town Council shall be the district court.
5. If an application is submitted containing a request to vacate or alter any portion of a street or alley within a subdivision the following shall apply:
 - a. The Planning Commission shall hold a public hearing, after providing notice to

property owners within three hundred feet (300') of the area being petitioned for vacation or alteration. After the public hearing and review by the Planning Commission, the Planning Commission shall make a recommendation to the Town Council. The Town Council may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if it finds that good cause exists for the vacation or alteration and neither the public interest nor any person will be materially injured by the vacation. If the Town Council vacates or alters any portion of a street or alley, the Town Recorder shall ensure that the plat is recorded in the Office of the Recorder of the County in which the land is located, having been signed by both the owner and Town Council, indicating the approval of both parties.

- b. The action of the Town Council vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating plat, as a revocation of the acceptance thereof, and the relinquishment of the Town's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the rights of any public utility may not be impaired thereby.

Boundary Line Adjustments. The owners of record of adjacent parcels that are described by a metes and bounds description may exchange title to portions of those parcels if properly executed and acknowledged as required under the provisions of Utah Code § 10-9a-523 and Utah Code § 10-9a-524. If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the boundary line adjustment is exempt from the plat requirements and improvement requirements of this Chapter, subject to the review of the boundary line adjustment by the Planning Commission Chair in accordance with the following criteria:

1. No additional parcel results from the boundary line adjustment;
2. The boundary line adjustment does not result in remnant land that did not previously exist;
3. The adjustment does not result in violation of applicable zoning requirements;
4. The proposed boundary does not materially affect any approved public utility easements, or an agreement with and between any and all affected utility agencies or entities is formed to maintain or realign the easement.

The owners of record shall submit the following in their application for a boundary line adjustment:

1. A document of conveyance (see below)
2. A notice of approval (see below)

Failure to submit either document will be considered an incomplete application.

The Planning Commission shall approve any boundary line adjustment that is not in violation with any Genola Town land use ordinance or Utah State Law.

Document of Conveyance. A document of conveyance shall be recorded in the Office of the County Recorder to effectuate the boundary line adjustment. The document of conveyance may be either a quit claim deed or boundary line agreement. An exchange of title by either quit claim deed or by boundary line adjustment under this section shall include:

1. a legal description of the original parcels, and the parcels created by the exchange of title;
2. the signature of each owner included in the exchange;
3. a sufficient acknowledgement for each party executing the notice in accordance with the provisions of Utah Code 57-2a, Recognition of Acknowledgements Act; and
4. the address of each owner for assessment purposes.

Notice of Approval. The application for a boundary line adjustment shall include a notice of

approval for recording in the office of the county recorder, if approved by the Town. The Notice of Approval shall:

1. recite the descriptions of both the original parcels and the parcels created by the exchange of title;
2. be executed by each owner included in the exchange;
3. contain a signature block for the Planning Commission Chairperson; and
4. contain a sufficient acknowledgment for each party executing the notice in accordance with the provisions of Utah Code 57-2a, Recognition of Acknowledgements Act.

Unapproved, Recorded Boundary Line Adjustments. The Town of Genola may withhold approval of a land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the Planning Commission or the Town Council determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the Town of Genola's land use ordinances in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.

(Amended by Ordinance 2022-01, passed on January 19, 2022.)

20.08.09 GENERAL REQUIREMENTS

1. Standards and specifications: The Town Public Works Director shall recommend specifications and standards for the design and quality of all required improvements. Said specifications and standards shall be adopted by resolution by the Town Council. Said requirements shall be considered minimum and shall apply to all subdivisions under all ordinary circumstances; provided, however, that where the Developer can show that a provision of these general requirements and design standards would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Town Council, a departure may be made without destroying the intent of such provisions, the Town Council may authorize such departure.
2. Improvement Standards: All improvements shall be installed in accordance with the Town specifications, as directed by the Town Public Works Director.
3. Parks, School Sites, Other Public Spaces: In subdividing property, consideration shall be given to sites for schools, parks, playgrounds, and other areas for public use as shown on the Master Plan. Any provision for such open spaces should be indicated on the Preliminary Plan in order that it may be determined in what manner such areas will be dedicated to, or acquired by, the proper agency.
4. Enforcement and Permits: No officer of the Town shall grant any permit or license for the construction or use of any building or land unless and until the requirements hereof shall have been complied with.
5. Construction and Maintenance of Private Roads and Driveways in Town Prohibited: All officials of the Town shall refrain from opening, accepting, grading, paving, or lighting a street, authorizing the laying of sewers and water mains, or making connections to public water or sewer lines in a street which:
 - a. Has not received the status of a public street prior to the taking effect of this Ordinance, or
 - b. Has not been approved by the Planning Commission as a part of appropriately submitted preliminary plans, or

- c. Having been submitted to the Planning Commission and disapproved by it, has not been accepted by the Town Council.
6. No Town officer or employee shall enter upon private driveways or roads for the purpose of maintaining or constructing the same, unless and until such private driveways or roads shall have first been made to comply with the standards for public streets for width and improvements, as set forth in this Ordinance, and shall have been accepted as a public street or road by the Planning Commission and Town Council.

(Amended by Ordinance 2022-01, passed on January 19, 2022.)

20.08.10 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

- A. Developer: A person or entity applying for subdivision approval or constructing improvements governed by this Chapter. This term may encompass landowners, builders, and agents or representatives of the same.
- B. Easement: The quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.
- C. Final Plat: A map or chart of the land-division which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.
- D. Intervening Property: Property located between the existing service facility and the property under development.
- E. Major Street: A street existing or proposed, which serves or is intended to serve as a major traffic-way, and is designated as a collector or arterial street on the Master Plan.
- F. Metes and Bounds: The description of a lot or parcel of land by courses and distance.
- G. Minor Street: A street existing or proposed which is supplementary to a collector street and of limited continuity which serve, or is intended to serve, the local needs of a neighborhood.
- H. Off-Site Facilities: Facilities designed or located so as to serve other property outside of the boundaries of the subdivision – usually lying between development and existing facilities.
- I. On-Site Facilities: Facilities installed within or on the perimeter of the subdivision.
- J. Over-Size Facilities: Facilities with added capacity designed to serve other property, in addition to the land within the boundaries of the subdivision.
- K. Preliminary Plan: A map or chart of a proposed land-division.
- L. Subdivision: “Subdivision” means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
 1. “Subdivision” includes:
 - a. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, or other recorded instrument; and
 - b. Divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
 2. “Subdivision” does not include:

- a. 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 un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 - b. A recorded agreement between owners of adjoining un-subdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use ordinances;
 - c. A recorded document, executed by the owner of record revising the legal description of more than one contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property; or joining a subdivided parcel of property another parcel of property that has not been subdivided, if the joining does not violate applicable land use ordinances; and
 - d. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision.
- M. Vicinity Plan: A map or chart showing the relationship of streets within a proposed subdivision to streets in the surrounding area.
- N. Water conveyance facility: A ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

(Amended by Ordinance 2022-01, passed on January 19, 2022.)

20.08.11 PENALTIES

Any person, firm or corporation who shall transfer or sell any lot of land in a subdivision as defined in this Ordinance, which subdivision has not been approved by the Planning Commission and also approved by the Town Council and recorded in the office of the County Recorder, shall be guilty of an infraction for each lot or parcel of land transferred or sold, and the description of such lot or parcel of land by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties, or from the remedies herein provided. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court or equity jurisdiction, or may recover the said penalty by civil action in any court of competent jurisdiction. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of an infraction and upon conviction thereof shall be punishable by a fine and/or imprisonment at the discretion of the court.

ⁱ Historical versions:

- 2023-01, Passed April 19, 2023
- 2022-08, Passed December 14, 2022
- 2022-04, Passed July 20, 2022
- 2022-01, Passed January 19, 2022
- 2019-04, Passed March 13, 2019
- 2018-01
- 2016-06
- 2008-05

- 2006-02