

**ORDINANCE NO. 2025-1**

**AN ORDINANCE OF THE CITY COUNCIL OF PAROWAN CITY, UTAH, REPEALING AND REPLACING TITLE 14, SUBDIVISION REGULATIONS, OF THE PAROWAN CITY CODE TO COMPLY WITH UTAH STATE LAW SB174.**

**ORDINANCE DATED JANUARY 9<sup>TH</sup> 2025**

**WHEREAS**, the Utah State Legislature passed SB174, requiring municipalities to update their subdivision regulations to comply with new state standards; and

**WHEREAS**, the primary purpose of SB174 was to modify and streamline the subdivision review and approval process; and

**WHEREAS**, the Parowan City Council seeks to ensure that the Parowan City Code reflects current state laws and provides clear, comprehensive, and lawful guidance for subdivision development within the City; and

**WHEREAS**, the City Council has determined that replacing Title 14 of the Parowan City Code is necessary to bring the City's regulations into compliance with SB174 and to promote the health, safety, and welfare of the citizens of Parowan;

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF PAROWAN CITY, UTAH, AS FOLLOWS:

**SECTION 1.** Repeal of Title 14. Title 14, Subdivision Regulations, of the Parowan City Code is hereby repealed in its entirety.

**SECTION 2.** Replacement of Title 14. Title 14, Subdivision Regulations, of the Parowan City Code is hereby replaced with updated regulations as required to comply with Utah State Law SB174. The updated Title 14 shall read as follows:

## **14 SUBDIVISION REGULATIONS**

### **14.02.010 Purpose**

The purpose of this Ordinance is:

- A. To promote the health, safety and general welfare of the residents of this City.
- B. To promote the efficient and orderly growth of this City.

- C. To establish an efficient method for reviewing subdivision applications and to provide standards for the physical development of subdivisions of land, construction of buildings and improvements within this City, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights-of-ways, dedication of land and streets, granting easements of rights-of-ways, and to establish fees and other charges for the authorizing of a subdivision.

#### **14.02.020 [Reserved]**

#### **14.02.030 Prohibited Acts**

- A. Subdividing Land. It shall be unlawful for any person to subdivide for the purpose of transferring, selling, conveying or assigning any tract or parcel of land which is located wholly or in part in the City, except in compliance with this Ordinance.
- B. Subdivisions. It shall be unlawful for any person to sell or exchange any parcel of land which is a part of a subdivision of land or recorded in the office of the County Recorder as a subdivision unless the subdivision has been approved by the City and meets the provisions of this Ordinance.
- C. Building Permits Prohibited. Unless waived by the Planning and Zoning Commission or the Parowan City Council, it shall be unlawful for any person to receive a building permit in any subdivision until all improvements including road base and utilities are installed on a lot on which the building is to be constructed. There shall be no human occupancy of any building and it shall be unlawful to so occupy until the improvements in the subdivision have been accepted by this City and the building and lot fully comply with the applicant to sell any portion of an approved subdivision until the prospective buyer or builder has been advised in writing and signed an acknowledgment that occupancy permits will not be issued until the improvements are completed and are accepted by the City. In the case of a division of land pursuant to testamentary disposition, no building permit shall be issued for such a lot until any necessary improvements are installed and the building permit is approved by the appropriate Land Use Authority.
- D. Improved Lots. It shall be unlawful to build any residential unit or any commercial building on any lot, except on an improved lot.

#### **14.02.040 Scope Of Application**

All lots, plots, or tracts of land located within a subdivision shall be subject to this Ordinance whether the tract is owned by the applicant or a subsequent purchaser, transferrer or holder of the land. This Ordinance also applies to all applications or petitions to subdivide land in the City, regardless of the intended use (commercial, residential, etc.). The requirements of this Ordinance do not apply

retroactively to subdivision applications or petitions that were approved by the City prior to the enactment of this Ordinance.

#### **14.02.050 Approved and Recorded Documents Required**

- A. No land shall be subdivided which is located wholly or in part in the City, except in compliance with this Ordinance and Utah Code as adopted and amended.
- B. A subdivision of land is not valid unless its governing document is approved by the Applicant and properly recorded in the County Recorder's Office.

#### **14.02.060 Penalty**

- A. Unless otherwise designated, any person violating any provision of this Title either by failing to do the acts required herein or doing any act prohibited herein shall be guilty of a Class B Misdemeanor and, upon conviction thereof, shall be subject to punishment by a fine not to exceed \$1,500, by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment.
- B. It is unlawful to transfer ownership of any parcel of land pursuant to an invalid subdivision. The City may, in its discretion, void such transfers.

#### **14.02.070 Severability**

If any Section, Subsection, sentence, clause, phrase or paragraph of this ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Ordinance.

#### **14.02.080 Definitions**

All definitions included in the Parowan Land Use and Development Ordinance (Title 15) shall also apply to this Title, where and when needed. Whenever any words or phrases as used in this Title are not defined herein, the most common usage of such word or phrase shall be deemed to apply. As used herein the following words shall mean:

- A. Applicant: A person or entity that applies or intends to apply for a subdivision under this Title.
- B. Association: The same as that term is defined in Utah Code Section 57-8a-102, as amended.
- C. Alley: A public thoroughfare more than twenty, but less than twenty-six feet wide.
- D. Block: The land surrounded by streets and other rights-of-ways other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the City Council.

- E. Common Area: Property that an Association owns, maintains, repairs, or administers.
- F. Condominium: A multi-unit development in which individual units are separately owned, and each owner receives a recordable deed to the unit, together with an undivided interest in any common elements. A condominium development shall be regarded as a subdivision.
- G. Construction Standard: The standards and specifications adopted by this Ordinance or established by the Planning and Zoning Commission of Parowan City or the Council, are pursuant to this Ordinance.
- H. Council: The governing body of this City or the Parowan City Council.
- I. Culinary Water: That quantity of culinary water which is necessary to service the intended development at the time the property is subdivided into any two or more lots. Said quantity shall be based upon the consumptive use by the development, depletable water, as determined by the Utah Division of Water Rights with a priority date of on or before December 31, 1949.
- J. Declarant: The person who executes a declaration and submits it for recording in the office of the recorder of the county in which the property described in the declaration is located; “declarant” includes the person’s successor and assignee.
- K. Declaration: The instrument by which the property is submitted to the provisions of this act, as it from time to time may be lawfully amended.
- L. Engineer: The person appointed by Parowan City to be the municipal Engineer or designated by Parowan City to act in the advisory capacity of Engineer.
- M. Facility Owner: The same as that term is defined in state law and includes a canal owner or associated canal operator contact described in different sections of state law.
- N. General Plan: The General Plan of this City.
- O. Improved Lot: A lot which has all of the improvements required by this Ordinance or by the appropriate Land Use Authority pursuant to this Ordinance.
- P. Improvements: Including roads, streets, curbs, gutters, guarding, landscaping, water and sewer systems, public facilities and sewer and sewer materials required by this Ordinance or the appropriate Land Use Authority pursuant to this Ordinance.
- Q. Improvement plan: A plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

- R. Land use application: An application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.
- S. Land use authority: An individual, board, or commission appointed or employed by a municipality to make land use decisions. "Land Use Authority" includes any appropriately authorized designees.
- T. Lot: A parcel or tract of land within a subdivision which is, or may be, occupied by a building or structure and the accessory buildings, structures or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.
- U. Master Transportation Plan: The Transportation Master Plan of this City.
- V. Metes and Bounds: The description of a lot or parcel of land by courses and distances.
- W. Official Map: The official map or maps referred to in this Ordinance.
- X. Parcel of Land: A contiguous area of land in the possession or ownership of one person.
- Y. Period of Administrative Control: The period in which the person who filed the association's governing documents or the person's successor in interest retains authority to appoint or remove members of the association's board of directors or exercise power or authority assigned to the association under the association's governing documents.
- Z. Person: An individual, individuals, tenants in common, joint tenants, a corporation, partnership, firm, limited partnership or association of individuals however styled or designated.
- AA. Planning and Zoning Commission: The Planning and Zoning Commission of Parowan City.
- BB. Plat: An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).
- CC. Public Landscaping Improvement: Landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that (1) will be dedicated to and maintained by the City or (2) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.
- DD. Resubdivision: The changing or amending of any existing lot or lots of any subdivision plat previously recorded in the records of the county recorder as provided in this Title.
- EE. Review Cycle: The occurrence of the applicant's submission of a complete subdivision application; the City's review of that subdivision application; the City's response to that subdivision

application; and the applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.

- FF. Street: A thoroughfare that has been dedicated or acquired and accepted by Parowan City through any legal right, and which thoroughfare is in conformance with the Street Engineering Standards adopted by Parowan City.
- GG. 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, lease, map, plat or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
    - b. except as provided below, divisions of land for all residential and non-residential 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 unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;
    - b. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
    - c. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property or joining a lot to a parcel;
    - d. A joining of one or more lots to a parcel;
    - e. A road, street, or highway dedication plat;
    - f. deed or easement for a road, street, or highway purpose.
- HH. State Engineer's Inventory of Canals: The state Engineer's inventory of water conveyance systems established in state law.

- II. Subdivision Review Committee (SRC): Is made up of the Planning and Zoning Administrator, the Public Works Director and a third member appointed by the Mayor, with advice and consent of the City Council. The SRC is the Land Use Authority for Subdivision Applications for all uses under this Title.
- JJ. Utilities: Includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, electric power, gas and telephone transmission lines, underground conduits and junction boxes.
- KK. 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.
- LL. Zoning Ordinance: The Zoning Ordinance of Parowan City.

#### **14.02.090 Subdivision Land Use Authority**

- A. The Land Use Authority for applications under this Title is the Subdivision Review Committee (SRC), which consists of the Planning and Zoning Administrator, the Public Works Director, and a third member appointed by the Mayor, with advice and consent of the City Council. For purposes of subdivision applications, the Subdivision Review Committee shall be responsible for the following:
  - 1. Rendering land use decisions related to applications under this Title.
  - 2. Reviewing all applications under this Title in an impartial manner and according to the standards and deadlines described in this Title.
  - 3. Providing feedback to Applicants on their applications in the manner required by this Title.
  - 4. Scheduling and holding a pre-application meeting with potential Applicants as required by this Title.
  - 5. Keeping subdivision application forms and related informational material up to date and publicly accessible and distributing such forms and materials to potential Applicants.
  - 6. Providing notice to entities and parties as required by this Title.
  - 7. Signing application approvals as required by this Title.
  - 8. Ensuring that documents are properly recorded with the County as required by this Title.

- B. As subdivision application decisions are administrative, not legislative, the Subdivision Review Committee is authorized to make any land use decision described by this Ordinance without City Council approval.
- C. Except when operating as the Appeal Authority, the City Council shall not require the Subdivision Review Committee to approve or deny any subdivision application under this Title.

### **14.02.100 Subdivision Appeals**

Appeals of land use decisions under this Ordinance (e.g., approval or denial of an application) shall be made according to Section 15.14.09

## **14.04 ENFORCEMENT AND PERMITS**

### **14.04.010 Building Inspector/Zoning Enforcement Administrator**

The Building Inspector or Zoning Enforcement Administrator of Parowan City is hereby designated and authorized as the Officer(s) charged with the enforcement of this Ordinance. These Officer(s) shall enforce all provisions of this Ordinance. The administration of this Ordinance shall be under the direction of the Planning and Zoning Board and the City Council as set for herein above.

### **14.04.020 Enforcement Procedures**

In the event of a suspected violation of this Ordinance or any other Ordinance of this City or State, Federal or other law, during the development of a subdivision, the Building Inspector shall have the responsibility and the authority to issue a stop work order in a form approved by the Planning and Zoning Commission and the City Attorney, requiring that the work in the subdivision come to an immediate stop until it can be determined whether or not a violation has occurred. In the event of such a stop work order, there shall be no civil liability accruing to the City from any effect of the stop work order; and each and every workman working on the subdivision, as well as any person in charge of work on the subdivision, shall immediately cease and desist from performing further work on the subdivision until the stop work order has been lifted.

Any person who violates the provisions of this Section by continuing to work in violation of a stop work order shall be guilty of a misdemeanor and may be punished by a fine not exceeding \$299 or imprisonment in the Iron County Jail for six months or both such fine and imprisonment

### **14.04.030 Permits**

The Building Inspector shall not grant a permit nor shall any officer grant any license or permit for the use



of any land or the construction or alteration of any building or structure on a lot which would be in violation of any State Law or rule or regulation of the State or Ordinance of this City until a subdivision plat has been approved pursuant to this Ordinance. Any license or permit issued in conflict with such provisions shall be null and void.

#### **14.04.040 Inspections**

The Building Inspector shall inspect or cause to be inspected all buildings, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair and shall establish a schedule for same inspections. Excavations for fire hydrants and water and sewer mains and laterals shall have been approved by the Planning and Zoning Commission and shall be inspected by the Building Inspector. If any such installations are covered before being inspected and approved, it shall be the duty of the applicant to uncover the installation at the request of the Building Inspector and no further work may be done on the subdivision until the inspection has been completed.

### **14.06 APPLICATION PROCESS**

#### **14.06.010 Pre-Application Meeting**

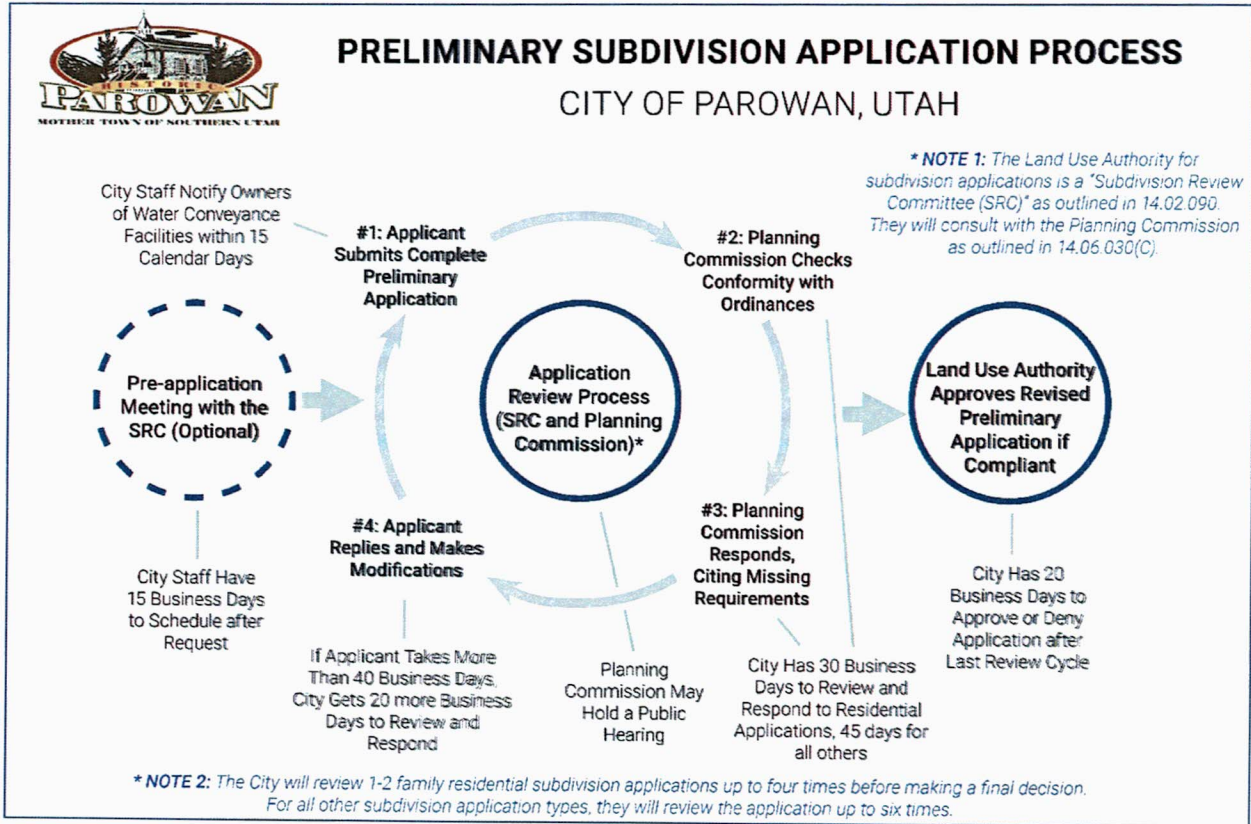
Prior to submitting a plat, an applicant may request a pre-application meeting with the SRC or other designated City staff for the purpose of reviewing any element of the Applicant's proposed subdivision application. The proposed application need not be complete for purposes of this meeting and may - if the Applicant desires - be limited to a concept plan. This Section is not mandatory, and an applicant may submit a plat plan in lieu of the concept plan.

- A. If an Applicant requests a pre-application meeting, the City shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the Applicant requesting the meeting, shall occur within 20 business days after scheduling.
- B. The SRC or delegated City staff shall conduct the meeting, provide feedback on materials as requested by the Applicant, and shall provide or have available on the City website the following at the time of the meeting:
  - a. Copies of applicable land use regulations,
  - b. A complete list of standards required for the project, and
  - c. Relevant application checklists.

#### **14.06.020 Notice to Affected Entities**

- A. Within 15 calendar days after receiving a complete subdivision application under this Chapter, City staff shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
  1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, City staff shall review information:
    - a. 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;
    - b. From the state Engineer's inventory of canals; or
    - c. 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 SRC shall not approve a subdivision application under this Chapter sooner than 20 calendar days after the Applicant submits a complete application. This waiting period does not apply to revised applications the Applicant may submit during the application review process.
  1. A water conveyance facility owner's failure to provide comments to the SRC about a subdivision application does not affect or impair the SRC's authority to approve the subdivision application.

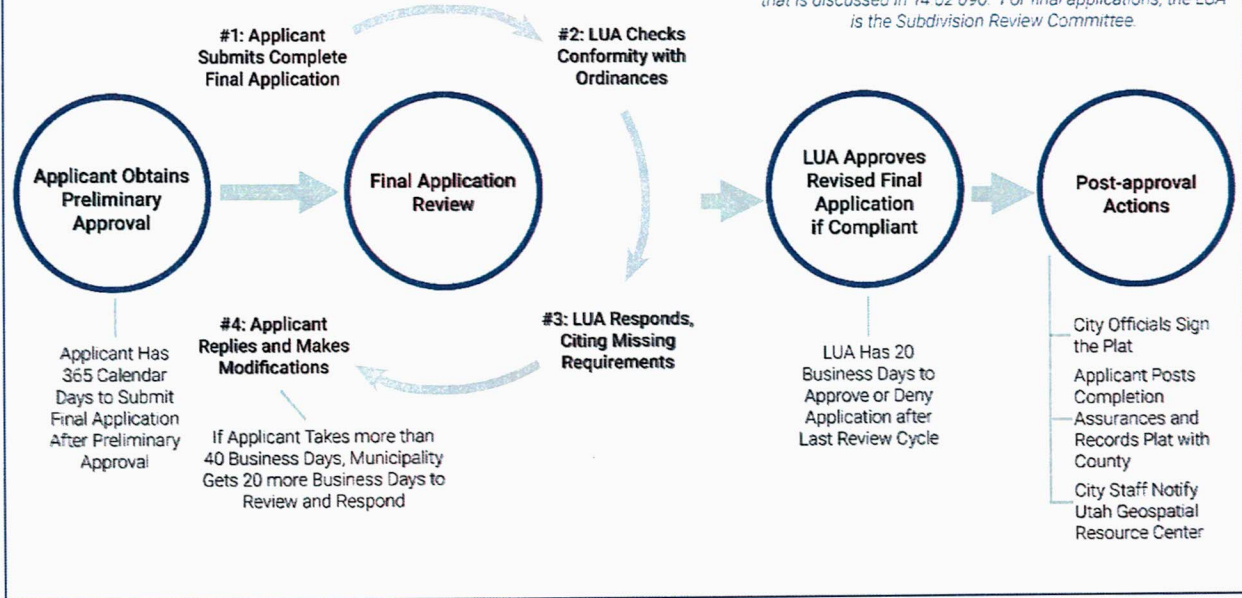
**14.06.030 Review Process**





## FINAL SUBDIVISION APPLICATION PROCESS CITY OF PAROWAN, UTAH

*NOTE: for final applications, "LUA" is the Land Use Authority that is discussed in 14.02.090. For final applications, the LUA is the Subdivision Review Committee.*



- A. The respective Land Use Authorities shall review all subdivision applications 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.
  1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
  2. 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."
  1. A review cycle consists of the following phases:
    - a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).

- b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
- c. 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.
- d. 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 City’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.

<b>Table A – Review Cycles, Hearings, and Timelines by Subdivision Use Type</b>				
<i>Application Type</i>	<i>Approval Stage</i>	<i>Max Review Phases</i>	<i>Max Public Hearings</i>	<i>City Turnaround Deadline**</i>
1-2 Family Residential*	Preliminary (LUA: Planning Commission)	3	1	30 Business Days
	Final (LUA: SRC)	1	0	30 Business Days
All Other Uses	Preliminary	6	2	45 Business Days
	Final	2	0	45 Business Days
*Includes single-family homes, duplexes, and Townhomes.				
**Describes the total time (per review cycle) the City may take to complete both Phase #2 and Phase #3.				

D. A Land Use Authority (and other City representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table A, 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.

1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the City is exempt from limits on the number of permitted review cycles and the City's deadlines for reviewing and responding (Phases #2 and #3).
  2. If the applicant makes a material change to a preliminary or final application not requested by the City 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.
  3. For both preliminary and final applications, if an applicant takes longer than 40 business days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the City 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).
  4. For both preliminary and final applications, if an applicant takes longer than 365 calendar days to submit a revised application and respond to the City'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.
  5. If the applicant has not submitted a final application within 365 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. When a preliminary or final application's review period ends, the Land Use Authority shall approve or deny the respective preliminary or final application within 20 business days.
1. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the City shall, within 10 business days:
    - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or

- b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the Appeal Authority.
- F. After the Land Use Authority provides comments in the last allotted review cycle for a final application, the City 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.
  1. 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 City waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
  2. 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.
- G. If requested by the Subdivision Review Committee, the Planning Commission may conduct one or more public hearings (up to the number described in Table A) during the review period for a preliminary subdivision application.
  1. 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.
  2. If the Subdivision Review Committee 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.
  3. The City shall not hold a public hearing during the review period for a final application under this Chapter.
- H. Other chapters of this Title notwithstanding, the Land Use Authority shall approve or deny preliminary and final applications under this Chapter after reviewing the complete applications as described in this Section.

#### **14.06.040 Approval Process**

- A. The SRC shall approve any complete subdivision application made under this Title that complies with City ordinances and state law and that shows no signs of being detrimental to the health, well-being, and safety of the residents of the City. The SRC shall issue all approvals in writing.
- B. After approval by the SRC, the plat shall be signed by the owners of the land to be subdivided, the Subdivision Review Committee members.
  - 1. The signatures on the plat of the owners of the land, and members of the SRC, when recorded, functions as an acceptance of the dedication of any streets or public places and vests the fee of those parcels of land in the City for the public for the uses named or intended in the plat. However, such a dedication does not impose liability upon the City for public streets and other public places that are dedicated in this manner but are unimproved unless adequate financial assurance has been provided in addition to the City accepting the dedication.
- C. Dedication of Culinary Water. As a part of the development, and prior to approval of any subdivision plat, the Applicant shall provide sufficient water rights on or before December 31, 1949, to adequately service the various residences, businesses or buildings to be constructed in the requested Subdivision. The amount of culinary water necessary to service the specified development shall be determined by applicable resources currently utilized by Division of Water Rights based upon the zoned purpose(s). If the purpose of a commercial development is unknown, the City Council may require additional sufficient water rights to service a specific purpose at the time a building permit is requested. The minimum amount of water rights shall be established by resolution of Parowan City in accordance with the Utah Division of Water Rights' guidelines.
- D. Costs of Conveyance. The Applicant shall, at Applicant's expense, and based upon the City's instructions, be responsible for changing the point of diversion, nature of use, and place of use for any water rights conveyed to the City. The Applicant shall also complete at Applicant's expense all documentation necessary to complete the ownership of the water right to the City.
- E. Time of Acceptance of Public Improvements. Unless the Council extends the time for acceptance of the dedicated public improvements, the dedication shall be accepted on action by the City Council, or at the expiration of one year following the completion of the public improvements. In the event the City Council does not accept the dedicated public improvements, the applicant shall be so advised in writing.

#### **14.06.050 Post-Approval Actions**

- A. The applicant shall deliver the approved and signed final subdivision plat to the City Recorder for



recording with the County Recorder's Office within 365 calendar days after the City approves the subdivision application, provided that the applicant has deeded the appropriate number of water shares to the City and has completed any improvements or posted any completion assurance required by City ordinances or described in the approved improvement plan.

1. No party shall record the plat until the water shares have been transferred and the required public improvements are completed or assured in compliance with City ordinances and the approved improvement plan.
- B. If the approved and signed plat is already in the City's possession, the applicant shall request recording and provide proof that the water shares have been transferred and the improvements have been completed or guaranteed within the timeframe required in 14.06.050(A).
- C. An approved plat not properly delivered or requested for recording within the timeline specified in Paragraphs 14.06.050(A) and (B) is void, unless the Planning and Zoning Commission approves an extension.
1. An expired application loses its vesting under prior ordinances of the City and must, if resubmitted, conform to all City ordinances in effect at the time of resubmission.
- D. City staff shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 calendar days after the application is approved, either:
1. An electronic copy of the approved plat; or
  2. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

#### **14.06.060 Subdivision Application and Plat Requirements**

- A. The City shall not approve, nor shall an Applicant record, any plat or other creating instrument for a new subdivision unless the Applicant has properly applied under this Title and received approval from the Subdivision Review Committee.
- B. To be considered complete, a **preliminary** subdivision application must include at least the following elements:
1. *General information*, including:
    - a. The name, address, telephone number and email of the applicant or developer; and
    - b. The name of any corporation, partnership, or other individuals or entities, that the Applicant is associated with in the application process; and

- c. The applicant's Engineer or surveyor's name, address and phone number; and
  - d. The applicant's attorney's name, address, and phone number, if applicable.
2. *An approved land use application* that describes how the property will be used after it is subdivided.
- a. If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the Applicant believes authorizes the intended use.
  - b. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an approved, City-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.
  - c. If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an approved, City-issued variance authorizing the intended use. Should an Applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
3. *A preliminary plat*, unless exempt under Section 14.06.070. The plat shall be a sheet of approved tracing linen having outside or trim line dimensions of twenty-six inches by thirty inches and the border of the plat shall be drawn in heavy lines leaving a space of at least one- and one-half inches on the left side and at least one-half inch margin on the other sides. The plat shall be so drawn that the top of the drawing faces either north or west, whichever better accommodates the drawing. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black "India drawing ink". The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch; and workmanship on the finished drawing shall be neat, clean cut and readable. The plat shall be signed by all persons required to sign the plat pursuant to this Ordinance and the plat shall contain the following information:
- a. A north point and scale of the drawing and the date.
  - b. The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office, and the general location of the subdivision in bold letters at the top of the sheet
  - c. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision properly tied to public survey monuments.

These lines should be slightly heavier than street and lot lines. All parcels on the plat must comply with the lot size requirements of Section 14.12.110.

- d. The description of the boundaries of the subdivision together with a certification by the applicant's Engineer stating that the lots described comply with the requirements of the City's Zoning Ordinance.
- e. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
- f. The name, widths, lengths, bearings and curve data on center lines or proposed streets, alleys and easements; also, the boundaries, bearings and dimensions of all portions within the subdivision 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. All proposed streets shall be numbered in accordance with and in conformity with the adopted street naming and numbering system. Each lot shall show the street address assigned thereto. In the case of corner lots, an address will be assigned as most appropriate to ensure continuity and consistency with surrounding buildings and addresses.
- g. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
- h. Whether any parcel is intended to be used as a street or for any other public use.
- i. Whether any parcel is reserved or proposed for dedication for a public purpose.
- j. 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).
- k. 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).
- l. 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).
- m. 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).
- n. 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.

- o. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.
- p. Where the plan submitted covers only a part of the applicant's tract or is part of a larger vacant area, the plan shall show the location of the subdivision as it forms part of the larger tract or parcel of land. In such a case, a sketch of the prospective future street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
- q. Sufficient information to locate accurately the property shown on the plan.
- r. The names and addresses of the applicant, the Engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided as shown in the records of the County Recorder.
- s. Contour maps at appropriate intervals where required by the SRC.
- t. Existing sanitary sewers, storm drains, water supply mains and culverts within the tract or within three hundred feet of the boundaries of the proposed subdivision.
- u. The location, widths and other dimensions of proposed streets, alleys, easement, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the City.
- v. The location, principal dimension and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within five hundred feet of the boundary thereof, whether recorded or claimed by usage, the location of and dimensions to the nearest existing bench-mark or monument, and section line, the location and principal dimensions for all water course, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including exceptional topography, and airports.
- w. The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, public buildings, pumping stations or appurtenances, within the subdivision or within five hundred feet thereof.
- x. Proposed off-site and on-site water facilities, sanitary sewers, storm drainage

facilities, and fire hydrants.

- y. A tentative plan by which the applicant proposes to handle a twenty-five-year storm water drainage for the subdivision.
- z. Each sheet of the plan shall contain the name of the project, scale (not less than one hundred feet to the inch), sheet number, and the north arrow.
- aa. Boundary lines of adjacent tracks of unsubdivided land, showing ownership and property monuments.
- bb. Date of Preparation.
- cc. Signature blocks (for use after approval) for the owners of the land to be subdivided, and three signature lines for the Subdivision Review Committee.)
- dd. A Preliminary Title Report prepared by a Title Company within three months of the date of submission of the plat.
- ee. Payment of a non-refundable plan check fee for each lot within the subdivision in the amount to be established by resolution of the Parowan City Council. The fee shall be paid on or before the date the plat is submitted for approval by the Planning Commission.
- ff. The registered professional engineer and/or land surveyor's "Certificate of Survey".

(1) The form of the professional Surveyor's or Engineer's certificate shall be substantially as follows:

Surveyor's Certificate

I, \_\_\_\_\_, a registered Professional Engineer and Land Surveyor, hold Certificate No. \_\_\_\_\_ as prescribed by the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plan which is accurately described herewith, and have subdivided the tract of land into lots and streets to be hereafter known as \_\_\_\_\_, and that the same has been surveyed and staked on the ground as shown on this plat.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Registered Land Surveyor \_\_\_\_\_

gg. The owner's Certificate of Dedication.

(1) The form of the owner's dedication shall be substantially as follows:

Owner's Dedication

Know all by these presents that we the undersigned owners of the described tract of land below, having caused the same to be subdivided into lots and streets to hereafter be known as ,do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use, and so warrant, defend, and save the municipality harmless against any easements or other encumbrances on the dedicated streets which will interfere with the municipality's use, operation, and maintenance of the streets and do further dedicate the easements as shown.

In witness whereof, we have hereunto set our hands this day of \_\_\_\_\_, \_\_\_\_\_.

Owner(s) Acknowledgment

State of Utah)

: ss

County of Iron)

On the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_, personally appeared before me the undersigned Notary Public, in and for the County of Iron, State of Utah, the signer of the above Owner's Dedication, \_\_\_\_\_ in number, who duly acknowledged to me that \_\_\_\_\_ signed it freely and voluntarily and for the uses and purposes therein mentioned.

Notary

Public \_\_\_\_\_

Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Corporate Acknowledgment

State of Utah)

: ss

County of Iron)

On this day of \_\_\_\_\_ A.D., \_\_\_\_\_ personally appeared before me, the undersigned Notary Public, In and for the State of Utah and County of Iron, who after being duly sworn, acknowledged to me that \_\_\_\_\_, a \_\_\_\_\_ Corporation, that \_\_\_\_\_ signed the Owner's Dedication freely and

voluntarily for and in behalf of the Corporation for the purposes therein mentioned and that the Corporation executed the same.

Notary

Public \_\_\_\_\_

Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

- hh. A Notary Public's acknowledgment.
  - ii. The City Engineer's approval or the approval of the Subdivision Review Committee.
  - jj. The City Attorney's approval.
4. *A statement of restriction on occupancy* providing that no human occupancy will be allowed within the subdivision until all improvements have been completed.
- a. The form of the occupancy shall be substantially as follows:

*Occupancy Restriction*

*Parowan City has an Ordinance which restricts the occupancy of buildings within this subdivision. Accordingly, it is unlawful to occupy a building located within this subdivision without first having obtained a Certificate of Occupancy issued by the Building Inspector, which Certificate will be issued after all improvements are completed.*

- 5. *A vicinity map*, drawn at a scale not less than one-inch equals two thousand feet (1" = 2,000'), showing the perimeter of the plat, access points, abutting subdivision outlines and names, and other relevant information within one-half (0.5) mile of the perimeter of the proposed plat.
- 6. *A traffic study*, if one is required by an applicable UDOT Access Management Plan.
- 7. *An Improvement Plan* and drawings, created in accordance with applicable portions of Chapters 14.12 and 14.14 of this Title, for all public improvements proposed by the applicant or required by City ordinances. In addition to the requirements in Chapters 14.12 and 14.14, the improvement plan must contain:
  - a. City Engineer's estimate of the cost of completing the required improvements.
  - b. A description of proposed water facilities, including pipe diameters, valve locations, fire hydrant locations, water sources, water rights, reservoirs, pumps

and design calculations.

- c. Septic design drawings.
  - d. A description of planned excavation or grading of areas requiring in excess of three-foot (3') cuts or fills.
  - e. Street plans showing proposed grades, curb-gutter, sidewalks, and typical street cross sections.
  - f. Environmental Impact Analysis shall be prepared, if the SRC deems necessary, indicating or describing the measures that will be taken with respect to:
    - (1) Control of erosion and dust;
    - (2) Reseeding of cuts and fills;
    - (3) Disposition of any geologic hazard and/or soil conditions which may cause injury or damage to improvements;
    - (4) Disposal of surface water;
    - (5) Prevention of fire, and accumulation of weeds and debris;
    - (6) Preservation of natural drainage channels.
8. *A site plan* showing proposed dwelling locations and driveway locations for each lot where sensitive or special topographic and geologic conditions exist. The SRC may determine, after review of the application, that lot site plans are required because existing conditions merit more specific details or requirements for developing specific lots.
9. *Proof of sufficient water rights* for the proposed development.
10. *A feasibility study* that demonstrates the feasibility of the proposed water and septic systems necessary to meet the requirements of this Title, including a written certification from the State Health Department that all lots in the subdivision are tested and are found adequate for installation and operation of septic tank systems in concurrence with State Health Department regulations.
11. *Certifications*, including:
- (1) A Title Report 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 subdivision application and their dedication and approval of the plat.

(5) Certification that the surveyor who prepared the plat:

(1) Holds a license in accordance with Utah Code 58-22; and

(2) Either:

(A) Has completed a survey of the property described on the plat in accordance with state requirements 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

(3) Has placed monuments as represented on the plat.

12. *An evaluation of consumptive use* of the culinary water supply necessary to service said proposed development.

13. *Restrictive Covenants Contract/CC&Rs*, if any.

14. *A completion assurance* for all public improvements required by the improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the Applicant records the plat, as required by Chapter 14.12 of this Ordinance.

15. *Payment* of all application-processing fees required by the City.

C. To be considered complete, a **final** subdivision application must include at least the following elements:

1. *General information*, including:

a. The name, address, telephone number and email of the applicant or developer.

- b. The applicant's agent, if there is one;
  - c. The applicant's Engineer or surveyor's name, address and phone number; and
  - d. The applicant's attorney's name, address, and phone number, if applicable.
2. *The approved land use application from the preliminary application* that describes how the property will be used after it is subdivided.
- a. If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the Applicant believes authorizes the intended use.
  - b. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an approved, City-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.
  - c. If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an approved, City-issued variance authorizing the intended use. Should an Applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
3. *A final plat*, unless exempt under Section 14.06.070. The final plat should be the version of the preliminary plat approved by the City 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.
4. *A statement of restriction on occupancy* providing that no human occupancy will be allowed within the subdivision until all improvements have been completed.

- a. The form of the occupancy shall be substantially as follows:

*Occupancy Restriction*

*Parowan City has an Ordinance which restricts the occupancy of buildings within this subdivision. Accordingly, it is unlawful to occupy a building located within this subdivision without first having obtained a Certificate of Occupancy issued by the Building Inspector, which Certificate will be issued after all improvements are completed.*

5. *The approved vicinity map from the preliminary application*, drawn at a scale not less than one-inch equals two thousand feet (1" = 2,000'), showing the perimeter of the plat,

access points, abutting subdivision outlines and names, and other relevant information within one-half (0.5) mile of the perimeter of the proposed plat.

6. *The improvement plan approved in the preliminary application.*
7. *The approved site plan from the preliminary application. The site plan must show proposed dwelling locations and driveway locations for each lot where sensitive or special topographic and geologic conditions exist. The SRC may determine, after review of the application, that lot site plans are required because existing conditions merit more specific details or requirements for developing specific lots.*
8. *Proof of sufficient water rights for the proposed development.*
9. *The approved feasibility study from the preliminary application that demonstrates the feasibility of the proposed water and septic systems necessary to meet the requirements of this Title, including a written certification from the State Health Department that all lots in the subdivision are tested and are found adequate for installation and operation of septic tank systems in concurrence with State Health Department regulations.*
10. *Certifications, including:*
  - (1) A Title Report 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 subdivision application and their dedication and approval of the plat.
  - (5) Certification that the surveyor who prepared the plat:
    - (4) Holds a license in accordance with Utah Code 58-22; and
    - (5) Either:
      - (A) Has completed a survey of the property described on the plat in accordance with state requirements 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

(6) Has placed monuments as represented on the plat.

11. *An evaluation of consumptive use* of the culinary water supply necessary to service said proposed development.
  12. *Restrictive Covenants Contract/CC&Rs*, if any.
  13. *The approved completion assurance from the preliminary application* for all public improvements required by the improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the Applicant records the plat, as required by Chapter 14.12 of this Ordinance.
  14. *Binding dedication documents*, including:
    - a. Proof of enough water rights for the subdivision and a resolution, drafted by the City, stating the minimum amount of water rights to be transferred to the City for the subdivision.
      - (1) Water rights must be transferred to the City and proof shown to the Planning and Zoning Commission in order to receive final approval.
    - b. As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, and other spaces.
    - c. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
  15. *An electronic copy of all plans* in PDF format.
  16. *Payment* of all application-processing fees required by the City.
- D. The Subdivision Review Committee shall produce, maintain, and make available to the public a list of the specific items that comprise complete applications and a breakdown of any fees due upon submission or approval of the applications.
- E. The Subdivision Review Committee may require, and the Applicant shall provide, additional information beyond the requirements of this Section or those published by the City relating to an

Applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of City residents.

### **14.06.070 Exceptions to Specific Application Requirements**

#### **A. Agricultural Land:**

1. Applications to subdivide agricultural land are exempt from plat requirements (but not the other application requirements) of Section 14.06.060, if the resulting parcels:
  - a. Qualify as land in agricultural use under Utah Code §59-2-502;
  - b. Meet the minimum size requirement of applicable City land use ordinances; and
  - c. Are not used and will not be used for any nonagricultural purpose.
2. For subdivision applications for which this exception applies, an Applicant may submit to the City—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
3. If the City approves a subdivision application based on a record of survey map, the Applicant shall record the map, signed by the City, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Sections 14.06.040 and 14.06.050.
4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, impose the penalty in Section 14.02.060 and/or require a subdivision amendment before issuing a building permit.

#### **B. Minor Subdivisions:**

1. Applications to subdivide land are exempt from the plat requirements (but not the other application requirements) of Chapter 14.06.060, as well as, the improvement plan requirements and standards in the applicable portions of Chapters 14.12 and 14.14 of this Title, if the subdivision:
  - a. Results in no more than four (4) parcels;
  - b. Is not traversed by the mapped lines of a proposed street (as shown in the Parowan General Plan), City easement, or any other land required for or intended to be dedicated for public purposes;
  - c. Has been approved by the culinary water authority, the sanitary sewer authority (if applicable), and the Southwest Utah Public Health Department;

- d. Is located in a zoned area; and
  - e. Is already serviced by an existing and improved street such that no public improvements are required.
2. For subdivision applications for which this exception applies, an applicant may submit to the City—in place of a plat—both:
    - a. A record of survey map that illustrates the boundaries of the parcels; and
    - b. A legal metes-and-bounds description that describes the parcels illustrated by the survey map.
  3. If the City approves a subdivision application based on a record of survey map and metes-and-bounds description, the applicant shall record the map and description, signed by the City, with the County Recorder’s Office. This shall be done in the same manner as is done for a plat under Chapters 14.06.040 and 14.06.050, except that the City shall also provide the notice required in Utah Code §10-9a-605(1).

**C. Development Agreements:**

1. At the request of an applicant, the City may approve a subdivision through a development agreement entered into between an applicant and the City.
  - a. The City Council shall not enter into any development agreement until the Planning and Zoning Commission has held a public hearing and provided a recommendation to the City Council.
2. Subdivisions platted in a valid development agreement are exempt from the application and review and approval requirements of this Title.

- D. Clauses in a valid development agreement with the City superseded all conflicting requirements in this Title, except where a clause in the development agreement poses a substantial danger to the health and safety of City residents.

## **14.08 AMENDMENTS AND LOT LINE ADJUSTMENTS WITHIN A SUBDIVISION**

### **14.08.010 Amendments to Subdivisions**

- A. **Vacating a Subdivision:** The City Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office.
- B. **Immaterial Corrections:** A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.
- C. **Material Subdivision Amendments:**
1. A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the City Council. This petition must meet all the requirements for a subdivision application specified in Chapter 14.06.060, with the following changes:
    - a. The plat (or the record of survey map, for plat exempt subdivisions) should:
      - (1) Depict only the portion of the subdivision that is proposed to be amended;
      - (2) Include a plat name distinguishing the amended plat from the original plat;
        - (a) Subdivision names must be unique within County records.
      - (3) Describe the differences between the amended plat and the original plat;
      - (4) Include references to the original plat; and
      - (5) Meet all the other plat requirements specified in Chapter 14.06.060.
    - b. The petition must include the name and address of each property owner affected by the petition and the signature of each of those property owners who consent to the petition.
    - c. The petitioner must include with the petition envelopes addressed to each property in the subdivision.
  2. Upon receipt of an amendment petition, the City Council (or City staff, as delegated) shall provide notice of the petition to:
    - a. Each utility provider that services a parcel of the subdivision. The City shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The City may notify the utility providers in any effective manner (email, mail).

- b. Each property owner in the subdivision. The City shall notify these property owners by mail.
3. The City Council shall hold a public hearing, before approving an amendment petition, and within 45 calendar days after the day on which the petition is submitted if:
  - a. A property owner objects in writing to the amendment within 10 days of the City notifying the property owner by mail, or
  - b. Not every property owner in the subdivision has signed the revised plat.
4. Notwithstanding Section 14.08.010(C)(3), the City Council needs not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
  - a. Join two or more of the petitioner's contiguous lots;
  - b. Subdivide one or more of the petitioner's lots;
  - c. 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;
  - d. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
  - e. 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 or designated as a common area.
5. If the City Council approves the amendment petition, it must be signed by the City Council and signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended. Then the petitioner shall record the plat, subject to the completion or guarantee of any improvements, as described in Chapter 14.10.
6. Any amendment petition the City Council approves must identify and preserve any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

#### **14.08.020 Adjacent Lot Line Adjustments**

- A. The owner of record of adjacent parcels that are described by either a metes-and-bounds description or a recorded plat may combine title to those parcels if the exchange of title is approved by the Planning and Zoning Commission, in accordance with item 2 below.



- B. The Planning and Zoning Commission shall approve an exchange of title under this ordinance if:
1. No new dwelling lot or housing unit will result from the exchange of title and
  2. The exchange of title will not result in a violation of applicable zoning requirements.
- C. If an exchange of title is approved, a notice of approval shall be recorded by the Planning and Zoning Commission, in the office of the County Recorder which:
1. It is executed by each owner included in the exchange and by the Planning and Zoning Commission.
  2. Contains an acknowledgment for each Applicant executing the notice in accordance with the provisions of Title 57, Chapter 2a "Utah Code Annotated Recognition of Acknowledgments Act; and
  3. Recites the descriptions of both the original parcels and the parcels created by the exchange of title, if applicable.
- D. The owner of record of two adjacent parcels that are described by either a metes and bounds description or a recorded plat may combine the lot lines from those parcels if the removal of title is approved by the Planning and Zoning Commission, in accordance with items 2 and 3 above.

### **14.08.030 Modification Of Requirements**

Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, previously developed areas in which necessary subdivision improvements cannot be properly installed at the present time or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause an unusual and unnecessary hardship on the Applicant or the City, the Planning and Zoning Commission and the governing body may waive, modify or adjust the requirements of this ordinance or installation of certain improvements. In granting the change, the Planning and Zoning Commission may impose such additional conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived, adjusted, or modified. Any change authorized shall be entered in the minutes of the Planning and Zoning Commission and the City Council, together with the circumstances that justified the changes granted. The decision of the Council shall prevail when in conflict with the decision of the Planning and Zoning Commission. Parowan City reserves the right to record with the Iron County Recorder's Office any waivers, adjustments or modifications it deems appropriate with regard to any variances to this Ordinance.

The City reserves the right to file a recording of any conditions imposed by the City Council on the affected property.

## **14.10 SUBDIVISION IMPROVEMENTS REQUIRED**

### **14.10.010 Application Of Required Improvements**

The improvements required by this Ordinance apply to all applicants and to all persons that purchase, lease, rent or receive any interest in any land which is located within a subdivision.

### **14.10.020 Enabling Clause**

It shall be the responsibility of the Planning and Zoning Commission, with the approval of the City Council, to prepare, formulate, and reduce to writing general requirements for improvements and construction design to be required within subdivisions in this City. These requirements and design standards shall be distributed to applicants seeking to develop property within this City and shall have the force and effect of law. It shall be the responsibility of the Planning and Zoning Commission to administer the application of these requirements and standards, and it shall be the responsibility of the Building Inspector to enforce these standards. These standards shall cover such subjects as standards for construction drawings, content of construction drawings, provisions for inspections, guaranteeing of work, standards for the use of soil within the subdivision, standards for asphalt paving and cement use, standards for telephone service, standards for installation of pipelines, standards for pipe fittings and the use thereof, standards for the installation of manholes and other provisions for the maintenance, cleaning, and testing of water and sewer lines, standards for the installation of electrical facilities, and other such standards and requirements as to Planning and Zoning Commission may seem necessary.

### **14.10.030 Completion Of Required Improvements**

The improvements required by this Ordinance shall be constructed, installed and maintained by the applicant until accepted by the City and the plat is recorded in the office of the County Recorder, unless the construction, installation, and maintenance of the improvements is guaranteed in the manner provided hereafter. Improvements shall not be installed or constructed until their location and specifications have been approved by the City Engineer and/or Public Works Director. Unless a guarantee of improvements as set forth hereinafter is provided by the applicant, the City shall not accept the improvements or allow the plat to be recorded in the office of the County Recorder until the improvements are actually installed. The provisions of this Chapter do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

### **14.10.040 Order Of Making Improvements**

Unless waived in writing by the Planning and Zoning Commission, the underground utilities, water and

sewer laterals and fire hydrants shall be installed prior to surfacing the streets and installing road base, curbs, gutters and sidewalks.

#### **14.10.050 Guarantee of Improvements, Completion Assurances, and Warranties**

- A. In lieu of the actual completion and acceptance by the City Council of the improvements required by this ordinance and before approval of the plat by the Subdivision Review Committee, the applicant shall guarantee the installation and construction of the required improvements within one (1) year from the date of approval of the plat and shall guarantee that the improvements shall be maintained in a state of good repair, free from defective material or workmanship for a period of one year from the date of completion. If an Applicant elects to guarantee any required improvement, the Applicant shall provide completion assurance for one hundred ten percent 110% of the cost of the improvement.
- B. For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an Engineer's estimate or licensed contractor's bid and approved by the City Engineer.
- C. The City shall accept any of the following forms of guarantee for an improvement:
  - 1. **Bond.** The subdivision shall furnish and file with the City Recorder a bond with a corporate surety in an amount equal to the cost of the improvements not previously installed as estimated as detailed in PMC 14.10.050 (B) to assure the installation and construction of such improvements within one year immediately following the approval of the subdivision plat by the City Council, which bond shall be approved by the City Council and City Attorney and which bond shall guarantee that the improvements shall be maintained in a state of good repair, free from materials or workmanship defects for a period of one year from the date of completion. After one (1) year following the completion of the improvements for which a surety or cash bond has been filed, the applicant shall call for inspection by the Building Inspector or Public Works Director, such inspection to be made within five days from the date of request. If inspection shows that the standards and specifications have been met in completion of such improvements, the bonds therefore shall be released within fourteen (14) days from the time of inspection.
  - 2. **Escrow.** The applicant shall deposit with any insurance company, bank or savings and loan institution in an escrow account an amount of money equal to at least one hundred twenty-five percent of the costs of the improvements required by this Ordinance, which improvements have not previously been accepted by the City. The costs of the improvements not accepted or not installed or constructed shall be determined as detailed in PMC 14.10.050 (B). The escrow agreement shall be subject to approval by the City Attorney and shall be signed by the applicant, the City and the escrow holder, and shall contain substantially the following language:

AGREEMENT

*The undersigned hereby promises and warrants that it has on deposit in an escrow account for the benefit of Parowan City the sum of \$ \_\_\_\_\_ which represents at least one hundred ten percent 110% of the estimated costs of the improvements not accepted by the City and not constructed or installed by the Applicant of the subdivision.*

*The undersigned hereby agrees that the foregoing sum of money shall be used exclusively for the purpose of paying for the costs of materials, and construction and installation of the improvements required by the City's subdivision Ordinances. The undersigned further agrees that the money held in an escrow account shall be paid out to the contractors installing and constructing the required improvements only upon an order executed by the applicant and by an authorized officer of the City.*

*The applicant shall not withdraw from the escrow account any amount in excess of one hundred ten percent 110% of the estimated cost of the improvements but shall pay from other sources any costs for such improvements which exceed one hundred ten percent 110% of the costs estimated by the City Engineer.*

*A sum equal to 10% of the estimated costs of improvements shall remain with the escrow holder for a period of one year after all improvements are made and completed.*

*If, after one year, all or any part of the required improvements are not installed, constructed, and maintained according to the standards required in the City's Subdivision Ordinance, the City shall notify in writing the applicant and the escrow holder of the defects and shall make demand on the applicant that the defects be corrected. If the defects are not corrected within thirty days, the City may correct the defects and charge to the escrow holder the costs of correcting the defects.*

*The escrow holder shall, on receiving reasonable proof from the City of the defect and that the City has incurred the cost of correcting the defect, pay to the City from the escrow account the cost of correcting the defect and the escrow holder shall be held harmless by the parties by reason of the payment of the City.*

*If, after one (1) year after the council has accepted the improvements required by its Subdivision Ordinance, the required improvements remain substantially free from latent defects, the City shall certify such fact to the escrow holder and the escrow holder shall release to the applicant the money still held in the escrow account and the escrow holder shall be discharged of its obligations to the City.*

---

*(Authorized Signature)*

The escrow agreement may contain such additional provisions as the parties deem

necessary.

- 3. Irrevocable Letter of Credit.** The applicant shall file with the City an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institute which letter shall contain provisions substantially similar to that required in the escrow agreement. The form of the irrevocable letter of credit shall be substantially as follows:

*Name & Address of Bank*

*Irrevocable Letter of Credit*

*To: Name of City Date: \_\_\_\_\_*

*Municipal Council Letter of Credit No.: \_\_\_\_\_*

*Gentlemen:*

*We hereby establish our irrevocable letter of credit in your favor for the account of \_\_\_\_\_ (Applicant's Name & Address) up to the aggregate amount of \$\_\_\_\_\_ (amount available by your draft(s) drawn at sight on \_\_\_\_\_ (name of bank & bank address) accompanied by \_\_\_\_\_ (here insert terms which give City control over payments). The terms would ordinarily read:*

*"A statement signed by an officer of \_\_\_\_\_ (name of City) dated not later than \_\_\_\_\_ (insert estimated completion date plus a couple of months leeway) as follows: "we certify that on-site improvements related to the \_\_\_\_\_ (insert name of subdivision) have not been completed in accordance with municipal Ordinances and that this drawing represents the amount necessary to complete those on-site improvements."*

*"We hereby agree with the drawers, endorsers and bona fide holders that all drafts under and in compliance with the terms of this credit will be duly honored upon presentation and delivery of documents as specified to the drawee or drawn and presented for negotiation on or before \_\_\_\_\_ (insert completion date above set forth) at our bank.*

*Sincerely,*

\_\_\_\_\_

*Authorized Bank Officer*

- 4. Trust Deeds.** The applicant shall provide the City with trust deeds to lots within the subdivision estimated as detailed in PMC 14.10.050 (B) to have an unencumbered fair market value at least equal to one hundred ten percent (110%) of the estimated costs of the improvements required by this ordinance. The trust deeds shall be in favor of the City and shall be in a form acceptable for filing in the office of the County Recorder.

The City shall release all of the trust deeds held by it whenever it finds that the applicant has installed and constructed the improvements required by this Ordinance and that the improvements have remained free from latent defects for one (1) year after acceptance by the City Council.

In the event the applicant fails to complete the required improvements within a period of two (2) years after acceptance, the City may cause the lots to which it holds trust deeds to be sold and to apply the proceeds to make the required improvements. The City shall not sell any lots to which it holds trust deeds without first making written demand on the applicant in which the applicant shall be advised of the reasons he or she has failed to install, construct, or maintain the required improvements. The written demand shall state that the applicant has fifteen (15) days to make the necessary installation, construction or repair, which time may be extended by the City at its sole discretion, and that the City will make the necessary installation, construction or repair if the applicant does not do so within the time permitted and that the City will sell the lots to which it holds trust deeds to cover the costs to the City.

The City shall pay to the applicant any proceeds it receives from the sale of lots which exceeds the costs to the City of installing, constructing or repairing the required improvements.

5. **Deposit with the City.** The applicant shall deposit with the City a sum equal to one hundred ten percent (110%) of the costs of the required improvements not installed, constructed or accepted by the City as detailed in PMC 14.10.050 (B). The applicant shall have the right to draw against the account with the City all sums to one hundred percent of the estimated amount which shall be paid to the order of persons installing, constructing or maintaining the improvements. The City shall hold the additional ten percent (10%) to guarantee that the improvements are installed, constructed and maintained until accepted by the City. The City may, after making written decisions on the applicant in the manner required by the preceding Section, install, construct, or repair the improvements and pay such costs from the applicant's account after the City Council accepts the improvements.
6. **Covenant.** As an alternative to the foregoing or in conjunction therewith the applicant may be required to execute and acknowledge in a form capable of recording in the office of the County Recorder, a written agreement with the City by which the applicant covenants that he will not sell, lease or convey any of the subdivided property to anyone whomsoever unless he shall first, as a condition precedent thereto, satisfy the foregoing requirements of the Sections set forth hereinabove. The agreement shall specifically provide that it shall be deemed to be a covenant running with the land to secure the installation of all the improvements required by this Ordinance together with a payment of all costs, including a reasonable attorney's fee, which the City may incur in enforcing any of the terms and provisions of the agreement. The lien may be released by the City when the applicant complies with the requirements set forth in the foregoing requirements.

- D. The City shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the City has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.

### **14.10.060 Release**

The City Council is authorized from time to time, at the request of the applicant or his successors in interest, to release of record from the burden of the covenant and lien aforesaid all lots and parcels of land or portions thereof for which the covenant and agreement has been fully performed by any of the methods of guarantee above set forth.

### **14.10.070 Orderly Development Required**

Whenever the applicant shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the improvements will be made available for the full, effective and practical use and enjoyment by the purchasers, grantees, assignees, transferrers or lessees or any of the lands subdivided within the time specified hereinabove.

## **14.12 DESIGN STANDARDS**

### **14.12.010 Subdivision Design Standards, Generally**

The following standards shall apply to the design and construction of all improvements required by City ordinances:

- A. The current (2017) edition of the Manual of Standard Specifications published by the Utah Chapter of the American Public Works Association (APWA), as amended. References to “owner” shall mean Parowan City and references to “Engineer” shall mean Parowan City’s Engineer.
- B. The current (2017) edition of the Manual of Standard Plans published by the Utah Chapter of the American Public Works Association (APWA), as amended.
- C. The lot and zoning restrictions of the Parowan Land Use and Development Ordinance (Title 15).
- D. Any other requirements in this Title.

### **14.12.020 Street Design**

Applicants shall locate streets within the subdivision so that the streets will connect with existing streets. Streets shall be located and designed so that the adjoining land shall not be diminished in value. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided. Half streets on the boundary of a subdivision are prohibited. Half streets are described as a portion of a street within a subdivision or on its boundary comprising one-half the minimum required right-of-way on which the improvements are constructed and in accordance with one-half of an approved typical street cross-section.

### **14.12.030 Angle Of Minor Streets**

Minor streets shall approach the major or collector streets at an angle of at least eighty degrees.

### **14.12.040 Streets To Conform To Master Transportation Plan**

Major and collector streets shall conform to the width designated of the Master Transportation plan wherever a subdivision is in an area for which a Master Transportation plan has been adopted. For territory where such street plan has not been completed at the time the subdivision plat and application is submitted to the SRC, all arterial, collector and local streets shall be required to conform to the Street Design Standards Table found in the Engineering standards (Engineering Standards Section 3 Table 3.1).

### **14.12.050 Minimum Width**

Street widths will be determined by the most recently adopted Engineering standards and Typical Sections as defined in the City's Master Transportation Plan.

### **14.12.060 Alleys**

Alleys shall have a minimum width of twenty 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 and Zoning Commission.

### **14.12.070 Cul-de-Sacs**

Cul-de-sacs must be terminated in a turn-around not less than one hundred ten feet in diameter. If surface water drainage is into the turn-around due to the grade of the streets, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead-end exists.



### **14.12.080 Natural Drainage and Other Easements**

The Planning and Zoning Commission shall, unless waived for good and sufficient cause, require that easements for drainage through a subdivision and adjoining property be provided by the applicant; and easements of not less than fifteen feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision.

### **14.12.090 Service Roads**

Service roads paralleling major streets shall be required unless the Planning and Zoning Commission approves double frontage lots which may back onto major highways or collector streets as designated on the Master Transportation plan. Where lots back onto a major highway or collector street, a buffer strip of trees or shrubs shall be provided at a width of ten feet or wider, but in no case less than ten feet if thought to be necessary by the Planning and Zoning Commission.

### **14.12.100 Protection Strips Prohibited**

Protection strips are prohibited. Plats shall not be approved where a proposed subdivision plat or any proposed or actual street to a subdivision cuts off access to the proposed or actual streets by adjacent property owners unless approved in advance by the SRC and/or Planning and Zoning Commission.

### **14.12.110 Lots**

- A. All lots shown on the subdivision plat shall conform to the minimum requirements of the Zoning Ordinance for the zone in which the subdivision is located, and to the minimum requirements of the Planning and Zoning Commission, and the Board of Health for sewage disposal. The minimum width for any residential building lot shall be as required by the Zoning Ordinance.
- B. All lots shall abut a dedicated street, a public street, or a street which has become public by the right of use. Streets shall be at least sixty (60) feet wide. In the event a lot abuts a public right-of-way created by use, the applicant shall improve the right-of-way to the standards required by this Ordinance.
- C. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
- D. Side lines of lots shall be at right angles or radial to the street line.
- E. All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain lot remnants.
- F. Where the land in 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 held in either single or joint ownership before approval of the plat and such ownership shall be recorded in the office of the County Recorder.

- G. No subdivision is permissible that does not comply with the lot size, frontage, width, depth, and all other requirements of the Parowan Land Use and Development Ordinance (Title 15).

## **14.14 SUBDIVISION IMPROVEMENTS**

### **14.14.010 Time of Construction**

The improvements required by this Ordinance shall be installed prior to recording the plat, except as provided in Section 14.10.040 herein. Improvements shall not be installed until their location and specifications are approved by the Public Works Director and/or the Building Inspector. Water and sewer mains and laterals and fire hydrants shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters, and sidewalks.

### **14.14.020 Streets on Property of Other Public Agencies or Utility Companies**

Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company by the applicant prior to approval of the plat.

### **14.14.030 Street Improvements**

All streets shall be constructed by the applicant in accordance with the standards, rules and regulations adopted by the City Council and Planning and Zoning Commission pursuant to this Ordinance.

### **14.14.040 Curbs, Gutters, and Sidewalks**

Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the applicant in all subdivisions except where the installation of such curbs, gutters, and sidewalks is not required by the Planning and Zoning Commission or the City Council and the installation thereof is waived in writing at the time of approval of the plat.

### **14.14.050 Water Supply**

A culinary water supply which must be approved by the appropriate State agency and by the Planning and Zoning Commission shall be available to each lot in the subdivision and shall be provided in conformance

with the standards and rules and regulations of the City. Where an approved public water supply is available, the applicant shall install water mains and service lines or laterals from such mains to each lot within the subdivision prior to the installation of road base, surfacing, curbs and gutters and sidewalks.

#### **14.14.060 Fire Hydrants**

Fire hydrants shall be installed by the applicant at locations determined by the fire department, the building inspector, the appropriate State agency, and approved by the Public Works Director.

#### **14.14.070 Sewage Disposal**

Sewage disposal systems shall be provided and must meet municipal and state codes and regulations for each lot in the subdivision. Said sewer systems shall be installed before the installation of road base, surfacing, curbs, gutters and sidewalks, unless waived by the Planning and Zoning Commission.

#### **14.14.080 Surface Water**

If the subdivision is within an area where there is a storm water run-off, the applicant shall construct and install a storm water drainage system within the subdivision which shall be constructed of materials and according to the specifications of the water storm drain plan or according to generally accepted Engineering standards based on a twenty-five-year storm.

#### **14.14.090 Ditches and Canals**

Open ditches or canals are prohibited within or adjoining a subdivision except along rear or side lot lines. Where there is an open ditch or canal, the applicant shall install a six-foot chain-link fence, or the equivalent thereof along the ditch or canal adjacent to the subdivision.

#### **14.14.100 Landscaping**

The Planning and Zoning Commission may require applicants to provide ground cover where it determines that soil erosion may be a problem, that surface water may flood portions of the City or damage municipal property, to prevent the growth of noxious weeds which may become a nuisance or fire hazards or endanger the public health and may specify the types of ground cover.

#### **14.14.110 Monuments**

Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by the Planning and Zoning Commission. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner.

#### **14.14.120 Street Signs**

- A. Unless the City provides the signs, the applicant shall be responsible for furnishing and installing any necessary street signs. The names of streets and the design of the street sign shall be approved, in advance, by the Planning and Zoning Commission.
- B. In the event that any road or street in any subdivision shall terminate at or within fifty feet of any ditch, canal, creek, waterway, or other obstruction which, in the opinion of the Planning and Zoning Commission or the Building Inspector, required a bridge or other structure in order to continue the road over or across the canal, ditch, creek, waterway or other obstruction, the applicant shall deposit with the Recorder a sum of money equal to one-half of the estimated cost for construction of a proper and suitable bridge over the same. The applicant shall, on request, furnish the Planning and Zoning Commission or SRC a cost breakdown for any such structure.
- C. When, in the opinion of the City Council, it becomes desirable to construct such structure, it shall be constructed by the City applying the deposit toward the construction costs and charging the other one-half of such cost to the person developing the opposite side of such obstruction, or if there is no person so developing the other side, the half shall be born as a municipal expense.

#### **14.14.130 Reserved**

#### **14.14.140 Street Lighting**

At least one street light should be provided at each intersection included in the subdivision or every 500 feet, whichever is less, waived by the City Council because of other lighting or other mitigating circumstances associated with the property. Each light shall be LED in accordance with city guidelines.

#### **14.14.150 Subdivision Within Subdivision Not Allowed**

Unless authorized by the governing body, no Applicant, individual, City Engineer or other interested Applicant shall be allowed to create a subdivision within a duly recorded subdivision, including lot splitting. Said changes in duly, legally recorded subdivisions are required to be submitted by the appropriate owner, Applicant, City Engineer, etc., identifying any amendments and requiring approval by the governing body. Said Applicant, individual, City Engineer or other interested Applicant shall bear all costs of upgrade and installation of service pursuant to Subdivision Ordinance. In addition, said plat is required to be re-recorded to reflect new subdivision.

#### **14.14.160 Shade Tree**

Prior to the issuance of an occupancy permit for occupancy of a new construction home, the applicant is encouraged to plant a shade tree within applicant's property boundaries. The shade tree shall be of

the type and variety approved by the shade tree committee and shall have a minimum 1" diameter base. Said shade tree shall be planted on the lot or property on which the residence is located and may be located at the discretion of the lot owner.

## **14.16 RESERVED**

### **14.16.010 Reserved**

## **14.18 HILLSIDE DEVELOPMENT STANDARDS**

### **14.18.010 General**

To insure that proposed hillside subdivision and land divisions shall reflect the best interests of Parowan City, all subdivisions and land divisions within hillside areas shall conform to the development standards, guidelines, and criteria of this Chapter and the other provisions of this Ordinance, which are intended to minimize flood, erosion, and other environmental hazards, protect the natural scenic character of foothill areas not suitable for development, and ensure efficient expenditure of public funds. The policies to be achieved by this Chapter shall include but not be limited to the following:

- A. Encourage only minimal grading which relates to the natural contour of the land and which will round off, in a natural matter, sharp angles at the top and ends of cut and fill slopes and which does not result in a "staircase" or "padding" effect.
- B. Require retention of trees and other vegetation which stabilize steep hillsides, retain moisture, prevent erosion, enhance the natural scenic view and, where necessary, require additional landscaping to enhance the scenic and safety qualities of the hillside.
- C. Require immediate planting wherever appropriate to maintain necessary cut and fill slopes, to stabilize them with plant roots, to conceal the raw soil view and to minimize erosion.
- D. Preserve natural drainage channels.
- E. Encourage retention of natural landmarks and prominent natural features, wildlife habitat and open space.
- F. Preserve and enhance the visual and environmental quality through the use of natural vegetation and prohibition of excessive excavation and terracing.

- G. Protect the public from natural hazards of stormwater run-off and erosion by requiring drainage facilities.
- H. Minimize the threat of fire damage by establishing fire protection measures.
- I. Establishing land use management that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
- J. Encourage a regard for the view of the foothills as well as a view from the foothills.

**14.18.020 Development Standards**

**A. Grading**

- 1. No grading, filling, or excavation of any kind shall take place without first obtaining approval from the Zoning Administrator, who shall not issue such approval until the final grading plan, endorsed by the City Engineer, shall be submitted by the Applicant as part of the plat and has been approved by the SRC.
- 2. Land with twenty-five percent (25%) or greater slope shall not be graded and must remain in its natural state, except that natural vegetation may be supplemented by other plant material.
- 3. The following table indicates those minimum percentages of ground surface of a site which shall remain in an ungraded natural state, based on the average slope of parcel:

Average Percent Slope	Minimum Percent of Site
0.0 - 14.9 percent	32.5 percent
15.0 - 17.4 percent	40.0 percent
17.0 - 19.9 percent	47.5 percent
20.0 - 22.4 percent	55.0 percent
22.0 - 24.9 percent	62.5 percent
25.0 - 27.4 percent	70.0 percent
27.5 - 29.9 percent	77.5 percent
30.0 - 32.4 percent	85.0 percent

32.5 - 34.9 percent	92.5 percent
35.0 percent and above	100.0 percent

4. Every lot or parcel shall have one buildable area equal to at least forty percent of the minimum lot size required by the zone in which the lot is located.
5. Fill areas shall be prepared by removing organic material, such as vegetation, rubbish and other material which is determined by the City Engineer to be detrimental to proper compaction or otherwise not conducive to stability. No rock or similar irreducible material with a maximum diameter greater than twelve inches shall be used as a fill material in fills that are intended to provide structural support.
6. All rough street and site grading shall be completed prior to the installation of utilities.
7. All fills shall be compacted to a density to be established by the City Engineer.
8. Cut slopes shall be no steeper than one and one-half horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.
9. Fill slopes shall be no steeper than two horizontals to one vertical.
10. Tops and toes of cut and fill slopes shall be set back from property boundaries at a distance of three feet.
11. Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material or imported from outside the hillside area of Parowan City.
12. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible.

The City will not accept the dedication and maintenance of cut and fill slopes except those within the required street rights-of-ways. Where a cut or fill slope occurs between two lots, the slope shall normally be made a part of the downhill lot.

**B. Drainage**

1. Required storm water run-off collection facilities shall be determined so as to retain storm water run-off on development sites for a sufficient length of time so as to prevent flooding and erosion during storm water run-off periods as determined by the City

Engineer.

2. Required storm water run-off collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill. French drains are not acceptable.
3. Curbs, gutter and pavement designs shall be such that water on roadways is prevented from flowing off the roadways.
4. Natural drainage shall be stabilized to the satisfaction of the Public Works Director below drainage and culvert discharge points for distance sufficient to convey the discharge without channel erosion.
5. Waste material from construction, including soil and other solid materials, shall not be deposited within a natural or manmade drainage course not within irrigation channels.
6. Sediment catch ponds shall be constructed downstream from each development unless sediment retention facilities are otherwise provided.

#### **C. Vegetation and Revegetation**

1. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, or in other words, cut and fill slopes.
2. Areas not contained within lot boundaries shall be protected with adapted, fire resistant species of perennial vegetable cover after all construction is completed. The type of vegetative cover used must be approved in advance by the Planning and Zoning Commission.
3. New planting shall be protected with organic cover.
4. All disturbed soil surfaces shall be stabilized before acceptance of the subdivision by the City.
5. In all areas under the ownership and control of the applicant, he shall be fully responsible for any destruction of native vegetation which is required to be retained. He shall carry the responsibility for such areas both for his own employees and for all subcontractors from the first day of construction until acceptance of the subdivision by the City. The subcontractor shall be responsible for replacing such destroyed vegetation and for supplying such additional vegetation as in the opinion of the Planning and Zoning Administrator shall be necessary. The Planning and Zoning Administrator may, at its discretion, require a study by the State Fire Marshal, or City Fire Chief, or some other



appropriate authority, to determine what vegetation is appropriate for fire protection or for other purposes. The cost of such study shall be borne by the applicant.

6. At the termination of the bonding period, any dead plant materials required to be installed by the applicant shall be replaced and a new bond issued to assure establishment of the replaced materials.

#### **D. Fire Protection**

1. Lot size and placement of buildings within a subdivision shall be set up in such a way as to allow the adequate clearance of hazardous, flammable vegetative cover.
2. All easements for firebreaks for safety of built-up areas shall encompass access for fire-fighting personnel and equipment and such easements shall be dedicated for this specific purpose by being recorded.
3. The inability to provide fire line water pressure consistent with the standards set by the Insurance Service Organization shall be justification for denial of a subdivision request.

#### **E. Streets**

1. Hillside streets should reflect a rural rather than urban character. Street alignment, where possible, should be parallel to contours in valleys or on ridges. If a location between a valley and a ridge is unavoidable, directional pavements should be split, with the principal of grading being half-cut and half-fill vs. all fill or all cut. Split streets may be provided by the applicant according to the following schedule:
  - a. One lane in each direction, the split section width of the pavement shall be sixteen feet.
  - b. Two lanes in each direction, the split section width of the pavement shall be twenty-two feet. The median between split streets shall not exceed the slope of two feet horizontal for each one foot vertical; and such median shall be planted by the applicant and maintained for one year, to the satisfaction of the Planning and Zoning Commission. Where deemed appropriate by the Planning and Zoning Commission, lots may be located between the split pavement and such lots may front on both lanes.
2. Collective driveways shall only be permitted where such utilization will result in better building sites than would be possible if a public street was required. Said collective driveways shall not be used as required street frontage for the lots which they serve. Collective driveways shall be permitted to serve a maximum of six dwelling units.

Collective driveways serving two or less dwellings shall be paved to a width not less than ten feet and shall not exceed one hundred fifty feet in length. Collective driveways serving more than two dwellings shall be paved to a width of not less than eighteen feet and shall not exceed three hundred fifty feet in length. Turn-arounds must be provided at the end of collective driveways. Signs indicating the driveway as private shall be erected in compliance with City Standards and the approval of the Planning and Zoning Commission. Collective driveways shall not be maintained in any way by the City.

3. Cul-de-sacs may serve no more than ten dwelling units and shall be a maximum of four hundred feet long. A suitable turn-around shall be provided at the end of a stub street.
4. Streets in hillside areas may intersect a minimum angle of sixty degrees, provided they meet the requirements of the Planning and Zoning Commission and the Building Inspector.
5. Grades of collector and minor streets shall be permitted to exceed twelve percent to a maximum of fifteen percent for a distance not greater than three hundred feet in any two thousand feet of street distance.
6. The following minimum dimensions are to be utilized in the design of hillside streets:
  - a. All streets shall have suitable pavement edging such as curbs and gutters. Concrete gutters must be provided where street drainage is accommodated.
  - b. The width of the graded section shall extend three feet beyond the curb face or edge of sidewalk on the fill side and two feet on the cut side of the street.
  - c. Parking lanes, eight feet in width, may be required on at least one side of all public streets except where existing topography renders development adjacent to the street impractical; or where the street serves solely as an access road; or where an adequate number of off-street parking spaces are provided on each lot adjacent to the street. Streets without parking lanes shall be provided with emergency parking stalls adequate to contain at least two vehicles per lot.
  - d. The following travel lane widths shall be required in all hillside areas:
    - (1) The side of the travel lane not adjacent to another travel lane or parking lane shall be increased by two feet.
    - (2) Minor Street, Minor hillside streets shall have a minimum travel lane of twelve feet.

- (3) Collector streets, Collector hillside streets shall have a minimum travel lane of fourteen feet.

## **14.20 PLANNED UNIT DEVELOPMENTS**

### **14.20.010 Purpose**

In order to encourage a creative approach in the development of land within Parowan City and in the spirit of creatively applying the zoning ordinance, the Parowan City Council may grant an application for a permit for a Planned Unit Development within Parowan City. The regulations of this Section are intended to produce Planned Unit Developments which meet the proper standards of open space, light and air, pedestrian and vehicular traffic, and which will provide a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity.

It is intended that these developments will meet the broad objectives of the General Plan and the zoning and subdivision ordinances and will exhibit excellence in design, sight arrangement, integration of uses and structures, and protection to the integrity of the surrounding developments, although it is expected that such Planned Unit Developments may deviate in certain respects from zoning regulations or subdivision regulations when such deviations would not appear to be detrimental to land uses within the area.

### **14.20.020 Definitions**

For purposes of this Section, certain words and phrases are defined and shall be construed as follows:

- A. Planned Unit Development - means the development of a tract of land as an integrated unit under single ownership or control, or if under more than one ownership, developed by the owners jointly. Planned Unit Development shall include multiple dwellings, multiple office buildings, or mobile home areas when developed in accordance with the provisions of this Section.
- B. Residential Density - means the number of residential dwelling units occupying a given land area. Residential density is expressed in terms of either dwelling units per gross acre of land or dwelling units per net acre of land area.
- C. Open Space - land areas which are not occupied by buildings, structures, streets, alleys, excepting however, approved landscaping features and active recreational facilities when developed in accordance with this Ordinance.

- 1. PCMC 14.20.020 Definitions

2. PCMC 14.20.030 Procedure
  3. PCMC 14.20.040 Mobile Home Planned Unit Developments
- D. Usable Open Space - land area meeting the qualifications and definitions of either usable common open space or unusable private open space.
- E. Usable Common Open Space - open space which is suitably located and improved for common recreational purposes and accessible to each lot or dwelling within a Planned Unit Development through a system of public or private walkways; such walkways may abut a private or dedicated right-of-way.
- F. Usable Private Open Space - open space which is designated and maintained for sole and exclusive use of the occupants of not more than one dwelling unit and may include private patio areas.
- G. Active Recreational Areas - usable common open space which is developed into active recreational facilities, such as swimming pools, tennis courts, handball courts, golf courses, recreational buildings, club houses or other similar facilities.

### **14.20.030 Procedure**

- A. No permit for a Planned Unit Development shall be granted by the Parowan City Council unless the proposed site is in a zone where Planned Unit Developments are allowed by this Ordinance.
- B. Along with the application for a Planned Unit Development, the Applicant shall submit the following plans for review by the Planning and Zoning Commission.
1. Tentative subdivision map as provided by the Parowan Subdivision Ordinance showing alleys, driveways, parking spaces, recreational facilities, open spaces, landscaped areas, relation to other buildings, streets, and developments in the same general area, and such other and additional information as may be requested by the Planning and Zoning Commission.
  2. Typical floor plans and elevations, complete with dimensions, except when developing for mobile homes.
  3. A construction schedule and sequence showing the order in which the proposed development will be completed.
  4. Evidence showing that the proposed development is designed to produce an environment of stable and desirable characteristics, and that areas of open space, parking, recreational facilities, service and other common areas are consistent with the anticipated population of the development.

5. A statement setting forth the proposed methods of conveying title, the type of statement to be granted, the right to use such common areas as are established in the plan, and whether such right is appurtenant to ownership within the development. Any appurtenant rights shall be made a covenant running with the land.
  6. A statement setting forth the method to be used in maintaining any common areas, which method shall include a corporation, partnership, trust, homeowners' association, or other legal entity having the right to assess individual owner within the development as necessary and according each individual owner the right to require said legal entity to properly maintain the common area.
- C. The area covered by the application shall be in one ownership, or if more than one ownership, the application shall be filed jointly by all owners of the property included in one plan.
  - D. The number of dwelling units per acre shall not exceed five per acre in the R-1 Zone, with a minimum livable floor space of one thousand square feet per unit; seven dwelling units per acre in the R-2 Zone, with a minimum livable floor space of eight hundred fifty square feet; nine dwelling units per acre in the R-3 Zone, with a minimum livable floor space of seven hundred fifty square feet; and five dwelling units per acre, with a minimum livable floor space of one thousand feet in the A-1 Agricultural Zone.
  - E. No single building shall contain more than sixteen (16) dwelling units.
  - F. No single building shall exceed three (3) stories or thirty-five (35) feet in height, whichever is lower.
  - G. No residential building in a Planned Unit Development shall face the rear of any other building.
  - H. Whenever a Planned Unit Development is adjacent to, or on the opposite side of a street from a residential or A-1 Agricultural Zone, then for each portion of the development adjacent to or across the street from such residential or residential agricultural zone, all yards and setback regulations pertaining to the adjacent or opposite zone shall also apply to said portion of the Planned Unit Development. All open space within a Planned Unit Development shall be occupied as either usable common open space, usable private open space, active recreational areas, or planted into lawn, trees, shrubs and other suitable landscaping.
  - I. The required front yard and side yard under this code which faces on a public street shall not be used for automobile parking space but shall be landscaped and maintained with lawns, trees, and shrubs harmonious with the surrounding area, except for permitted driveways.
  - J. All off-street parking spaces and driveway shall be hard surfaced.
  - K. In addition to dwellings, office buildings and mobile homes, the Planned Unit Development may include schools, churches, community or public recreational buildings, and other necessary and related community facilities.

- L. No Planned Unit Development may incorporate both mobile homes and permanent residential dwelling units such as are typically permitted in residential zones. Commercial office uses may be included in a Planned Unit Development.
- M. The plans submitted pursuant to this Ordinance must first be submitted to the Parowan City Planning and Zoning Commission for their review prior to application for a permit for a Planned Unit Development being filed with the City Council. The Parowan City Planning and Zoning Commission shall review the plan to determine compliance with the General Plan, the subdivision, and the zoning ordinance of Parowan City. In considering approval for the development, the Planning and Zoning Commission, among other things, shall make sure that such development will constitute a residential environment of sustained desirability and stability and that it will not produce a volume of traffic in the surrounding zones in excess of the capacity for which the access streets are designed, that requirements for utilities, off-street parking, traffic circulation and other public requirements will be adequately met and that the ground floor of all buildings shall not exceed forty (40) percent of the area of the land within the development. The Planning and Zoning Commission may impose reasonable conditions as may be necessary to carry out the intent of this provision.
- N. The plans required herein must be prepared by an architect or Engineer licensed to practice in the State of Utah.
- O. Upon compliance with the regulations and requirements herein set forth, and upon approval of such Planned Unit Development by the Planning and Zoning Commission, the Applicant may apply to the City Council for its approval. The City Council may grant a permit for the Planned Unit Development if it finds that the development meets the requirements of the General Plan, and the zoning ordinance, and the subdivision ordinance of Parowan City and is otherwise in the best interests of the public. The requirements in excess of those set forth in this Ordinance may be imposed by the Planning and Zoning Commission and the City Council where they see necessary to serve the public interest.

#### **14.20.040 Mobile Home Planned Unit Developments**

Under the same requirements as set forth hereinabove for a Planned Unit Development, an Applicant may apply to the Planning and Zoning Commission and then to the City Council for a permit to establish a Mobile Home Planned Unit Development in Parowan City. Said mobile home developments shall involve the subdivision or a tract of land for the purpose of selling mobile home sites to mobile homeowners and users. In addition to any requirements set forth hereinabove for residential Planned Unit Developments, the Planning and Zoning Commission or City Council may impose all requirements set forth in this Ordinance for mobile home parks where it is deemed necessary to protect the public interest.

The purpose of this Ordinance is to allow mobile homeowners the opportunity to own the land upon which their mobile home is parked as well as to enjoy the benefits of ownership of common areas, recreational facilities, and other amenities of a Planned Unit Development.

**SECTION 3.** Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

**PASSED AND ADOPTED** by the City Council and Mayor of the city of Parowan, Iron County, State of Utah, the 9<sup>th</sup> day of January, 2025.

PAROWAN CITY

Mollie Halterman, Mayor

<b>VOTING:</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
David Burton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rochell Topham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharon Downey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Dean	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attested by:

Callie Bassett, City Recorder



