

**Spring City Utah  
Subdivision Code 2024**

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**11-1-1 ENFORCEABILITY**

Should any part, portion, provision, or point of this title be found to be illegal or unenforceable in any court of competent jurisdiction, it shall not render any other part, portion, provision, or point hereof to be illegal or unenforceable. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

**11-1-2 DEFINITIONS**

**ADMINISTRATIVE ACTIONS:** Administrative actions are those where the policy issues have been previously settled by a legislative action, applying existing law to a particular application. Administrative actions require fact findings and there should be substantial evidence on record that justifies the action. City operations, subdivisions, developments, site plan approvals, and consideration of conditional uses are typical administrative actions.

**ADMINISTRATIVE LAND USE AUTHORITY:** The Development Review Committee is responsible to review concept plan applications and to review applications for preliminary and final plat approval and make recommendations to the Administrative Land Use Authority. For approval of a Preliminary Plat, the Administrative Land Use Authority shall be the Planning Commission. For approval of a Final Plat, the Administrative Land Use Authority shall be the City designee over planning and zoning. If a Preliminary or Final Plat requires vacating a street, right of way, or easement, the City Council shall be the Administrative Land Use Authority. The City Council reserves the



right to change the Administrative Land Use Authority at its discretion, provided that any Administrative Land Authority meets the requirements of Utah Code 10-9a-601, et seq, as amended.

ANNEXATION: To annex land to the city is to absorb by legal incorporation or to bring previously unincorporated land into the municipal incorporation (the city limits).

BUFFER ZONE: A specific area in the county surrounding the city as indicated on the buffer zone or expansion zone map and county maps that is designated as a zone where the county has given or may give certain jurisdictions or opportunities for input to the city with respect to annexation, developments, rights of way, easements, alignment with city plans, provision of services, or otherwise. It is within the discretion of the city to determine what services offered to the city residents may be extended to those residing in such zone, and the terms applicable thereto. For clarification, the city shall not be required to provide utilities and other city services to properties outside of the city limits, unless agreed to in writing by the city council after review by Planning & Zoning, and the provision of utilities to such properties may be contingent upon annexation.

BUFFER ZONE MAP: The official city map outlining the buffer zone and its characteristics.

CITY STREET GRID MAP: The official city map outlining the "street grid" including those planned and proposed for future development. Such map would be referenced in regards to required dedications of land to the city by developers for future city streets.

CLOSED MEETING: Any meeting held by any board, council, commission, and committee or like group which is not open to the public. Although most meetings are open to the public they may or may not allow public comment, such as work meetings and city operational meetings. Some meetings may be closed, such as: meetings concerning character, professional competency, physical or mental health issues of city personnel or other individuals; collective bargaining meetings; strategy sessions to discuss property and equipment purchases, imminent litigations, deployment of security personnel or systems, investigations of allegations of criminal misconduct; and like meetings. However, if a meeting is not open to the public, the purpose of the closed meeting must be stated and no legislative matter may be voted on or changed, even if it is on the agenda for discussion. Minutes and recordings of the proceedings in closed meetings must be kept but are protected records under U.C.A. title 63, chapter 2 and under penalty of law all attendees shall act in accordance therewith. Any such protected records may be disclosed only by a proper court order.

CONCURRENT: Two (2) activities that occur virtually simultaneously with each other. An example would be that growth development plans ensure that public facilities and services necessary to support new development are adequate and available at the time the development occurs.



CONDITIONAL USE: A land use in a particular zone that cannot be assumed by the allowances stated in the character of the zone. Any such conditional use must not impair the integrity and character of any given zone and must be stated in the zoning ordinance with the standards and conditions of the same outlined. If standards and conditions can be met by an applicant, approval must be given.

DEDICATION: The giving of land by a private person or entity to the city, typically for an easement, a street, a park or school site; as a part of and condition of a real estate development. Such dedications must be accepted by the city before or concurrent with the beginning of the development. The city is not required to develop such areas immediately but in no case may they be sold or transferred to any private person.

DEVELOPER: Any person or persons who undertake to improve a plat of land to such an extent as to require building permits or other judicial approval, such as building roads, streets, structures, installing utilities, or any other like action. A number of laws and ordinances governing most developments and permits, as well as due process, are required.

DEVELOPMENT: Any plat of land which is improved to such an extent as to require building permits or other judicial approval, such as building roads, streets, buildings, structures, installing utilities, or any other like action. There are a number of laws and ordinances governing most developments and permits, as well as due process which are required.

**DEVELOPMENT REVIEW COMMITTEE: The appointed committee, consisting of the city designee over planning and zoning, Public Works Director, City Engineer, two (2) Council Members as available and assigned by the Mayor, and others as assigned, shall complete a review of each completed Application and provide written comments to the Applicant requesting additional information and/or modifications to plans. Each request shall be specific and include citations to ordinances, standards, or specifications.**

DUE PROCESS: The processes required by legislative action, including the U.S. constitution, state, and local laws that ensure fairness, justice, and equality for all citizens. Such processes shall require conditions, standards, and actions that protect the health, safety and general welfare of all concerned. Regarding land uses, such due process must not only advance a legitimate public interest but be a reasonable way to further legitimize governmental purposes.

FINAL PLAT: The final or third step in the three (3) step process necessary for a developer to acquire a permit to build. The official plat plan including all drawings, documents, and maps indicating any and all proposed changes, proposed developments, dedications, affidavits, approvals, and all other legal documents prepared and presented to the Administrative Land Use authority for final approval before the project is recorded in the county recorder's office and building permit is issued.

**IMPACT FEES:** A charge levied against new development in order to generate revenue for funding capital improvements made necessary by that development. Impact fees are generally levied at the time a permit is issued. The amount and conditions of impact fees shall be set by the city council and must be reasonably supported by a fact finding process.

**LANDLOCKED:** Land divided in such a way as to leave a parcel or parcels without proper access from "bona fide" city streets or proper access to utilities in accordance with the city grid map and the appropriate codes. Such divisions are usually an attempt to circumvent the requirement to dedicate property to the city to extend city grid streets through proposed developments. It is not legal, and along with penalties, may render sale or transfers of such lands invalid.

**LEGISLATIVE ACTIONS:** The powers to make, alter, amend, and repeal laws. Generally, legislative actions are generated in the interest of the public health, safety, and/or general welfare and relates to more than one property or person. Legislative actions may not be arbitrary or capricious. The courts usually uphold any legislative actions that are reasonably in the best interest of the general welfare.

**METES AND BOUNDS:** A method of describing the territorial limits of property by means of measuring distances and angles from designated landmarks, survey monuments, and adjoining properties, which results in a legal description.

**MORATORIUM:** A temporary freeze on a legitimate action giving time to solve or remedy a situation or problem usually through legislative action. A good faith effort to study and resolve the issue must be sought to support a moratorium or the extension of the same.

**NUISANCE:** A public nuisance is any unreasonable interference with some right that is common to the general public. Generally, a nuisance is any use, or condition of land, public street/road, or any structure thereon, or any activity or event which endangers the public safety, health, or welfare, or creates damage to others. Generally a nuisance is shown to be an ongoing rather than an isolated instance.

**PARKING vs. STORAGE:** Temporary parking of motorized vehicles on public streets, roadways, rights of way, or other designated public parking areas is permissible unless otherwise prohibited or limited by signs to the contrary. No vehicle may be parked in such a way as to restrict the normal flow of traffic. Leaving motorized vehicles parked in/on such public streets, roadways, rights of way, or other designated public parking areas for more than seven (7) consecutive days constitutes "storage" which storage is strictly prohibited (motorized vehicles in constant use excepted). Leaving nonmotorized vehicles such as trailers, horse trailers, wagons, farm equipment, camper trailers, as well as specialty motorized vehicles such as recreational vehicles (with or without trailers), including, but not limited to, boats, quadrunners, snowmobiles, and the like, parked on public streets, roadways, rights of way, or other designated public parking areas for more

than forty eight (48) hours constitutes "storage" which storage is strictly prohibited. Storage on/in such public areas is subject to fines and removal by the city.

**PERMITTED USE:** A "use by right" which is specifically authorized in a particular zoning district. This is in contrast with conditional uses which are authorized only if certain requirements are met and after review and approval by a designated agency. An applicant is entitled to approval of a land use application if the application conforms to the requirement of an applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, except in a case where the public health, safety, or welfare is at question.

**PLAT:** A parcel of land that is part of an approved subdivision plat.

**POLICE POWER:** The enforcement powers given municipalities and jurisdictions, its legislative, policy making, and implemental entities as handed down from federal through state and local agencies, to establish laws and ordinances to preserve public order and tranquility and to promote the public health, safety, and morals, and general welfare of the public. Jurisdictions must strictly comply with the statute delegating them the powers to act. Failure to strictly follow the statutory requirements in enacting the legislation or ordinance renders it invalid. Regulations must bear a reasonable and substantial relationship to the health, safety, or welfare of the public.

**PRELIMINARY PLAN:** The second step in the three (3) step process of subdividing or developing a plat of land is to submit a comprehensive preliminary plan to the planning and zoning commission, city engineer, , city attorney, and other concerned agencies and officials. The purpose is to resolve issues and ensure compliance with all regulatory laws and ordinances.

**PRESUMPTION OF CONSTITUTIONALITY:** When an ordinance or regulation is enacted by any legitimate governmental agency, the presumption is that it is legal and supported constitutionally. Should a person challenge such ordinance or regulation's constitutionality, that person has the burden of presenting evidence sufficient to overcome this presumption of constitutionality:

If an ordinance could promote the general welfare; or even if it is reasonably debatable that it is in the interest of the general welfare, we will uphold it. Utah Supreme Court

**PUBLIC HEARING:** A formally announced meeting to hear written or oral testimony, at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. Commission or legislative representatives may ask questions but no deliberation or debate shall take place during the meeting. A full record of information shall be kept for further deliberation.

**PUBLIC MEETING:** A meeting that is required to be open to the public under U.C.A. title 52,