

**TOWN OF FAYETTE, UTAH
ORDINANCE 2024.XX**

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY, CHAPTER 11 (SUBDIVISION ORDINANCE) OF THE FAYETTE TOWN CODE ESTABLISHING REGULATIONS RELATED TO THE SUBDIVISION OF REAL PROPERTY WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF FAYETTE, STATE OF UTAH.

RECITALS

WHEREAS pursuant to Utah State Code Ann. § 10-1-201 the Town of Fayette (“the Town”) is a Utah municipal corporations and political subdivision of the State of Utah.

WHEREAS pursuant to Utah State Code Ann. § 10-3b-401 the Town Council (“the Town Council”) is the legislative and governing body of the Town.

WHEREAS pursuant to Utah State Code Ann. § 10-9a-103(31), the Town Council, in addition to being the legislative and governing body of the Town, is also the Land Use Authority vested with the power to enact all land use regulations and make all land use decisions within the Town unless the latter administrative power is delegated to another body or person;

ORDINANCE

NOW THEREFORE, be it hereby ordained and decreed by the Town Council, as follows:

SECTION 1: AMENDMENT AND RESTATEMENT OF CHAPTER 11 OF THE FAYETTE TOWN CODE. Chapter 11 (“Subdivision Ordinance”) of the Fayette Town Code is hereby amended and restated in its entirety as follows:

Fayette Subdivision Code

**CHAPTER 11
SUBDIVISION ORDINANCE**

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11.1 SUBDIVISION PLATS REQUIRED

1. *From the effective date of the Code, no person shall subdivide any tract of land which is located wholly or in part within the limits of Fayette Town; nor shall any person sell, exchange or offer for sale, or purchase or offer to purchase any parcel of land which is divided into two (2) or more parcels of land within Fayette Town; nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein, unless he shall first make or cause to be made a final plat thereof, which plat shall conform to all requirements of the TITLE and shall have been approved by the Town and recorded in the office of the Sanpete County Recorder as set forth in this Chapter.*
1. *All divisions of land require Compliance with this Chapter of this Code before the issuance of a building permit.*

11.2 SUBDIVIDER TO CONTACT PLANNING ADMINISTRATOR AND/OR ZONING OFFICER

Any person desiring to subdivide land within Fayette Town shall secure from the Planning Administrator and/or the Zoning Officer and/or Town Recorder, all necessary information pertaining to Fayette Town's plan of streets, parks, drainage, zoning and other General Plan requirements affecting the proposed subdivision.

11.3 EXEMPTIONS FROM PLAT REQUIREMENTS

1. *To establish a metes and bounds property for the purposes of agricultural, open space, or conservation purposes, the property shall be used exclusively for those purposes and have a document recorded at the Sanpete County Recorder's Office stating the property shall be used exclusively for agricultural, open space, or conservation purposes until such time that a subdivision plat is completed. Any new property used for residential or other development purposes shall be in a recorded subdivision plat.*
2. *Qualifications: In addition to the above requirements, to qualify as an agriculture, open space, or conservation parcel, the following must be true:*
 - a. *The parcel is not traversed by the mapped lines of a proposed street as shown on the general plan or any streets or transportation master plan and does not require the dedication of any land for streets or other public purposes;*
 - b. *The parcel is not located in a zone that permits commercial or industrial use;*
 - c. *All parcels created or otherwise impacted by the division conform to all applicable Land Use Ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable Land Use Ordinance; and*
 - d. *The division shall not create the appearance of a residential subdivision.*
3. *Filing: An applicant may submit to the County Recorder's Office for filing a document that divides property by metes and bounds without the necessity of recording a plat if the representative of the zoning department has signed a document certifying that the division meets all requirements for a metes and bounds division of land. This document shall be filed in the Office of the County Recorder.*
4. *Approval: Documents filed in the Sanpete County Recorder's Office that divide property by metes and bounds description do not create a legal division of land allowed hereunder unless a certificate of approval notarized by the Town Recorder, is attached to the document. In the absence of a notarized certificate of approval, any metes and bounds division after the enactment of this ordinance shall be deemed null and void.*

11.4 PRE-APPLICATION MEETING

All proposed subdivisions shall meet the application requirements outlined in Utah State Code 10-9a-601, et seq, as amended, this Chapter, and the requirements for the respective zone in which the subdivision is proposed.

An applicant for a subdivision may request a pre-application meeting with a representative from the zoning department. Should a pre-application meeting be requested, the following shall apply:

- 1. The applicant shall submit a concept plan for review.*
- 2. Within fifteen (15) days after the request, the municipality shall schedule the meeting to review the concept plan and give initial feedback.*
- 3. At the pre-application meeting, the Town shall provide or have made available on the municipal website the following:*
 - a. Copies of the applicable land use regulations.*
 - b. A complete list of standards required for the project.*
 - c. Preliminary and Final Plat checklists.*
- 4. A pre-application review of a concept plan does not create any vested rights, and feedback on the concept plan does not grant or infer any official standing.*
- 5. The concept plan shall consist of a simple layout of existing and proposed streets, lots, major buildings (planned residential developments), utilities, drainage channels, and other features including existing utilities, drainage and water courses, including irrigation supply and waste ditches, in relation to the existing and planned streets within one fourth (1/4) mile of the development. The plan shall be prepared at a scale of not smaller than one inch (1") to four hundred feet (400').*

11.5 PRELIMINARY PLAT

- 1. Pending Ordinance: If a pending ordinance that has been formally initiated would prohibit the approval of a subdivision plat, the application need not be accepted unless the pending ordinance has not been adopted within 180 days of its formal initiation. A subdivision application shall comply with the requirements in effect at the time of submittal or the requirements of any ordinance that has been formally initiated at the time of submittal.*
- 2. Preliminary Plat Requirements: An applicant shall follow the instructions on the application form provided by the Town and submit all required materials. The following information shall be included with the Preliminary Plat and Subdivision Improvement Plan*
 - a. Name and address of the applicant.*
 - b. Name of the subdivision.*
 - c. Name and address of the preparer of the Preliminary Plat.*
 - d. A statement of the current zoning and proposed use of the property. The proposed use must be allowed in the zone for the application to be accepted. Any required zone changes must be approved separately before subdivision approval.*
 - e. Payment of all Preliminary Plat fees.*
 - f. An owner's affidavit indicating the recorded owner's permission to file the plat, including:*
 - g. A title report showing clear title for the owner indicated, for the respective properties in the proposed development.*
 - h. An electronic copy of all plans in a PDF format meeting all drawing requirements.*
 - i. Will serve letters from each utility company involved, indicating review and comments on the extent of services and utility easements. Additional will serve letters may be required from special districts, fire districts, and irrigation companies as applicable.*

- j. *A statement that all taxes or special assessments on all property within the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure payment.*
- k. *All required details, specifications, information, permits, and other relevant information as outlined in Town Code or required by other applicable jurisdictions.*
- l. *All Feasibility of Water and Sewer Systems information as outlined in Chapter 3.*
- m. *All engineered and construction drawings.*
- n. *Site-specific contents, drawings, and a summary statement as outlined below.*
- 3. *Site-Specific Contents: The following documents shall accompany the Preliminary Plat when deemed necessary by the Town Engineer:*
 - a. *On-lot sewage disposal report, if applicable.*
 - b. *Geologic maps and investigation reports regarding the suitability of the area for development.*
 - c. *A composite utility easement plan showing the location, size, and proposed use of all easements. All utilities must be constructed within approved easements.*
 - d. *Water sources.*
 - e. *Stormwater plan.*
 - f. *Soils report, including a GeoTech report.*
 - g. *Approximate boundaries of areas subject to flooding or stormwater overflow with a 100-year return frequency.*
 - h. *Wetland delineation, if applicable.*
- 4. *Drawing Requirements: The Preliminary Plat shall be clearly and legibly drawn, ensuring accurate location of alignments, boundaries, and monuments, keyed to legal section survey monuments, and certified by a registered land surveyor licensed in Utah. Poorly drawn or illegible plats may be rejected. The following data shall be included in the Preliminary Plat:*
 - a. *Preliminary Plat drawings.*
 - b. *A vicinity sketch showing the perimeter outline, accesses, abutting subdivisions, and other relevant information within a one-half (1/2) mile distance of the proposed plat.*
 - i. *Adjacent spheres of influence (if applicable).*
 - ii. *Related existing and planned streets and highway systems.*
 - iii. *Zoning districts and/or existing Special Improvement Districts.*
 - iv. *Water sources and drainage systems, including culverts, streams, and flood-prone areas.*
 - v. *Existing buildings, easements, fences, and utilities within two hundred (200) feet of the subdivision boundaries.*
 - c. *The date, north point, and written and graphic scales.*
 - d. *A traverse map of the subdivision perimeter, with a closure error of no greater than one part in 10,000, tied to at least two (2) legal section survey monuments.*
 - e. *Existing contours at one (1) foot intervals for slopes under five percent, two (2) foot intervals for slopes of five percent to ten percent, and five (5) foot intervals for slopes greater than ten percent. Elevations shall be based on National Geologic Survey sea level data. One (1) foot intervals may be required for level areas.*
 - f. *Lot and street layout, including future street layout in dashed lines for any portion of the plan not currently subdivided.*
 - g. *Dimensions of all lots to the nearest foot.*
 - h. *Total acreage of the proposed subdivision.*
 - i. *Consecutive numbering of lots and blocks.*

- j. *Locations and identification of all existing and proposed public and private easements.*
 - k. *Existing and proposed street names.*
 - l. *Street profiles showing proposed grades.*
 - m. *The plat drawn to a scale not less than one (1) inch equals one hundred (100) feet, indicating the basis of bearings, true north point, subdivision name, county, township, range, section, quarter section, block, and lot number of the property, keyed to legal section survey monuments.*
 - n. *Fence lines in and adjacent to the proposed subdivision.*
 - o. *An affidavit that the applicant is the owner or has legal authorization from the owner to apply for subdivision approval.*
 - p. *Sites reserved or dedicated for public use, including parks, playgrounds, and schools.*
 - q. *Sites for non-single-family dwellings, shopping centers, community facilities, industry, or other uses.*
 - r. *The location, function, ownership, and maintenance of common open space not otherwise reserved or dedicated for public use.*
 - s. *An overview of any covenants, grants of easements, or restrictions imposed on the land, buildings, or structures.*
5. *Subdivision Improvement Plan Requirements: Subdivision Improvement Plans shall be submitted with the Preliminary Plat application. This plan shall include the civil engineering related to the required infrastructure improvements for the subdivision. The following documents shall be included in the Subdivision Improvement Plans and considered part of the Preliminary Plat Application:*
- a. *Utility and Easement Layouts:*
 - i. *Drawings must show the layout, profile, and detailed design of all utilities and easements, including existing fences.*
 - ii. *Statements from relevant utility companies (e.g., water, sewer or septic systems, electric, gas, telephone) confirming service availability to the subdivision must be provided.*
 - iii. *All existing rights of way and recorded easements must be accurately depicted on the plat.*
 - iv. *Every water conveyance facility, whether recorded or not, must also be clearly indicated on the plat.*
 - b. *Roads and Drainage Structures:*
 - i. *Plan, profile, and typical cross-section drawings must be provided for all roads, bridges, culverts, sewers or septic systems, and other drainage structures within the subdivision.*
 - c. *Grading and Drainage Plan:*
 - i. *The grading plan must show proposed solid line contours superimposed on dashed line contours of the existing topography within the area of the Final Plat.*
 - ii. *Contours should be at one-foot intervals for areas with slopes between level and five percent grade.*
 - iii. *For areas with slopes over five percent, two-foot contour intervals should be used.*
 - iv. *In cases of predominantly level terrain, one-foot contour intervals may be required.*
 - d. *Erosion Control Plan:*
 - i. *An erosion control plan, if required based on the Preliminary Plat Review, must be submitted.*

6. *Preliminary Plat Review: Unless otherwise exempted in this Chapter, any division of land requires completion of a Preliminary Plat and Final Plat. The following outlines the review process for a Preliminary Plat, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in content or interpretation, Utah State Code shall prevail.*
- a. *If the application requires legislative approvals, such as a zone change, annexation, general plan amendment, right-of-way or easement vacation, or any other legislative action, the legislative approval shall be completed prior to the submittal of the Preliminary Plat application.*
 - b. *The applicant may request a pre-application meeting with a Town representative to discuss the proposal and submittal requirements. If requested, the Town and applicant shall follow the process outlined in 11.2.*
 - c. *The Town shall provide, or have available on the Town website, each of the following:*
 - i. *The Preliminary Plat application.*
 - ii. *The owner's affidavit.*
 - iii. *A breakdown of the application fees.*
 - iv. *A complete list of standards required for the project.*
 - v. *The Preliminary Plat checklist.*
 - d. *The applicant shall submit an application that includes the Preliminary Plat, Subdivision Improvement Plans, and all required documentation and information.*
 - e. *The Town checks the submittal for completeness.*
 - i. *If the submittal includes all materials, the Town receives the submittal and starts the review cycle.*
 - ii. *If the submittal is deemed incomplete, the submittal is returned to the applicant. No review shall commence until the Town determines the application to be complete.*
 - f. *If the location of the proposed subdivision is within one hundred feet (100') of a Water Conveyance Facility, within twenty (20) calendar days after receipt of the complete application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the application and request comments related to the following aspects of the Water Conveyance Facility: access, maintenance, protection, safety, and any other related issues.*
 - i. *Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Use Authority shall not grant approval until at least (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.*
 - ii. *Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.*
 - g. *Within forty (40) business days, the Town shall complete a review of the Preliminary Plat and Subdivision Improvement Plans, except as follows:*
 - i. *The review cycle dates restrictions and requirements do not apply to the review of subdivision applications affecting property within identified geological hazard areas.*
 - ii. *The review cycle number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use.*

- h. After review, the Town will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response:*
 - i. If the Town determines that the application requires corrections, the Town must be specific and cite the ordinance, statute, or specification that requires the modification. Commonest shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.*
 - ii. The Town may require additional information relating to the applicant's plans to ensure compliance with the Town's ordinances and approved standards and specifications for the construction of public improvements.*
 - iii. If the application is found to meet all codes, standards, and specifications, it is forwarded to the Administrative Land Use Authority for review and approval.*
- i. After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the Town's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.*
- j. The Town shall review the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the Town shall return the submittal to the applicant.*
 - i. If the resubmittal is complete, the Town shall accept the application for a second review cycle. The time frame to complete the review depends on how quickly the applicant responded to the corrections in full and whether the applicant made any material changes.*
 - 1. If the applicant responds within forty (40) business days, the Town has forty (40) business days to complete the second review cycle.*
 - 2. If the applicant responds after forty (40) business days, the Town has sixty (60) business days to complete the second review cycle.*
 - 3. If the applicant made a material change that merits a new review, then the review shall restart at the first review cycle as it relates to the new material.*
 - ii. The review cycle number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use.*
- k. If the Town neglects to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if necessary to protect public health and safety or to enforce state or federal law.*
- l. If the Town determines that the resubmittal is complete and meets all codes, standards, and specifications, it shall be forwarded to the Administrative Land Use Authority for review and approval.*
 - i. If the Town finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall be provided up until the fourth review cycle, at which point the application shall be forwarded to the Administrative Land Use Authority with a recommendation that the application does not meet all codes, standards, and specifications. The applicant may*

appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.

m. If, on the fourth and final review, the Town fails to respond within forty (40) business days, the Town shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:

- i. For a dispute arising from the subdivision improvement plans, assemble an appeals panel in accordance with 10-9a-508(5)(d) to review and approve or deny the final revised set of plans or*
- ii. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the application's deficiency and of the right to appeal the determination to a designated appeal authority.*

1. The appeal authority for the Preliminary Plat shall be the Town Council.

7. Preliminary Plat Approval Process: After review, the application shall be submitted to the Administrative Land Use Authority for approval.

a. For the Preliminary Plat and Subdivision Improvement Plans, the Administrative Land Use Authority shall be the Planning Commission.

i. Legislative approvals, such as zone changes, overlay zones, general plan amendments, annexations, right-of-way vacations, etc., must be approved by the Town Council prior to the submission of a Preliminary Plat application.

b. The Administrative Land Use Authority shall hold a public hearing and send a public notice to all owners of property within three hundred feet (300') of the subdivision.

c. If the Administrative Land Use Authority finds that the application complies with the applicable municipal ordinances and the requirements of Utah State Code, it shall approve the Preliminary Plat application.

i. The Administrative Land Use Authority shall remand the application back to the applicant for corrections if it finds:

1. The applicant has not completed all requirements as outlined in the review index or

2. The application does not address all requirements as outlined in Utah State Code, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.

ii. The Administrative Land Use Authority shall deny the application if the applicant is unwilling to make the required corrections or provide the required information.

d. The application approval shall lapse in instances where a developer abandons or otherwise fails to take timely action to address corrections or complete a project.

i. A Preliminary Plat application expires if it is not approved by the Town within twelve (12) months from the time the application is submitted and accepted.

e. Approval of the Preliminary Plat by the Town shall be valid for a period of twelve (12) months after approval.

11.6 FINAL PLAT

1. Final Plat Submittal Requirements: An applicant for a Final Plat shall submit the following for review:

a. All fees for the Final Plat application.

b. Proof of ownership, in a form acceptable to the Town.

- c. *A PDF file of the Final Plat in a format approved by the Town. The Final Plat of a subdivision shall contain the following:*
- i. *A tie to a section corner and the state plane coordinates of each point. All horizontal data shall be based on 1983 North American Datum (NAD83) State Plane Coordinate System or The Utah Reference Network (TURN). This shall include all survey monuments and proposed hydrant locations, including bearing and distance of straight lines, and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves.*
 - ii. *The boundary dimensions and legal description of the subdivision.*
 - iii. *The proposed subdivision name.*
 - iv. *A minimum scale of one inch equals fifty (50) feet (1"=50').*
 - v. *A north arrow facing the top right margin.*
 - vi. *A date on each sheet.*
 - vii. *A legend of symbols.*
 - viii. *Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features; the lines, angles, dimensions, state plane coordinates, bearings, areas and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All dimensions shall be determined by an accurate field survey which shall balance and close as required by the county.*
 - ix. *The plat shall show the right-of-way lines of each street. The widths and locations of adjoining streets and other public properties within 50 feet of the proposed subdivision. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown.*
 - x. *All lots and blocks are to be numbered, addressed, and named in accordance with the street numbering and naming system assigned by the Town. Streets indicating numbers and lots numbered consecutively.*
 - xi. *A statement that "All drinking water lines up to and including the meter are dedicated to the Town of Fayette."*
 - xii. *A statement that "All municipal utility easements platted hereon are in perpetuity for installation, maintenance, repair, and replacement of public utilities, sidewalks, and appurtenant parts thereof and the right to reasonable access to grantor's easement shall run with the real property and shall be binding upon the grantor and the grantor's successors, heirs, and assigns."*
 - xiii. *All offsite easements required to provide services or utilities to the project shall be recorded with the Sanpete County Recorder's office prior to or in conjunction with the Final Plat recordation.*
 - xiv. *There shall be an unencumbered margin of one and one-half (1 1/2) inches on the left-hand side of the sheet and not less than a half (1/2) inch margin around the outer three (3) sides of the sheets. The scale shall be a standard engineering scale of no more than 100 feet to the inch. Space for approved signatures shall include:*
 - 1. *Owners' dedication and acknowledgment*
 - 2. *Administrative Land Use Authority approval*
 - 3. *Mayor's signature*
 - 4. *Planning Commission chair's signature*

5. *County Recorder's certificate*

- xv. *The name of the engineer or surveyor with a stamp and signature of a surveyor licensed in the State of Utah.*

1. *Cost estimate of all off-site improvements prepared by the developer's engineer.*

2. *Final Plat Review Process: Within twelve (12) months of approval of a Preliminary Plat, a Final Plat prepared by a licensed surveyor not employed by the Town shall be submitted in conformance with this Chapter. If a complete application is not submitted within twelve (12) months of Preliminary Plat approval, the approval is deemed to have expired. The following outlines the review process, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in content or interpretation, Utah State Code shall prevail.*
- a. *The Town shall maintain and publish a list of items comprising a complete Final Plat application, including:*
 - i. *The application.*
 - ii. *The owner's affidavit.*
 - iii. *An electronic copy of all plans in PDF format.*
 - iv. *The breakdown of fees due upon approval of the application.*
 - b. *The applicant shall submit a complete application, including the Final Plat and all required documentation and information.*
 - c. *The Town shall check the submittal for completeness.*
 - i. *If the submittal includes all required materials, the Town shall receive the submittal and start a review.*
 - ii. *If the submittal is incomplete, it shall be returned to the applicant. No review of the application shall commence until the Town has determined that the applicant has submitted a complete application.*
 - d. *After a determination that the application is complete, the Town shall begin its review. The Town has a thirty (30) business day review window to conduct its review and provide comments on the application.*
 - i. *The thirty (30) business day review period applies to single-family, two-family, and townhome developments.*
 - e. *If the location is within one hundred feet (100') of a Water Conveyance Facility, within (20) calendar days after receipt of the completed application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the application and request comments related to the following aspects of the Water Conveyance Facility: access, maintenance, protection, safety, and any other issues related.*
 - i. *Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Town shall not grant approval until at least twenty (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.*
 - ii. *Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.*
 - f. *During the review window, the Town Attorney shall review the Final Plat and shall recommend approval if the attorney finds that:*
 - i. *There is a current title opinion from a licensed title company showing that the person dedicating the property described on the Final Plat is the title owner, as shown on the records of the Sanpete County Recorder's Office.*

- ii. *The performance bond, escrow deposit, letter of credit, or trust deed with the Town is in appropriate form and signed by the necessary parties.*
 - iii. *That the subdivision does not, in the attorney's opinion, violate any ordinance of the Town, laws of the State of Utah, or rules and regulations promulgated pursuant thereto.*
- g. *Within the review window in subsection d, the Town shall complete a review of the Final Plat and submittal contents and provide a response to the applicant. The Town shall determine whether the application meets all requirements or requires corrective actions and shall notify the applicant in a written response:*
 - i. *If the application is found to require corrections, the Town shall be specific and cite the ordinance, statute, or specification that requires the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.*
 - ii. *The Town may require additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards.*
 - iii. *If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Land Use Authority for Final Plat review and approval.*
- h. *If corrections are required, the applicant shall provide a resubmittal. The resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make a requested revision*
- i. *The Town shall check the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the Town shall return the submittal to the applicant.*
 - i. *If the resubmittal is complete, the Town shall review the application and provide written comments within the review window as outlined in subsection d.*
 - ii. *The review window number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use, nor does it apply to any legislative approval.*
- j. *If the Town determines that the resubmittal is complete and meets all codes, standards, and specifications, it shall be forwarded to the Land Use Authority for review and approval.*
 - i. *If the Town finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forwarded on to the Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specifications. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(8), as amended.*
- k. *If on the fourth and final review, the Town fails to respond within forty (40) business days, the Town shall, upon request of the property owner, and within (10) business days after the day on which the request is received:*

- i. *The Town shall advise the applicant, in writing, of the application's deficiency and the right to appeal the determination to a designated appeal authority.*
 - 1. *The appeal authority shall be the Town Council.*
- 3. *Final Plat Approval Process: After the review cycle process has been completed, the application shall be submitted to the Land Use Authority appointed by the Town for approval.*
 - a. *The Town shall appoint a staff member, individual, or board to be the Land Use Authority for Final Plat approval. Final Plat approval may not require Town Council or Planning Commission approval. (See Utah State Code 10-9a-604.1)*
 - i. *No public hearing for the Final Plat approval may be held.*
 - b. *The Land Use Authority shall approve the Final Plat if it finds:*
 - i. *The proposed plat complies with the requirements of the Town Code, Utah State Code, and all other applicable policies and regulations.*
 - 1. *The plat has been approved by the culinary water authority.*
 - 2. *The plat has been approved by the health department.*
 - ii. *The Land Use Authority may deny or remand the proposed Final Plat if:*
 - 1. *The Land Use Authority finds the applicant has not provided a complete, accurate, and satisfactory response to all comments during review and any other point of non-compliance with applicable regulations.*
 - 2. *The applicant is unwilling to make the required corrections or provide the required information.*
 - 3. *Any appeal shall be consistent with the provisions of Utah Code 10-9a-604.2.*
- 4. *Preparation of Final Plat Mylar: Once all requirements have been met, redline corrections made, revised plans and plat submitted, Town staff review completed, and the Land Use Authority has approved the Final Plat, the applicant shall submit two (2) 24" x 36" Mylar drawing of the corrected Final Plat with the signatures of the owners and other required signatures.*
- 5. *Recording the Final Plat: Following approval, the Final Plat, bearing all official approvals, shall be deposited in the office of the Sanpete County Recorder for recording by the Town.*
 - a. *Only the Town may record Final Plats.*
 - b. *The Final Plat must be recorded within two (2) years of approval. If the Final Plat is not recorded within two (2) years of plat approval, the approval expires and the plat must be resubmitted.*
 - c. *The Town Engineer may approve minor modifications to approved Final Plats before the Final Plat is recorded if the Engineer finds the proposed modifications are in line with the intent of the approval and do not jeopardize the interest of the Town or adjoining property owners.*
 - i. *The types of minor modifications contemplated include legal description mistakes, surveyor errors—such as tie in description mistakes, typos, and items agreed to that should have been included in writing on the Final Plat. Any substantive change requires reapproval.*
 - d. *All inspection, testing, and/or connection fees required by ordinance shall be paid, and permits required shall be obtained prior to the recording of the Final Plat.*
 - e. *Recording Fee: At the time of recording the final plat, the subdivider shall be responsible for payment of the recording fee.*

11.7 DESIGN AND DOCUMENTATION REQUIREMENTS

The layout and design of all subdivision and Subdivision Improvement Plans and the content of all required documentation shall be in accordance with the minimum Town standards and specifications which are provided for by this Title.

11.8 IMPROVEMENT REQUIREMENTS

After the subdivider's final plan has been approved, he shall construct the required improvements under the direction of the Town as herein specified. Before final acceptance of any subdivision lying within Fayette Town shall be approved, the following improvements shall be constructed in accordance with Town specifications and under the inspection the Town.

- 1. Permanent Marker. All subdivisions boundary corners, all points of tangent, and street intersections shall be definitely marked with metal monuments.*
- 2. Streets. All streets shall be graded, graveled and hard-surfaced in accordance with Fayette Town specifications. Traffic regulatory, safety, and street identification signs shall be erected.*
- 3. Water lines and Fire Hydrants. In all subdivisions, a culinary water supply, water lines and fire hydrants shall be required as follows:*
 - a. The subdivider shall have prior approval for connections to system or to other source, and shall make such water available to each lot within the subdivided area. Sizes of water mains shall be subject to the approval of the Administrative Land Use Authority and shall be based upon fire protection requirements, but in no case shall they have a diameter of less than six (6) inches. Workmanship and details of construction shall be in accordance with Town specifications and with the State Board of Health requirements. Culinary subdivider responsible for enough water rights transfer for maximum use of users. Subdivider must provide their own water unless provided by variance.*
 - b. Fire hydrants shall be installed at intervals within the subdivision in such a manner that no lot will be a distance greater than five hundred (500) feet from the closest hydrant, measured along the streets.*
 - c. Gas, Electricity, Telephone Services and Any Other Utility. The subdivider shall make natural gas, electricity, telephone services and any other utility available to each lot in the subdivision area. These improvements shall be complete before the streets are hard-surfaced. Installation shall be approved by the utility company providing the service and the Town..*

11.9 SUBDIVISION COSTS AND CHARGES

Except as may otherwise be provided in this Chapter, all costs and charges for the development and planning of subdivisions shall be borne and paid by the subdivider and shall not be paid by the Town.

11.10 STANDARDS AND SPECIFICATIONS

- 1. All subdivisions in the Town of Fayette shall be subject to the design criteria as set forth in this ordinance and the Fayette General Plan. These standards shall be strictly followed in the design and construction of all improvements, including, utilities, storm drainage, and any other improvements related to the development of subdivision. All subdivision plats submitted to the Fayette Town Planning Commission for approval will be reviewed by the Town Council and/or the Town Planning & Zoning to determine compliance with these standards. The Town Engineer, Building Official or other authorized personnel will inspect the installation of improvements to ensure compliance to these standards during construction.*
- 2. If there are any conflicts or inconsistencies between the requirements as set forth in this Subdivision Code, the General Plan, and the standards set by the Sanpete County Development Committee, whichever is more stringent shall prevail.*

11.11 STREET DESIGN

- 1. Street designs must conform to the adopted street plan for the area as regards alignment and right-of-way widths. The layout of proposed streets for any development must give*

due consideration to the extension of the street network to abutting properties, developed or undeveloped, in order to produce a safe, effective street network in conformity with the intent of the transportation and circulation element of the General Plan once development of the area has been completed. Insofar as possible, offset streets or jogs at intersections shall be avoided in order to bring about the best development of the area.

2. *Street right-of-way in the Town of Fayette must conform to the following specifications:*
 - a. *Main street and 1st east are 100 foot right of way.*
 - b. *Arterial roads Not less than eighty (80) feet.*
 - c. *Local roads Not less than sixty (60) feet.*
 - d. *Pedestrian walkways Not less than four (4) feet.*

Grades on streets shall not exceed eight (8) percent.

Streets shall intersect each other as nearly at right angles as topography and other limiting factors of good design will permit.

Every subdivided property shall be served from a dedicated public street.

Streets shall not be designed to have one end permanently closed.

Proposed streets shall bear the number (#), not a name, and any existing street which it is in obvious alignment must have the same number (#).

Blocks shall not be less than four hundred ninety-five (495) feet in length.

Streets shall be hard surfaced from curb to curb.

11.12 LOTS

1. *Insofar as practical, side lot lines shall be at right angles to street lines. Each lot shall front on a public street or road that is on the State Highway System, or that is dedicated to the Town of Fayette.*
2. *Lot sizes: Residential lots shall conform to the zoning as established in this Fayette Town Zoning Code and the adopted Zoning Map.*
3. *Lot size measurements will be considered as actual measurements. It is not intended that all lot sizes in an areas be of identical size. Lot size denotes the minimum allowable under the zoning ordinances.*

11.13 PUBLIC USE AND SERVICE AREAS

1. *The Planning Commission may require easements not exceeding ten (10) feet in width for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains or other utility lines along the rear lot lines and alongside lot lines.*
2. *No irrigation ditches, canals, or other waterways shall be located within a dedicated public street except to cross such street in a location approved by the Town Council.*
3. *All streets within the subdivision must be dedicated to the Town of Fayette.*
4. *All canals and major ditches shall be fenced on both sides for public safety, health, and welfare with a six (6) foot chain link fence as specified by the Town Planning & Zoning and/or the Town Council. All irrigation ditches running contiguous or within a property or subdivision shall be piped and covered. Pipe size and quality shall be determined by the Town Engineer and/or the Town Council in consultation with the serving irrigation company. Developers of any parcel of land must give due consideration in their development plan to the location of any existing legally established irrigation supply or wastewater ditch, either company or private owned, and provide for the continued supply of irrigation water to downstream users and disposal of wastewater. Written approval by irrigation companies of alterations to irrigation systems within proposed developments shall be submitted by developers to the Town Council prior to recording the final plat.*

11.14 SUITABILITY OF THE LAND

No land shall be subdivided for residential use which is held by the Planning Commission to be unsuitable for such use by reason of flooding or bad drainage, or any feature likely to be harmful to the health, safety or welfare of the future residents in the proposed subdivision or of the community unless and until such land is rendered suitable for residential use.

11.15 ACCESS TO LOTS

Access to each and every lot shall be provided by a public street that has been dedicated to the Town of Fayette. The street layout for any proposed development must give due consideration to the future development of adjacent parcels of ground. Reasonable access to adjacent properties must be provided. No parcel of ground may be landlocked as a result of the development of any other parcel of ground.

11.17 VARIANCES

To ensure just and fair treatment in administering local land use ordinances and to uphold substantial justice, the Town of Fayette establishes a Board of Adjustment with the powers and duties outlined in this section.

1. Organization:

- a. The Board of Adjustment shall be appointed by the Mayor with the approval of the Town Council.*

2. Powers and Duties:

- a. The Board of Adjustment shall have the authority to:*
 - i. Hear and decide appeals from decisions applying the land use ordinance made by the Land Use Authority, as designated by the Town Council.*
 - ii. Grant variances from the terms of the land use ordinance.*

3. Variances:

- a. Any person or entity seeking a waiver or modification of the ordinance as it applies to a specific property they own, lease, or have authority over, may request a variance from the ordinance. The Board of Adjustment may grant a variance only if all the following conditions are met:*
 - i. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances.*
 - ii. Special circumstances related to the property exist that do not generally apply to other properties in the same zone.*
 - iii. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.*
 - iv. The variance will not substantially affect the General Plan and will not be contrary to the public interest.*
 - v. The spirit of the land use ordinance is observed, and substantial justice is done.*

4. Determination of Hardship:

- a. In determining whether enforcement of the ordinance would cause an unreasonable hardship:*
 - i. The hardship must be associated with the property for which the variance is sought.*
 - ii. The hardship must arise from circumstances peculiar to the property, not from conditions general to the neighborhood.*
 - iii. A hardship that is self-imposed or economic in nature does not qualify.*

5. Special Circumstances:

- a. Special circumstances exist only if they:*
 - i. Relate directly to the hardship complained of.*
 - ii. Deprive the property of privileges granted to other properties in the same zone.*

6. Burden of Proof:

- a. The applicant bears the responsibility of proving that all conditions justifying a variance have been met. Variances are tied to the land and do not transfer with ownership changes.*

7. Use Variances Prohibited:

- a. *The Board of Adjustment cannot grant a variance that changes the allowed uses within a zone (e.g., changing a residential use to a commercial use).*
8. *Conditions:*
 - a. *In granting a variance, the Board of Adjustment may impose conditions that:*
 - i. *Mitigate any harmful effects of the variance.*
 - ii. *Serve the purpose of the standard or requirement being waived or modified.*
9. *Appeals:*
10. *Appeals from decisions made by the Land Use Authority in administering or interpreting this ordinance may be made as follows:*
 - a. *Any applicant, board, officer of the town, or person adversely affected by a decision may, within 10 days, appeal that decision by alleging an error in the Land Use Authority's administration or interpretation of the ordinance.*
 - b. *The appellant has the burden of proving that the Land Use Authority erred.*
 - c. *The Board of Adjustment shall ensure due process rights are respected.*
 - d. *Appeals are limited to decisions where the Land Use Authority has applied the land use ordinance to a particular application, person, or parcel.*
11. *Review and Public Hearing Procedures:*
 - a. *The Land Use Authority shall review completed variance and appeal applications and forward recommendations to the Board of Adjustment for approval, conditional approval, or denial based on the "Findings." The Board of Adjustment shall hold at least one public meeting on the application, with notice given in accordance with State Law. If the variance affects the location of a building or structure (e.g., setbacks), affected utilities must be notified in writing at least 7 days before the meeting. Failure to receive notice does not invalidate the action taken.*
12. *Final Decision:*
 - a. *A decision of the Board of Adjustment is final and takes effect on the date the Board issues a written decision or within 30 days of the decision, whichever is sooner.*

11.18 DONATION, GIFTING OR PROCUREMENT OF LAND FOR PARKS

A developer or land owner may propose a park incorporated into his development plat for purposes of donation or gifting, or for future sale to the Town, it will be the option of the Town Council to determine the need and feasibility for such a design. When a park or recreational facility has been designated in the Town's General Plan and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the neighborhood within which the subdivision is located, the subdivider or developer may donate, gift or sell land for a local park sufficient in size and topography to serve the residents of the neighborhood within which the subdivision is located. Donated, gifted or sold land, for procurement are at the option and discretion of the Town Council and they may place conditions to the acceptance of such property. It is the intent of this section to encourage incentives and cooperation with developers in the implementation of the Town's General Plan as it relates to parks and recreation properties. It will be the responsibility to the Town Council to establish criteria for park development.

11.19 ADMINISTRATIVE RESPONSIBILITIES

All administrative officials of the Town of Fayette shall refrain from issuing building permits or from opening, accepting, grading or paving a street or authorizing the laying of sewers and water mains, making connections from the mains to such lines in a street which has not been approved as outlined in this ordinance.

11.20 ENFORCEMENT/PENALTIES

1. *Approval Requirement: It is unlawful to record any plan or plat of a subdivision in the office of the County Recorder unless it bears the required approval from the Town. The*

owner or agent of the owner of any land within a subdivision in Fayette Town must not transfer or sell any land in such subdivision before the plan has been approved by the Town and recorded with the County Recorder. Any transfer or sale of land that does not conform to the approved and recorded lot lines of the subdivision plat, or that occurs before the subdivision plat is amended as required by State Law (57-5-7 UCS 1953), shall be considered a violation. The description of lots or parcels by metes and bounds does not exempt the transaction from the penalties outlined in Utah Code Annotated, 1953, or from the remedies specified herein.

2. *Preliminary Approval: The subdivision layout or preliminary plan must first be approved in writing by the Planning Commission, designated as the Administrative Land Use Authority for preliminary approval.*
3. *Conditions for Approval: For a subdivision to be considered for approval, it must meet the following criteria:*
 1. *The subdivision must not conflict with mapped lines of proposed streets as shown on road plans approved by the Town.*
 2. *The subdivision must not require the dedication of land for street or other public purposes beyond those specified in the approved preliminary plan.*
 3. *Each lot in the subdivision must comply with the frontage, width, and area requirements specified in these subdivision regulations.*
4. *Enforcement and Penalties:*
 1. *The Town may take legal action to enjoin any transfer or sale that violates these requirements by filing for an injunction in a court of equity or by pursuing recovery of penalties through civil action in a court of competent jurisdiction.*
5. *Each individual, firm, or corporation found guilty of violating any provision of this ordinance shall be deemed guilty of a separate offense for each day the violation continues or is permitted. Penalties will be enforced as provided in this ordinance*

11.21 PLAT AMENDMENTS AND BOUNDARY LINE ADJUSTMENTS

In certain situations, it is necessary to vacate, alter, or otherwise modify existing lot lines. This may involve:

- a. *Plat Amendment: Appropriate when altering a platted or surveyed lot.*
- b. *Vacation Process: Required for the vacation of an easement, right-of-way, or any portion of the subdivision.*
- c. *Boundary Adjustment: Suitable for adjustments involving adjacent owners of platted parcels.*

This chapter is intended to clarify the processes for these modifications to ensure proper administration and compliance.

1. *Vacation of Public Street or Right-of-Way:*
 - a. *When a proposed amendment involves the vacation of a public street or right-of-way, the following process applies:*
 - i. *The Town Council, upon its own motion, a recommendation from the Planning Commission, or a petition, may consider the vacation, alteration, or amendment of a subdivision plat, including streets, lots, alleys, or public use areas, as per Utah Code § 10-9a-608 and 10-9a-609.*
 - ii. *If the Council finds that the vacation, alteration, or amendment will not materially harm the public or any individual and that there is sufficient cause, it may approve the proposed changes.*
2. *Land Use Authority:*
 - a. *The authority for reviewing and approving modifications depends on the nature of the request:*
 - i. *Planning Commission: Acts as the Administrative Land Use Authority for preliminary approval of vacation or plat amendments that do not involve public streets, rights-of-way, or easements.*

- ii. *Town Council: Acts as the final authority for vacation or amendments involving public streets, rights-of-way, or easements.*
- iii. *Staff: Reviews and approves boundary line agreements that do not involve amending platted lot lines, public easements, or rights-of-way.*

3. *Plat Amendment Process:*

- a. *To change boundary lines, vacate a lot, or combine lots, a plat amendment is required. The process includes:*
 - i. *Petition Submission: The fee owner must submit a petition to the Town, using a form provided by Fayette, consistent with Utah Code 10-9a-608.*
 - ii. *Petition Requirements:*
 - 1. *Name and address of all owners of record within the entire plat.*
 - 2. *Name and address of all adjacent property owners affected.*
 - 3. *Signatures of all owners consenting to the petition.*
 - 4. *A plat showing:*
 - a. *The portion of the subdivision to be amended.*
 - b. *A distinguishing name for the amended plat.*
 - c. *Differences from the original plat.*
 - d. *References to the original plat.*
 - e. *Preservation of easements owned by water and sewer authorities.*
 - iii. *Notice to Affected Entities: The Town will notify affected entities providing service to the plat at least ten (10) calendar days before approval.*
 - iv. *Public Hearing Requirements:*
 - 1. *Held if any owner objects within ten (10) days of notification.*
 - 2. *Held if any owner within the subdivision has not signed the revised plat.*
 - 3. *Held if the amendment includes public streets, alleys, right-of-way, or utility easements, conducted by the Town Council.*
 - v. *Notice of Hearing:*
 - 1. *Sent to property owners within 300 feet of the affected area.*
 - 2. *Includes hearing date, place, and time.*
 - 3. *For public streets or utility easements, complies with Utah State Code 10-9a-608 and 609.*
 - vi. *Courtesy Notice: If no conditions require a public hearing, a courtesy notice to adjoining property owners may be given, and the applicant may be considered at a public meeting.*

4. *Boundary Line Adjustment and Parcel Combinations*

- a. *Boundary Line Adjustment: The zoning department may approve adjustments if:*
 - i. *No new dwelling or housing unit is created.*
 - ii. *Adjacent property owners consent in writing.*
 - iii. *No remnant land is created.*
 - iv. *No zoning violations occur.*
- b. *Parcel Combinations: Combining two (2) legally existing parcels can be approved by the Town without public hearing, unless it involves street, right-of-way, or easement vacations.*
- c. *Vacation Involvement: If the adjustment involves vacations or amendments of streets, rights-of-way, or easements, Utah Code § 10-9a-609.5 must be followed.*
- d. *Utility Relocation: If public utilities exist, they must be relocated at the applicant's expense.*

- e. *Survey Requirements: The proposed boundary must be surveyed, considering utility easements and potential impacts on service.*
 - f. *Notice of Approval: A notice of approval must be recorded with Sanpete County, but title conveyance requires a deed.*
 - g. *Denial: The zoning department may deny requests if they do not meet ordinance or state code requirements.*
5. *Vacation of a Recorded Plat:*
- a. *The vacation of a plat will be governed by Utah Code Annotated 10-9a-608, as amended.*

11.22 SIMPLE LOT SUBDIVISION

1. *Purpose: Utah State Code provides an exemption from many subdivision requirements for subdivisions with ten (10) or fewer lots. The purpose of this simple lot subdivision process is to take advantage of the Utah State Code exemption to allow for subdivisions with no more than four (4) lots to be processed as quickly as possible. This code outlines a separate process for these smaller subdivisions. In this process, an applicant may elect to divide property through a metes and bounds record of survey.*
2. *Applicability: The procedures set forth in this Section shall govern the process and requirements pertaining to simple subdivisions with no more than four (4) lots. An applicant may elect to forgo the simple lot subdivision process and instead proceed with the standard preliminary and final plat subdivision process.*
3. *Simple Lot Subdivisions Application: The subdivider of a simple lot subdivision shall submit an application to the Town along with the application fee set by the Town Council, one (1) twenty-four-inch by thirty-six-inch (24" x 36") or larger Record of Survey drawing in an acceptable electronic format of the subdivision showing the land to be subdivided, properly and accurately drawn to scale and with sufficient additional information to determine the boundaries of the proposed subdivision. The Record of Survey shall be certified as to the accuracy by a licensed land surveyor.*
4. *Required Conditions: For a proposed subdivision to qualify for simple lot subdivision approval, the proposed subdivision shall:*
 - a. *Be for a single-family dwelling or dwellings and any associated accessory dwelling.*
 - b. *Be located on property zoned for such use.*
 - c. *Result in no more than four (4) lots.*
 - d. *Show frontage on a dedicated roadway for each resulting lot, as required by the existing zoning.*
 - e. *Not contain any legislative approval, such as a zone change or general plan amendment request. Any legislative approval necessary for the simple lot subdivision to meet all requirements shall be pursued separately and shall be completed before the Planning Commission may review the simple lot subdivision application.*
 - f. *Not be traversed by the mapped lines of a proposed street as shown in the general plan or master transportation plan.*
 - g. *Conform to all applicable land use ordinances. A property that has previously obtained a variance shall be deemed to conform as it relates to the conflict that had necessitated the variance.*
5. *Submittal Contents: A simple subdivision application shall include Subdivision Improvement Plans meeting the requirements outlined in 11.5(5) and shall, at a minimum, contain the following:*
 - a. *The location of survey by quarter section and township range.*
 - b. *The date of survey.*
 - c. *The scale drawing and North point.*

- d. *The distance course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision.*
- e. *All measured bearings, angles, and distances separately indicated from those of record.*
- f. *A written boundary description of the property surveyed.*
- g. *All monuments set and their relation to older monuments found.*
- h. *A detailed description of monuments found and monuments set, indicated separately.*
- i. *The surveyor's seal or stamp.*
- j. *The surveyor's business name and address.*
- k. *A written narrative that explains and identifies:*
 - i. *The purpose of the survey.*
 - ii. *The basis on which the lines were established.*
 - iii. *The found monuments and deed elements that controlled the established or reestablished lines.*
- l. *If the narrative is a separate document, it shall contain:*
 - i. *The location of the survey by quarter section and by township and range.*
 - ii. *The date of the survey.*
 - iii. *The surveyor's stamp or seal.*
 - iv. *The surveyor's business name and address.*
- m. *The map and narrative shall be referenced to each other if they are separate documents.*
- n. *The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the County Surveyor.*
- 6. *Site-Specific Contents: The following documents shall accompany the Simple Subdivision application when deemed necessary by the Town Engineer:*
 - a. *Soils Report: The applicant shall provide a detailed soils report addressing the following issues for the subdivision:*
 - i. *Hillside stabilization.*
 - ii. *Road design.*
 - iii. *Foundation design.*
 - iv. *Groundwater impacts.*
 - v. *General soil stability.*

The report must be stamped and signed by a civil engineer licensed in the state of Utah.

- b. *Stormwater Plan: The applicant shall provide a detailed stormwater plan for the subdivision. This plan shall include all calculations showing that it meets all applicable codes, standards, and specifications. Plans and calculations shall be stamped and signed by a civil engineer licensed in the state of Utah.*
- c. *Wetland Delineation Study: If there are potential wetlands in the development, a wetlands delineation by a qualified wetlands scientist shall be submitted. This delineation will be reviewed by a qualified wetlands scientist hired by the Town. All costs for the delineation and review shall be borne by the applicant.*
- d. *Other Hazard Information: This may include FEMA floodplain information or other information to mitigate natural hazards.*
- 7. *Review and Approval Process: The intent is to provide timely review and approval of all complete applications, as follows:*
 - a. *Optional Pre-Application Meeting: An applicant may request to meet with Town staff and/or representatives prior to submittal to review the application and requirements.*

- b. *Preliminary Review: The applicant shall submit the application and all required contents. The Town will check the application for completeness. If all materials have not been submitted, the application shall be returned to the applicant until all required contents are included.*
 - c. *Administrative Review: Once the application is deemed to be complete, the Town will review the application to ensure that all information has been included and that the application meets all requirements. If all the requirements are met, the project shall be forwarded to the Planning Commission for review.*
 - d. *Planning Commission Review: the Planning Commission shall hold a public hearing on the application. If the Planning Commission determines that the application does not meet all requirements, an applicant may request that the motion be tabled until all requirements are met.*
 - i. *Public notice shall be sent to all properties within one hundred feet (100') of the property, notifying property owners of the time and place of the public hearing and the nature of the request.*
 - ii. *If the applicant meets all applicable requirements, the Planning Commission shall approve the simple lot subdivision application. If the applicant is unable or unwilling to meet all applicable requirements, the Planning Commission shall deny the simple subdivision application.*
8. *Filing the Record of Survey:*
- a. *After the Planning Commission has approved the simple lot subdivision application, the Town shall create a written certificate of approval to accompany the record of survey. At a minimum, the document shall be notarized by the Town Recorder, and the name of the subdivision, the number of lots, and the date of the Planning Commission approval shall be specified.*
 - b. *The applicant shall provide a check sufficient to cover the recording fees.*
 - c. *Within twelve (12) months of approval, the Record of Survey, with the accompanying written certificate of approval, shall be filed in the Office of the County Recorder.*
9. *Expiration of Planning Commission Approval: If a record of survey is not filed within twelve (12) months from the date of approval by the Planning Commission, the approval is considered to have lapsed. The applicant will then need to obtain a new approval and comply with any new regulations that may have been implemented.*

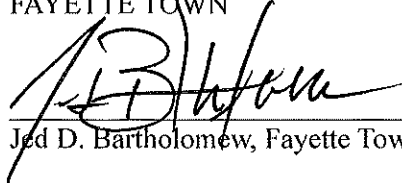
SECTION 2 - Severability. Should any part or provision of this ORDINANCE be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ORDINANCE as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3 - Effective Date: This ORDINANCE shall be in full force and effect immediately upon approval.

SECTION 4 - Repealer Clause: All Town ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

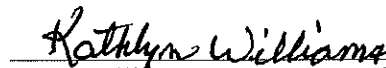
PASSED AND ADOPTED by The Town Council this 6th day of February, 2025

FAYETTE TOWN



Jed D. Bartholomew, Fayette Town Mayor

Attest:



Kathy Williams, Fayette Town Clerk/Recorder

Town Council Vote as Recorded:

Town Council Member, Bryan Lyman
Town Council Member, Keith Bartholomew
Town Council Member, Melissa Mellor
Town Council Member, Breanne Mashek
Mayor, Jed D. Bartholomew

AYE	NAY	ABSENT
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<u>BL</u>	_____	_____
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<u>KTB</u>	_____	_____
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<u>MM</u>	_____	_____
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<u>BM</u>	_____	_____
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<u>JDB</u>	_____	_____
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[Handwritten signatures and initials in the Absent column, including "B. Lyman", "Keith Bartholomew", "Melissa Mellor", "Breanne Mashek", and "Jed D. Bartholomew"]