

# TITLE 20 – ZONING ORDINANCE OF GENOLA

## CHAPTER 08 SUBDIVISION ORDINANCE

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### 20.08.01 TITLE AND PURPOSE

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

### 20.08.02 SUBDIVISION REGULATIONS

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

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

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

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

- a. recites the legal descriptions of the original parcel and the parcels resulting from the exempt division;
- b. includes notice that the resulting parcels were divided according to a subdivision exemption and will not be approved for non-agricultural use without completing the Town's subdivision requirements in effect at the time of the application for the change in use;
- c. is approved by the Town attorney;
- d. is executed by each owner of the parcel of land and by the Planning Commission Chairperson; and
- e. contains an acknowledgement for each party executing the notice in accordance with the provisions of Utah Code Title 57, Chapter 2A, Recognition of Acknowledgment Acts, as amended.

- 3. **BUILDING PERMITS.** The Town shall not grant a permit for the construction of any building or structure on a lot within a proposed subdivision until a subdivision plat has been approved pursuant to this Chapter and recorded in the office of the County Recorder, as applicable. Any permit issued prior to recording shall be null and void.

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

20.08.03      **PROCEDURE FOR OBTAINING APPROVAL OF A SUBDIVISION**

- 1.      **Vicinity Plan.**
  - a.      The Developer shall prepare a Vicinity Plan and shall submit three (3) copies of the same to the Planning Commission and pay the applicable application fee. **ALL FEES PAID RELATED TO A SUBDIVISION APPLICATION ARE NONTRANSFERABLE AND NONREFUNDABLE. THE LANDOWNER IS RESPONSIBLE FOR ALL FEES.**

- b. The Vicinity Plan shall show a simple sketch drawn to scale of the proposed layout of streets, lots, and other features, in relation to existing and planned streets (planned streets include both those proposed by the developer as part of the subdivision as well as those proposed by the Town of Genola) within one-fourth mile of the subdivision. The plan may be a pencil sketch or may be made directly on an aerial photograph. The plan shall be prepared at a scale of not smaller than one inch = 500 feet.
- c. The Planning Commission shall review the Vicinity Plan and shall approve or disapprove the general design of the subdivision or approve it subject to required changes or alterations.

2. **Preliminary Plat and Plan Set.**

- a. The Developer shall prepare a Preliminary Plat of the subdivision for review by the Planning Commission and Town Council. The Preliminary Plat may be presented to the Planning Commission at the same time as the Vicinity Plan. Presentation of the Preliminary Plat will NOT be added to the Planning Commission Meeting Agenda until all of the following have been provided to the Town Office:
  - i. Three Copies of the Preliminary Plat;
  - ii. A Subdivision Feasibility Letter from the Utah County Health Department;
  - iii. A Public Land Survey System (PLSS) clearance letter from the Utah County Survey Office (if there are PLSS monuments located on or adjacent to property, a monument excavation permit may be required);
  - iv. An approval letter from their Secondary Water supplier
  - v. An approval letter from Rocky Mountain Power
  - vi. If over 500 feet of culinary water line will be installed, a hydraulic analysis approved by the Town Public Works Director
  - vii. A signed agreement with the Town of Genola regarding permission, terms and conditions for extensions and connections to the Town of Genola's water system
  - viii. Payment of all Town fees and costs through the Preliminary Plat Approval, including consultation fees for engineering and legal services.
- b. The Preliminary Plat shall be drawn to a scale of one inch equals 100 feet or larger and shall show:
  - i. the proposed name of the subdivision;
  - ii. sufficient information to locate accurately the property shown on the plat;

- iii. the location of the subdivision as forming a part of a larger tract or parcel where the plan submitted covers only a part of the Developer's tract;
- iv. the boundary lines of the tract to be subdivided, including temporary addresses of each lot;
- v. the names and addresses of the Developer(s), the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided;
- vi. the location, width, and other dimensions of all existing or platted streets and other important features such as water courses; exceptional topography, and buildings within the tract and within two hundred (200) feet of the tract to be subdivided;
- vii. all existing and proposed water mains, fire hydrants, and services to each lot;
- viii. all existing and proposed irrigation water infrastructure;
- ix. all existing and proposed roads within the proposed plat map, including all applicable road signage, with road widths matching the Town's current proposed road map;
- x. all roads within the proposed plat that will be dedicated to the Town, with road widths matching the Town's current proposed road map;
- xi. all easements;
- xii. provisions for drainage;
- xiii. contour map at appropriate intervals where required by the Planning Commission;
- xiv. existing sanitary sewers, storm drains, water supply mains, and bridges within the tract, or within two hundred (200) feet thereof;
- xv. The location, width, and other dimensions of planned streets (planned streets include both those proposed by the developer as part of the subdivision as well as those proposed by the Town of Genola), alleys, easements, parks, and other open spaces, with proper labeling of spaces to be dedicated to the public or to be reserved for common use and benefit of development residents.
- xvi. North Point, scale, and date;
- xvii. Engineering drawings, including typical cross sections and plans and/or written statements regarding the width and type of proposed streets; location, (both on site and off site), size, and type of proposed drainage facilities, and other proposed improvements such as sidewalks, curbs and gutters, parks, and fire hydrants;
- xviii. The location of all required monuments;

- xix. The Preliminary Plat shall demonstrate that all required improvements will meet the Genola Town Standards; and
- xx. The Developer shall provide any other material or information required by the Planning Commission.
- c. **Planning Commission Recommendation of Preliminary Plat.** The Planning Commission shall review and shall make a good faith effort to recommend or deny the Preliminary Plat, or recommend it with modifications, within sixty (60) days from the date of the submission of the Preliminary Plat to the Planning Commission, but in no case shall the Planning Commission take more than ninety (90) days from the date of the submission of the Preliminary Plan for such recommendation or denial. Recommendation or denial shall be based upon compliance with the Master Plan, the Genola Town Standards, the requirements of the Genola Zoning Ordinance, any other applicable Genola Town Ordinance, the standards and conditions of approval as set forth herein, and any reasonable requirements made by the Planning Commission. The action of the Planning Commission shall be recorded in the minutes of the meeting during which such action was taken and if desired by the Developer, such action shall be written and signed by the chairman of the Planning Commission and provided to the Developer. If denied, the Planning Commission shall state on the record the reasons for such denial.
- d. Upon the recommendation of the Planning Commission, the Developer shall submit the Preliminary Plat to the Town Council at the Town Council's next regularly scheduled meeting for Town Council review and approval. Approval or denial shall be based upon compliance with the Master Plan, the Genola Town Standards, the requirements of the Genola Zoning Ordinance, any other applicable Genola Town Ordinance, the standards and conditions of approval as set forth herein, and any reasonable requirements made by the Town Council. The action of the Town Council shall be recorded in the minutes of the meeting during which such action was taken and if desired by the Developer, such action shall be written and signed by the chairman of the Town Council and provided to the Developer. If denied, the Town Council shall state on the record the reasons for such denial.
- e. Where a Developer owns or controls more land than he wishes to develop immediately, the Developer shall prepare a Preliminary Plat that contains all of the land owned, controlled or represented by the Developer that is contiguous to the land being subdivided. The Preliminary Plat shall identify the portion to be developed immediately and the portion to be held for future development. Any portion identified as future development shall be required to comply with this Ordinance prior to its being developed.
- f. After approval of the Preliminary Plat has been obtained from the Planning Commission and Town Council, the developer shall submit to the Town Office construction drawings with all contractor information including but not limited to General Contractors and all Subcontractors working on the project. A contractor form may be obtained from the Town Office. Information that will need to be submitted must include: contractor name, contact name, address, phone number, and license number. The Town of Genola may verify license numbers to confirm contractors are in good standing with the State of Utah.

3. **Final Plat and Plan Set.**

- a. After the Preliminary Plat has been approved, the Developer shall prepare and submit one (1) tracing of the final plat of the subdivision to the Planning Commission.
- b. The Final Plat shall be prepared on a sheet of approved tracing linen or mylar to the outside or trim line dimension of twenty-three (23) by thirty-six (36) inches and the border line of the plat shall be drawn in heavy lines, leaving a space of at least one and one-half (1½) inches margin on the left-hand side of the sheet for binding, and not less than one-half (1/2) inch margin in from the outside or trim line around the other three sides or edges of the sheet. The plat shall be so drawn that the top of the sheet either faces North or West, whichever accommodates the drawings best. All lines, dimensions, and marking shall be made with approved waterproof black "India Drawing Ink," or equivalent. The actual map shall be made on a scale large enough to clearly show all details, and workmanship on finished drawings shall be neat, clean cut, and readable.
- c. Presentation of the Final Plat will NOT be added to the Planning Commission Meeting Agenda until all of the following have been provided to the Town Office:
  - i. Final Plat on mylar;
  - ii. Either
    1. An approval letter from the Town Public Works Director for the installed improvements, OR
    2. Proof of deposit for the required Installation Guarantee for the remaining improvements;
  - iii. Proof of deposit for the required Improvement Warranty;
  - iv. Payment of all Town fees and costs through the Final Plat Approval, including consultation fees for engineering and legal services
  - v. One paper copy and one electronic copy of Record Drawings (a.k.a. As-Builts or Redlines)
- d. The Developer shall also furnish the Planning Commission with two (2) prints of the Final Plat when submitting the tracing. The final plat shall contain the following information:
  - i. Subdivision name and general location of the subdivision.
  - ii. A North Point and scale on the drawings and the date.
  - iii. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to the public survey monuments. Those lines should be slightly heavier than street and lot lines.
  - iv. The names, widths, lengths, bearings, and curve data of the proposed public streets, alleys, easements; also the boundaries, bearings and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the

public; the lines, dimensions, bearings, and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the Planning Commission. All proposed streets shall be named or numbered in accordance with and in conformity with the town's street naming and numbering system.

- v. The location of all required monuments.
- vi. The description and locations of all monuments set and established by the County or the United States Government that are adjacent or near this proposed subdivision.
- vii. The standard forms approved by the Planning Commission lettered for the following:
  - 1. Description of land to be included in subdivision.
  - 2. Registered Professional Engineer and/or land surveyor's 'Certificate of Survey.'
  - 3. Owner's dedication of land.
  - 4. Notary Public's Acknowledgment of Dedication.
  - 5. Planning Commission's Certificate of Approval.
  - 6. Town Engineer's Certificate of Approval.
  - 7. Approval of Public Health Official, including notation of any special requirements.
  - 8. The Town Council Certificate of Acceptance and Approval.

Note: It is necessary that all dimensions and calculations made by the Engineer shall show proper closure in all boundaries of the subdivision, and no plat will be accepted that shows a plus or minus distance for closure, unless agreed by the Planning Commission or other person duly empowered by Resolution.

- e. Prior to the approval of the Final Plat by the Planning Commission, the Developer shall post an installation guarantee and a performance guarantee with the Town Clerk in the amounts designated by the town public works director, as outlined in Section 20.08.04 below.
- f. The Planning Commission shall review the final plat and shall approve or disapprove the final plat and approve it with modification, within ninety (90) days of submission.
- g. After obtaining approval by the Planning Commission, the Developer shall submit the final plat to the Mayor for signature. Final Plats must be recorded in the office of the County Recorder not less than one hundred eighty (180) days from the date of approval of the Final Plat by the Planning Commission, and no lot shall be sold within such subdivision until the plat has been so approved and recorded. A final plat of any subdivision which is not recorded within one hundred eighty (180) days from the date of approval by the Planning Commission shall be null and void, unless a longer period of time is approved by the Planning Commission. Approval of the Final Plat by the Planning

Commission shall not be deemed as the acceptance of the dedication of any street, public way, or ground. Such acceptance shall be obtained by signature of the Mayor.

- h. Sale of Lots Before Improvements Prohibited. A Developer may not sell any lot in a subdivision until the required improvements are made to such lot regardless of the Developer providing a guarantee for such improvements.

**(Amended by Ordinance 2022-04, passed on July 20, 2022.)**

#### **20.08.04 GUARANTEE OF PERFORMANCE**

1. Installation Guarantee: The Installation Guarantee is an amount of money or money equivalent, as described below, given to Genola Town by a Developer to ensure that the required improvements are installed.
  - a. Type and Amount of Installation Guarantee: The type of guarantee shall be in the form of a bond, mortgage, or a cash deposit. If a bond or cash deposit, the amount shall be equal to one hundred twenty-five percent (125%) of the cost of the required improvements, as determined by the Town Public Works Director. If a mortgage, the amount shall be equal to at least two hundred percent (200%) of the cost of the required improvements, as determined by the Town Public Works Director. The design engineer shall submit an opinion of probable construction cost containing an itemized listing of all public improvements as well as other costs required to construct them (i.e. construction staking, mobilization, etc.).
  - b. Duration: The duration of the bond or other assurance shall be for two years from the date of approval of the subdivision by the Town Council. An extension of time may be granted by the Town Council upon application by the Developer. Provided such application is submitted at least sixty (60) days prior to the expiration of the bond, and provided the issuer of the bond is willing to extend the time of the assurance.
  - c. Partial Completion: If the Developer completes portions of the required infrastructure improvements and such completions are inspected and accepted by the Town Public Works Director, the Town shall release a portion of the installation guarantee equal to the cost of the completed, accepted infrastructure improvements, minus the amount of the Warranty set forth in Subsection 2 below.
  - d. Default: In the event the Developer is in default or fails or neglects to satisfactorily install the required improvements within two years from the date of approval of the plat by the Town Council, or to pay all liens in connection therewith, the Town Council may declare the bond or other assurance forfeited and the town may install or cause the required improvements to be installed using the proceeds from the collection of bond or other assurance to defray the expense thereof.
  - e. Final Disposition and Release: The Developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the Town Public Works Director shall make a preliminary inspection of the improvements and shall submit a report to the Town Council, setting forth the conditions of such facilities. If all liens are paid, and other conditions thereof are found to be satisfactory, the Town Council shall release the bond or other assurance, minus the amount of the Warranty set forth in Subsection 2 below. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability or if any



outstanding liens are not paid, the Town Council may declare the Developer in default.

2. Improvement Warranty: The Improvement Warranty is an amount of money or money equivalent, as described below, given to Genola Town by a Developer to cover the costs of inadequate quality of improvements or the early failure of the same.
  - a. Type and Amount of Warranty: The type of warranty shall be in the form of a bond, mortgage, or a cash deposit or other valuable consideration acceptable to the Town Council in an amount equal to ten percent (10%) of the cost of the required improvements, as determined by the Town Engineer (or contracted engineering firm) or the developer's reasonable estimated cost of completion. The developer shall submit a report of the construction cost containing an itemized listing of all public improvements as well as other costs required to construct them (i.e. construction staking, mobilization, etc.) in order to determine the amount of the warranty.
  - b. Duration: The duration of the bond or other assurance shall be for one calendar year from the date the Town of Genola accepts the improvements as completed in accordance with Town specifications. The Town of Genola may extend the duration of the assurance if the Town of Genola:
    - i. Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
    - ii. has substantial evidence, on record:
      1. that the area upon which the infrastructure will be constructed contains suspect soil and the Town of Genola has not otherwise required the Developer to mitigate the suspect soil; OR
      2. of prior poor performance by the Developer; OR
      3. there is reasonable evidence that the improvements may be of unacceptable quality but additional time would be helpful to determine the extent of such unacceptable quality.
  - c. Default: In the event the improvements made by the Developer fail in any manner or show unusual wear or the Developer fails to pay all liens in connection therewith, the Town Council may declare the bond or other assurance forfeited and the Town may repair, replace or cause the deficient improvements to be installed or replaced or pay any liens that remain using the proceeds from the collection of bond or other assurance to defray the expense thereof.
  - d. Final Disposition and Release: The Developer shall be responsible for the quality of all materials and workmanship. At the conclusion of the bond performance guarantee period, the Town Public Works Director shall make an inspection of the improvements and shall submit a report to the Town Council setting forth the conditions of such facilities. If all liens are paid, and all improvements are found to be satisfactory, the Town Council shall release the bond or other assurance within 60 days upon written request from the Developer.

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

**20.08.05 DESIGN STANDARDS AND REQUIREMENTS**

1. Minimum Area of Subdivision: There shall be no minimum area for a subdivision except as required to meet the minimum lot size and requirements as provided in the Zoning Ordinance for the area in which the subdivision is located.
2. Streets and Alley Widths, Cul-de-sacs, and Easements:
  - a. Street Widths: All streets shall conform to the required widths as found in the Genola Town Road standards as adopted by the Town of Genola. Where the Town of Genola has designated a future road that is located within a subdivision that is to be developed by the Developer, the corresponding road dedication shall conform to the width requirements of such planned road. The dedicated road shall be graded and paved and culverts installed in accordance with town standards. Wider areas of roads for fire truck turn arounds shall be required as determined by fire code standards and by the Town Fire Chief.
  - b. Alleys: Alleys shall have a minimum width of twenty-six (26) feet. Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the Planning Commission.
  - c. Reverse Curves: Reverse curves shall have a tangent of at least one hundred (100) feet, unless in the opinion of the Planning Commission such is not necessary.
  - d. Street Intersection: Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the major or collector streets at an angle of not less than eight (80) degrees. Offsets in street alignment of more than ten (10) feet or less than one hundred twenty (120) feet shall be prohibited.
  - e. Street Grades: Minimum street grades of one percent (1.0%) will be required with the maximum grade being 7 per cent for collector streets and 10 per cent for minor streets. Where the observance of this standard is unfeasible, the Town Council shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed or in the opinion of the Town Council the best subdivision of the land is thereby secured.
  - f. Street Curves: Where the street lines within a block deflect from each other at any one point more than ten (10) degrees, there should be a connecting curve. The radius of the curve for the inner street line should be not less than 350 feet for major streets, 250 feet for an important neighborhood street, and 100 feet for minor streets.
  - g. Street Names: New street names should not duplicate those already existing. A street obviously a continuation of another already in existence should bear the same name. Before the street is named, the proposed name must be submitted to and approved by the Town Council.
  - h. Relations to Adjoining Street System: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary by the Town Council, for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient

access to it. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

- i. Cul-de-sacs: Cul-de-sacs (dead end streets) shall be used only where unusual conditions exist which make other designs undesirable. Each cul-de-sac shall have a minimum right-of-way width of sixty (60) feet and must be terminated by a turnaround of not less than one hundred ten (110) feet in diameter or a hammerhead turnaround with a minimum width of sixty (60) feet. Surface water must drain away from the turn-around, except that where surface water cannot be drained away from the turn-around along the street, due to grade, necessary catch basins and drainage easements shall be provided.
  - j. Easements: Where alleys are not provided, easements of not less than eight (8) feet on each side of all lot lines will be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of main sewers or similar utilities.
3. Blocks:
- a. Length: The maximum length of blocks, generally, shall be two thousand six hundred forty (2640) feet and the minimum length of blocks shall be three hundred and thirty (330) feet. Where the length of a block exceeds thirteen hundred feet (1,300) feet where the street dead ends, the Planning Commission may establish additional requirements to ensure the general safety and future road connectivity.
  - b. Width. The width of blocks generally shall be sufficient to allow two (2) tiers of lots.
  - c. Use: Blocks intended for business or industrial use shall be designed especially for such purposes with adequate space set aside for off-street parking and delivery facilities.
4. Lots:
- a. Building Sites: The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.
  - b. Building Lot Sizes and Frontage Requirements: All lots shall meet the lot size and frontage requirements for the zone in which it is located.
  - c. Building Lots Must Abut on Public Streets: Each lot shall abut on a street dedicated by the subdivision plat or an existing publicly dedicated street. Interior lots having frontage on two streets shall be allowed, except where topographic conditions make such design undesirable.
  - d. Corner Lots: Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.

- e. Angle of Lots: Side lines of lots shall be approximately at right angles, or radial to the street line, except where topographic conditions make it advisable to have side lot lines deflect at sharper angles.
- f. Parts of Lots: All remnants of lots below minimum size left over after subdividing of a larger tract must be attached to adjacent lots rather than allowed to remain as unusable parcels.
- g. Divided Lots: Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the County Recorder's office before being certified to the Planning Commission by the Developer.

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

**20.08.06 IMPROVEMENT REQUIREMENTS**

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

Said improvements shall be as follows:

1. Streets and Travel Easements: All streets and travel easements, including proposed roads within the subdivision, shall be dedicated to the Town and shall be graded and paved and culverts installed in accordance with Town Standards as directed by the Town Public Works Director.
2. All Sewage Disposal Systems: Systems shall conform to Genola Town and Utah County Board of Health specifications.
3. Water Mains: Both "off-site" and "on-site" water mains shall be installed in accordance with Genola Town standards.
4. Fire Hydrants: Fire hydrants shall be installed in accordance with town specifications.
5. Permanent Monuments: Permanent monuments shall be installed in accordance with town specifications.
6. Underground Utilities: Communications conduit shall be located underground except when the Developer can show the Planning Commission that underground lines are not feasible.
7. Environmental Hazards: Environmental hazards must be eliminated as required by the Town Council as follows:

- a. Cut and fill slopes must be covered with top soil and reseeded.
- b. Location of streets and buildings on unstable soil shall be avoided.
- c. Surface water shall be confined to the subdivision or shall be drained into natural channels in a manner that will prevent the soil within and outside of the subdivision from eroding.
- d. Natural drainage channels shall be adequately taken into account in laying out the subdivision.
- e. Other environmental hazards must also be eliminated or adequately handled as directed by the Town Council.

8. Secondary Water

Letter of approval and letters of notification,

- a. If construction is required on Strawberry High Line Canal Company's existing infrastructure, a letter of approval from SHLCC must be obtained.
  - b. If construction is required on local pond company's pressurized system outside the tract to be subdivided, a letter of approval must be obtained from that pond company. If changes will be made on local pond company's pressurized system inside the tract to be subdivided, a letter of notification must be sent to the local pond company.
  - c. The location of all secondary water mains, meters, shutoff valves and water risers.
  - d. Note: It is necessary that all secondary water mains, meters, and shutoff valves within the subdivision must be installed in accordance with Genola Town water standards and inspected by personnel authorized by the Genola Town Council.
9. Regulatory signs: All traffic and road signage required by the Genola Town Public Works Director.

(Amended by Ordinance 2022-04, passed on July 20, 2022.)

**20.08.07 COSTS AND CHARGES IN CONNECTION WITH THE DEVELOPMENT OF SUBDIVISIONS**

Except as noted below, costs and charges in connection with the planning and development of subdivisions in Genola, Utah, shall be paid for by the Developer.

**Reimbursement for Public Improvements.** Any Developer who expends funds to install municipal services or public improvements (i.e., water lines, asphalt or concrete pavement, road base, etc.) ("Installed Improvements") associated with an approved development may receive reimbursement of part of that expense under the following conditions:

- 1. The Developer shall enter into a written reimbursement agreement with the Town prior to the Installed Improvements being installed.
- 2. The amount of the reimbursement shall be limited to the Installed Improvement addressed in the reimbursement agreement which:
  - a. are municipal services or public improvements,
  - b. provide a direct benefit to property adjacent to the Installed Improvements, and

- c. are greater than the roughly proportional share of improvements needed to service the original development.
3. If within five (5) years from the date of the reimbursement agreement, a party (“Subsequent Developer”) develops property that: (a) is adjacent to the property with the Installed Improvements and (b) directly benefits from the Installed Improvements in order to meet its obligations for development, the Subsequent Developer shall pay to the Town a developer reimbursement payment for the Installed Improvements. The developer reimbursement payment for installed municipal services or public improvements, street, curb, gutter, sidewalk, and pavement (including road base and sub-base) shall be at a rate per linear foot of street frontage as indicated in the written reimbursement agreement with the Town and based on the Developer’s actual costs for such public improvements per linear foot. The Subsequent Developer shall pay 50% of the indicated per linear foot rate for the portion of the improvements that benefit the Subsequent Developer. The developer reimbursement payment is separate from and in addition to the payment of any other required fees or improvements.
  4. After payment is received from the Subsequent Developer and after completion of the subsequent development, the Town of Genola will withhold ten percent (10%) of the collected developer reimbursement payment for administrative purposes, and the Town of Genola will pay the Developer up to 50% of the cost of the Installed Improvements, less the administrative fee. In no event shall the amount paid to the Developer exceed the amount actually collected by the Town from the Subsequent Developer less the administrative fee.
  5. If the Town installs public improvements at the Town’s expense, the Town may receive reimbursement from developing parties pursuant to this Section as though the Town were a private party. The agreement described in Subsection (1) of this Section shall not be required for reimbursement to the Town.
  6. The developer reimbursement payment described in Subsection (3) of this section shall be paid to the Town in its entirety prior to final plat approval of the subsequent development.

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

**20.08.08 SUBDIVISION AMENDMENTS AND BOUNDARY LINE ADJUSTMENTS**

**Subdivision Amendments.** A Developer desiring to amend a recorded subdivision may file a written application with the Town of Genola to request an amendment to the recorded plat. Except for Boundary Line Adjustments described below, the application to vacate, alter, or amend an entire plat, portion of a plat, or a street or lot contained in a plat shall be accompanied by the following:

1. The name and address of all owners of record of the land contained in the entire plat;
2. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
3. The signature of each of these owners who consents to the application.

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

1. The Town shall provide notice of the petition by mail to the owners within the plat and each affected entity that provides a service to an owner of the record of the portion of the plat that is being vacated or amended at least ten (10) calendar days before the Planning Commission will first discuss the vacation or amendment of the plat.
2. The Planning Commission shall hold a public hearing within forty five (45) days after the day on which the petition is filed if:
  - a. Any owner within the plat notifies the Town of the owner's objection in writing within ten (10) days of mailed notification; or
  - b. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
  - c. The public hearing requirement does not apply and the Planning Commission may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if the petition seeks only to:
    - i. join two (2) or more of the petitioning fee owner's contiguous lots;
    - ii. Subdivide one or more of the Developer's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
    - iii. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner and are not designated as a common area.
3. The Planning Commission shall make a recommendation as to the application to the Town Council. The Town Council will then review and make a decision on the application.

If an application is submitted containing a request to vacate or alter any portion of a street or alley within a subdivision the following shall apply:

1. The Planning Commission shall hold a public hearing, after providing notice to property owners within three hundred feet (300') of the area being petitioned for vacation or alteration. After the public hearing and review by the Planning Commission, the Planning Commission shall make a recommendation to the Town Council. The Town Council may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if it finds that good cause exists for the vacation or alteration and neither the public interest nor any person will be materially injured by the vacation. If the Town Council vacates or alters any portion of a street or alley, the Town Recorder shall ensure that the plat is recorded in the Office of the Recorder of the County in which the land is located.
2. The action of the Town Council vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating plat, as a revocation of the acceptance thereof, and the relinquishment of the Town's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the rights of any public utility may not be impaired thereby.

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

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

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

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

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

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

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

**Notice of Approval.** The application for a boundary line adjustment shall include a notice of approval for recording in the office of the county recorder, if approved by the Town. The Notice of Approval shall:

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

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

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

**20.08.09 GENERAL REQUIREMENTS**



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

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

**20.08.10            DEFINITIONS**

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

1. Easement: The quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.
2. Final Plat: A map or chart of the land-division which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.
3. Intervening Property: Property located between the existing service facility and the property under development.
4. Major Street: A street existing or proposed, which serves or is intended to serve as a major traffic-way, and is designated as a collector or arterial street on the Master Plan.
5. Metes and Bounds: The description of a lot or parcel of land by courses and distance.
6. Minor Street: A street existing or proposed which is supplementary to a collector street and of limited continuity which serve, or is intended to serve, the local needs of a neighborhood.
7. Off-Site Facilities: Facilities designed or located so as to serve other property outside of the boundaries of the subdivision— usually lying between development and existing facilities.
8. On-Site Facilities: Facilities installed within or on the perimeter of the subdivision.
9. Over-Size Facilities: Facilities with added capacity designed to serve other property, in addition to the land within the boundaries of the subdivision.
10. Preliminary Plan: A map or chart of a proposed land-division.
11. 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.

“Subdivision” includes:

- a. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, or other recorded instrument; and
- b. Divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

“Subdivision” does not include:

- c. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
- d. A recorded agreement between owners of adjoining un-subdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use ordinances;
- e. A recorded document, executed by the owner of record revising the legal description of more than one contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property; or joining a subdivided parcel of property another parcel of property that has not been subdivided, if the joining does not violate applicable land use ordinances; and
- f. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision.

12. Vicinity Plan: A map or chart showing the relationship of streets within a proposed subdivision to streets in the surrounding area.

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

#### **20.08.11 PENALTIES**

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

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<sup>i</sup> Historical versions:

- 2022-04, Passed July 20, 2022
- 2022-01, Passed January 19, 2022
- 2019-04, Passed March 13, 2019
- 2018-01
- 2016-06
- 2008-05
- 2006-02