

ORDINANCE 14-11

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 16 of the Hyrum City Municipal Code is known as the Subdivision Ordinance of Hyrum City and sets forth regulations governing the division, subdivision, and development of land within Hyrum City; and

WHEREAS, Section 16.12.030 C.21. of the Hyrum City Municipal Code requires title blocks to be shown along the bottom of the Preliminary Plat and this information is not necessary until the Final Plat; and

WHEREAS, Section 16.16.160 of the Hyrum City Municipal Code sets forth the regulations and requirements for amending recorded plats; and

WHEREAS, recent changes to State Law now allows amendments to the final plat when no new lots are created to be approved in-house and does not require Planning Commission and/or City Council approval; and

WHEREAS, Section 16.20.050 of the Hyrum City Municipal Code sets an additional impact fee equal to five percent of the fair market value of the subdivision property for parks, schools, recreation facilities, and other public spaces; and

WHEREAS, Utah State Code is very specific on how impact fees are calculated and imposed and the additional five percent impact fee is not legal; and

WHEREAS, the Hyrum City Council adopted Ordinance 14-09 reducing the frontage of residential lots in major subdivision to 82 ½' and Section 16.20.150 F. needs to be amended to reflect that change; and

WHEREAS, Section 16.20.200 D.1.g. of the Hyrum City Municipal Code sets forth the lot size requirements for construction in floodplain areas; and

WHEREAS, since Chapter 15.56 Flood Prevention Damage of the Hyrum City Municipal Code includes the requirements for construction in a floodplain the information in Section 16.20.200 D.1.g. can be repealed; and

NOW, THEREFORE, upon recommendation of the Planning Commission and following a public hearing the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING SECTIONS 16.12.030, 16.16.160, 16.20.050, 16.20.150 AND 16.20.200 OF TITLE 16 (THE SUBDIVISION ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE BY AMENDING THE PRELIMINARY PLAT CONTENT TO NO LONGER INCLUDE TITLE BLOCKS; ALLOW RECORDING OF AN AMENDED PLAT IF NO NEW LOTS ARE CREATED; REPEAL THE ADDITIONAL 5% FOR SUBDIVISION IMPACT FEES; ALLOW A DEVELOPER TO DEDICATE LAND FOR A PARK RATHER THAN PAYING PARK IMPACT FEES; REQUIRE LOTS SHOWN ON FINAL PLAT TO MEET MINIMUM ZONING REQUIREMENTS; AND TO REQUIRE CONSTRUCTION IN FLOOD PLAIN AREAS TO MEET REQUIREMENTS OF CHAPTER 15.56.

1. Section 16.12.030 C. 21. of the Hyrum City Municipal Code is hereby amended to read as follows:

16.12.030 Plat Contents.

- C. ~~21. Title blocks along the bottom of the Preliminary Plat or plan notes shall show the following certification or approvals:~~
 - a. ~~An affidavit or certification of clear title to the effect the applicant is the owner of, or that he/she is authorized by the owner in writing to make application for, the land proposed to be subdivided. The affidavit or certificate shall state clearly in which status the applicant makes his/her application and if in the latter status a copy of the written authorization from the owner shall be submitted with the preliminary plat. In either case, an updated abstract of title or a preliminary title report shall also be submitted, which indicates in whom the fee simple title to such property is vested;~~
 - b. ~~A statement from each of the utility companies involved stating that they have reviewed the plan, that they approve the same as it relates to their particular company, that they are in agreement with placing all their utilities underground within the right of way or easements as shown on the plans, and are willing to provide the needed service for the development;~~
 - e. ~~An estimate of all expenses involving the necessary improvements or extensions for a sanitary sewer system, gas service, electrical~~

~~service, grading and landscaping, street trees, storm drain systems, curbs and gutters, and fire hydrants, pavement, chip and seal, sidewalks, street lighting and signing, and all other improvements that shall be financed by the subdivider;~~

- ~~d. A statement identifying the developer's proposed method of satisfying the security of performance requirement (16.20.030; (Ord. 98-06);~~
- ~~e. A block for the City Engineer to sign stating his approval.~~
- ~~f. A block for the Planning Commission to indicate their approval by the signature of the chairman of the Commission;~~
- ~~g. A block for the City Council to indicate it's approval by the signature of the Mayor;~~
- ~~h. A block for Hyrum City Culinary Water and Hyrum City Sanitary Sewer authorities to indicate their approval by signature;~~

2. Section 16.16.160 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.16.160 Amendment to Recorded Plats.

The City Council may, with or without an application, consider, after a Public Works Committee and Planning Commission review and recommendation, any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any road or lot, contained in a subdivision plat at a public hearing. As per state law, some amendments to recorded plat may be approved by the Zoning Administrator or City Recorder when no new lots are created.

3. Section 16.20.050 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.050 Parks, schools, recreational facilities and other public spaces.

~~In addition to all other fees required by this or any other ordinance of the City, there is imposed an impact fee equal to five percent of the fair market value of the subdivision property valued as of the date of final approval. The governing body may, at its discretion and in lieu of the five percent reduced impact fees, require allow the subdivider to dedicate five percent of the land area in the of the proposed subdivision to the City for public improvements as stated herein and for it to be used primarily for the benefit of the subdivision. If the City elects to require land in lieu of the reduced impact fee, the election shall~~

be made on or before the date the preliminary plat is approved by the City Council. The dedication or payment shall be made by the developer at or before the time of, and as a condition precedent thereto, the granting of final approval by the City Council of the subdivider's final plat. The City shall use the land so dedicated for flood control, schools, parks, recreational facilities, or for other similar public uses; and any moneys received pursuant to the requirements of this section shall be held in a special fund and expended only for flood control, schools, parks, recreational facilities and for other similar public uses.

4. Section 16.20.150 F. of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.150 Design standards.

F. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning title for the zone or proposed zone in which the subdivision is located except for ~~lot frontage, which must be 100 feet minimum for each lot and~~ subject to the provisions of Section 16.20.140.

5. Section 16.20.200 D. 1. g. of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.200 Storm drainage.

D.1.g. ~~No lot one acre or less in area shall include flood lands. All lots more than one acre shall contain not less than forty thousand square feet of land which is at an elevation at least two feet above the elevation of the one hundred year recurrence interval flood, or, where such data is not available, five feet above the elevation of the maximum flood of record. Construction in floodplain areas to meet requirements of Section 15.56.~~

REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts,

sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 20th day of November, 2014.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: _____