



Report by: Barton Brierley

Agenda Name: **Subdivision Ordinance Amendment – Parcel and Lot Changes**

Petitioner/ Developer: Ogden Planning Division

Petitioner/ Developer’s requested action: Amend the subdivision ordinance to modify procedures and standards for lot combinations, lot line adjustments, subdivision amendments, and vacations to align with state law and streamline processes.

What the Planning Commission reviews

The Planning Commission reviews subdivision amendments for:

- 1. Consistency with General Plan policies.
- 2. Consistency with the purposes of the subdivision ordinance.
- 3. Consistency with state and federal laws.

The Planning Commission makes a recommendation to the City Council, who makes the final decision.

Planning Commission’s determination for action

Possible Commission findings and actions:

- 1. Recommend adoption: Find that the proposed subdivision ordinance amendment is consistent with the General Plan, the purposes of the subdivision ordinance, and state and federal laws, and recommend that the City Council adopt the proposed amendment.
- 2. Recommend adoption with modifications: Find that the proposed subdivision ordinance amendment, with the following modifications (list) is consistent with the General Plan, the purposes of the subdivision ordinance, and state and federal laws, and recommend that the City Council adopt the proposed amendment as modified.



3. Recommend to not adopt: Find that the proposed subdivision ordinance amendment is not consistent with the General Plan, the purposes of the subdivision ordinance, or state and federal laws, and recommend that the City Council not adopt the proposed amendments.

Planning staff's recommended action

Recommend that the City Council adopt the proposed subdivision ordinance amendment as shown in Attachment 1.

Description of request

Planning staff proposes to amend the subdivision ordinance. The proposed amendments are to:

1. Ensure the subdivision ordinance aligns with state law;
2. Clarify language, resolve discrepancies, and make the ordinance easier to follow; and
3. Streamline and simplify the process.

The proposed amendments would:

1. Add and modify definitions to align with Utah state law.
2. Modify review processes to conform with recent changes in state law and clarify local review authorities.
3. Create specific procedures for parcel and lot combinations. The amendment gives authority to approve lot combinations without a subdivision plat amendment.
4. Establish standards for when lots are considered combined, such as if a house straddles a property line or if one property owner owns two 25' wide lots.
5. Establish clear standards for parcel and lot line adjustments. Adjust plat requirements to align with recent changes in state law. State law also requires a public meeting for lot line adjustments.
6. Clarify standards and processes for subdivision amendments. It would allow minor amendments to be approved by the mayor rather than having to go to the planning commission.



7. Create new standards to address situations where a plat is needed, but it doesn't actually subdivide property ("one-lot subdivisions").
8. Clarify the vacation processes.

Factors for consideration of action

CONSISTENCY WITH THE GENERAL PLAN

General Plan Strategy 3.7.D is:

Creating the most inviting, responsive local government in the state by continuing to promote a business friendly environment and by reducing bureaucracy and revising unnecessary regulations for development.

The proposal implements this policy by streamlining the review process for minor lot changes, such as lot line adjustments, lot combinations, and small subdivision amendments. For example, it would allow:

1. Simplifying the process and no longer requiring plat amendments to combine lots.
2. Allowing minor subdivision amendments to be approved by the mayor.
3. Allowing many "one-lot subdivisions" to be approved at staff or mayor level.

CONSISTENCY WITH STATE LAW

Staff has found several areas where the current subdivision ordinance does not align with the requirements of state law. The proposal would reconcile these differences. Issues include:

1. State law allows lot combinations without a plat *if the local ordinance allows it*. The proposal would allow them without a plat.
2. State law requires public meetings for lot line adjustments and lot combinations. The proposal would provide that these would be done at staff level.



Attachments

1. Proposed subdivision ordinance amendment



Attachments

1. Proposed subdivision ordinance amendment

Subdivision Ordinance Amendment

Parcel and Lot Changes



Draft May 16, 2023

SECTION 1. Section amended. Section 14-1-4 of the Ogden Municipal Code is amended to read as follows:

14-1-4: [DEFINITIONS:]

The following terms, as used in this title, shall have the respective meanings set forth in this section:

<p><u>ADJOIN:</u></p>	<p><u>To share all or part of a common property line, excluding sharing only at a point.</u></p>
<p>AFFECTED ENTITY:</p>	<p>A county, municipality, independent special district under title 17A, chapter 2, Utah Code Annotated, independent special district, local district under title 17B, chapter 2, Utah Code Annotated, local districts, school district, interlocal cooperation entity established under title 11, chapter 13, Utah Code Annotated, interlocal cooperation act, specified public utility, <u>special district, special service district under Utah code title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Utah code title 11, chapter 13, Interlocal Cooperation Act,</u> a property owner, a property owners' association, or the Utah department of transportation, if:</p> <ul style="list-style-type: none"> A. The entity's services or facilities are likely to require expansion or significant modification because of an intended land use; B. The entity has filed with the municipality a copy of the entity's general long range plan; or C. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this title or other requirement of state law.

ARTERIAL STREET:	A street, existing or proposed, which serves or is intended to serve as a major trafficway and which may be designated on the master street plan or transportation master plan as a major arterial, minor arterial, controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
<u>BOUNDARY LINE AGREEMENT:</u>	<u>An agreement pursuant to Utah law between property owners of adjacent properties establishing or adjusting the boundary line between those properties and affixing the ownership of the adjoining parties to the agreed boundary line.</u>
<u>BUILDING:</u>	<u>A structure with a roof and a clear space between the ceiling and floor or ground of at least six vertical feet (6') used for sheltering people, animals, or goods.</u>
CITY ENGINEER:	The city engineer of Ogden City, Utah.
COLLECTOR STREET:	A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal trafficway between large and separated areas or districts and which is the main means of access to the arterial street system and is designated on the master street plan or transportation master plan as a major collector, minor collector or other equivalent term.
COMPLETE SYSTEM:	A fully functional and operational infrastructure system constructed as part of a subdivision and, when applicable, actually connected to existing city infrastructure. Culinary water, sanitary sewer, storm sewer, streets and landscaping are each a separate system. Storm sewer facilities associated with a street are not complete until any required street improvements are completed.
CONTACT PERSON:	The individual designated in an application or petition, filed pursuant to the provisions of this title, to receive notices, copies of staff reports, and notices of final actions on a pending application.
<u>DEDICATION PLAT:</u>	<u>A plat that dedicates land for public streets or alleys, public uses, or municipal utility easements.</u>
DEPARTMENT:	The community and economic development department.

DEVELOPMENT REVIEW TEAM:	The manager, or the manager's designee, the city engineer, or the city engineer's designee, the city attorney, or the city attorney's designated assistant city attorney; representatives from the building services division, operations division, water division, fire department and police department; and other departments or divisions of the city as needed; or any company or agency, such as a utility company, which has been asked to review a preliminary or final plat under the provisions of this title.
DIRECTOR:	The director of the community and economic development department, or the director's designee.
ENGINEERING STANDARDS AND SPECIFICATIONS:	The regulations, design standards, and construction specifications for the construction of public improvements, as adopted by the city council and filed with the city recorder's office.
ENHANCED MEDIAN:	A landscaped median required as part of the general plan to be located in the center portion of a minimum eighty foot (80') collector road. A collector road for which an enhanced median is required is: Skyline Parkway.
<u>GENERAL PLAN:</u>	<u>The general plan of Ogden, Utah.</u>
INITIAL PUBLIC IMPROVEMENT PLAN:	<p>A plan which identifies generally how the subdivider intends to extend water and sanitary sewer services, provide storm drainage and storm detention facilities, and extend public streets to and through the subdivision. All or some portions of the plan may be depicted on the preliminary plat. The plan shall:</p> <ul style="list-style-type: none"> A. Identify the proposed location and size of all proposed sanitary sewers, water mains, storm sewers and storm detention basins, and their connection to existing facilities, including manholes, fire hydrants, and valves, and identify the water pressure in existing water mains; B. Identify proposed grades and widths of streets; C. Provide sufficient information to show how proposed mains and lines will be fed by gravity; D. Identify any proposed variations from the standards for public improvements adopted under chapter 3 of this title;

	<p>E. Identify all private streets and any or all portions of water, sanitary sewer, or storm sewer facilities located within private streets which the subdivider is requesting to be owned and maintained by the city; and</p> <p>F. Provide a street light design following the approved engineering standards for street lighting for subdivisions which propose the construction of a street to be dedicated to the public or which proposes lot access to existing City streets.</p>
<u>LAND FOR PUBLIC USE:</u>	<p><u>Land that is dedicated by a dedication plat for a public use, such as a utility or park, excluding land dedicated for public streets or alleys.</u></p> <p>A. <u>“Land for public use” does not imply the land must be accessible to the general public.</u></p> <p>B. <u>“Land for public use” excludes land acquired by a public agency by deed or other conveyance other than dedication by plat.</u></p>
<u>LAND USE AUTHORITY:</u>	<u>The official or body designated to act upon a land use application.</u>
<u>LAND USE ORDINANCE:</u>	Any planning, zoning, development, or subdivision ordinance of the city, including, but not limited to, the provisions of this title, commonly referred to as the subdivision ordinance of Ogden City and title 15 of this code, commonly referred to as the zoning ordinances of Ogden City, Utah. It is not intended to refer to the Ogden City general plan.
<u>LOCAL STREET:</u>	A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
<u>LOT:</u>	<u>A tract of land, regardless of any label, that is created by and shown on a plat that has been recorded in the office of the county recorder, as may have been adjusted through an approved and recorded subdivision amendment, lot line adjustment, lot combination, or land dedication.</u>
<u>LOT COMBINATION:</u>	<u>A combination of two or more lots into a single lot, or the joining of one or more parcels to one or more lots to create a single lot.</u>

<p><u>LOT LINE ADJUSTMENT:</u></p>	<p><u>A. A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels.</u></p> <p><u>1. whether or not the lots are located in the same subdivision;</u> <u>and</u></p> <p><u>2. with the consent of the property owners.</u></p> <p><u>B. "Lot line adjustment" does not mean a new boundary line that:</u></p> <p><u>1. creates an additional lot; or</u></p> <p><u>2. constitutes a subdivision.</u></p> <p><u>C. "Lot line adjustment" does not include a boundary line adjustment made by the Utah department of transportation.</u></p>
<p><u>MUNICIPAL UTILITY EASEMENT</u></p>	<p><u>An easement that:</u></p> <p><u>A. is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;</u></p> <p><u>B. is not a protected utility easement or a public utility easement as defined in Utah Code section 54-3-27;</u></p> <p><u>C. the city or the city's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines;</u></p> <p><u>D. is used or occupied with the consent of the city in accordance with an authorized franchise or other agreement;</u></p> <p><u>E. is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use; or</u></p> <p><u>F. is described in Utah Code 10-9a-529 and is used by a specified public utility.</u></p>
<p><u>MAJOR CHANGE:</u></p>	<p>Shall include, but not be limited to:</p>

	<p>A. Any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more, increasing density in the subdivision by ten percent (10%) or more, increasing the number of lots by ten percent (10%) or more, or increasing the lot size of more than ten percent (10%) of the lots by an amount of five hundred (500) square feet or greater;</p> <p>B. A change in the alignment, connection or grade of a public or private street, that could alter the locations, alignments or connections of water, sanitary sewer, storm sewer lines and facilities; or</p> <p>C. A change that would require amendment to any approved conditional use permit.</p>
MANAGER:	The manager of the current planning division of the community and economic development department of Ogden City.
MASTER STREET PLAN:	A plan, labeled "Master Street Plan Of Ogden City", including maps or reports or both, which was, on September 11, 1951, certified to the board of commissioners as required by law, or such plan as it may be amended from time to time and so certified to the city council.
NEXT REGULARLY SCHEDULED MEETING:	The next regularly scheduled meeting as determined by the rules and procedures of the planning commission, which meeting shall be held in a reasonable period of time following application and a determination by the manager that an application is ready for review.
<u>NON-SUBDIVIDING PLAT</u>	<u>A plat that defines boundaries of lots but does not create new lots.</u>
<u>PARCEL:</u>	<u>Any real property defined by metes and bounds description created for ownership separate from any adjoining property that is not a lot.</u>
<u>PARCEL BOUNDARY ADJUSTMENT:</u>	<p><u>A. A recorded agreement between property owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement if no additional parcel is created and:</u></p> <ol style="list-style-type: none"> <u>1. none of the property identified in the agreement is a lot; or</u> <u>2. the adjustment is to the boundaries of a single property owner's parcels.</u>

	<p><u>B. "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:</u></p> <ol style="list-style-type: none"> <u>1. creates an additional parcel; or</u> <u>2. constitutes a subdivision.</u> <p><u>C. "Parcel boundary adjustment" does not include a boundary line adjustment made by the Utah Department of Transportation.</u></p>
<u>PARCEL COMBINATION:</u>	<u>The combination of two or more adjoining parcels into one parcel.</u>
<u>PARCEL UNAUTHORIZED</u>	<u>A parcel that was created or adjusted without approval of the land use authority at the time of its creation or adjustment.</u>
<u>PLANNING COMMISSION:</u>	The Ogden City planning commission.
<u>PLAT:</u>	<u>A map depicting property lines that may include land dedicated for streets, alleys, public uses and easements, prepared by a surveyor, approved by the land use authority and recorded with the county recorder.</u>
<u>PLAT VACATION:</u>	<u>The elimination of a plat, in whole or in part, which vacation may apply to subdivided lots as well as roads, alleys, easements, and other areas depicted or dedicated on the plat.</u>
<u>PROPERTY:</u>	<u>A parcel or a lot.</u>
<u>PROPERTY OWNER:</u>	<u>The legal owner of property as shown on a current title report.</u>
<u>PUBLIC IMPROVEMENT PLANS:</u>	The designs and specifications for all public improvements, and any related information and data necessary for review and approval of such plans.
<u>PUBLIC IMPROVEMENTS:</u>	Improvements intended to be owned, maintained and operated by the city after completion of construction by the subdivider and final inspection and acceptance of the city engineer, including, but not limited to, roadways, curb, gutter, and sidewalk; culinary water, sanitary sewer and storm drainage mains, lines and related facilities; and storm detention facilities. Public improvements include landscaping required

	by ordinance and on site stormwater facilities even though such improvements will be maintained by the property owner.
<u>PUBLIC STREET OR ALLEY:</u>	<u>Any street or alley, including a right-of-way or public access easement, that was dedicated as a public thoroughfare by means of recordation of a subdivision plat or dedication plat. It also includes public streets or alleys, rights-of-way, and public access easements established by use or conveyed to the city, or its predecessor, by deed, declaration, legislative act or other instrument of conveyance other than a subdivision plat or dedication plat.</u>
PUBLIC WORKS DIRECTOR:	The director of the department of public services of Ogden City, Utah.
<u>RECORD OWNER:</u>	<u>The owner of property appearing on the rolls of the Weber County assessor.</u>
RESUBDIVISION:	Any change in a plat or map of an approved or recorded subdivision that requires the filing of an amended plat or map or planning commission review of a preliminary plat, or the vacation of all or a portion of an existing plat or map as part of the recording of a new plat or map.
<u>RIGHT-OF-WAY:</u>	<u>Either a public right-of-way or a private right-of-way, as the context dictates.</u>
<u>RIGHT-OF-WAY, PRIVATE:</u>	<u>The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.</u>
<u>RIGHT-OF-WAY, PUBLIC:</u>	<u>Land within a public street or alley.</u>

<p>SUBDIVISION:</p>	<p>A. Any land that is divided, resubdivided or proposed to be divided into two (2) 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.</p> <p>B. "Subdivision" includes:</p> <p>1. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument, <u>regardless of whether the division includes all or a portion of a parcel or lot;</u> and</p> <p>2. Except as provided in subsection C of this definition, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.</p> <p>C. "Subdivision" does not include any of the following:</p> <p>1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if certified by the director <u>manager</u> that neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance.</p> <p>2. <u>A boundary line agreement recorded with the county recorder's office between property owners of adjoining parcels adjusting the mutual boundary in accordance with Utah Code 10-9a-524 if no new parcel is created;</u></p> <p>2. A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary, if certified by the director that:</p> <p style="padding-left: 40px;">A. No new lot is created; and</p> <p style="padding-left: 40px;">B. The adjustment does not violate applicable land use ordinances.</p> <p>3. <u>A parcel combination or lot combination.</u></p> <p>3. A recorded document, executed by the owner of record:</p>
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~~A. — Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or~~

~~B. — Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable zoning ordinances.~~

~~4. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:~~

~~A. — No new dwelling lot or housing unit will result from the adjustment; and~~

~~B. — The adjustment will not violate any applicable land use ordinance.~~

4. A parcel boundary adjustment.

5. A lot line adjustment.

6. A road, street, or highway dedication plat.

7. A deed or easement for a road, street, or highway purpose.

8. Any other division of land authorized by law that specifically does not required a subdivision.

~~D. — The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the requirements of this chapter and chapters 2 and 3 of this title.~~

~~D.E.~~ The word "subdivide" and any derivative thereof shall have reference to the term "subdivision", as defined in this section.

E. A condominium project shall be considered to be a subdivision as provided in Utah Code Annotated section 57-8-35.

<p><u>SUBDIVISION AMENDMENT:</u></p>	<p>An amendment to a recorded subdivision that:</p> <p>A. <u>vacates all or a portion of the subdivision;</u></p> <p>B. <u>alters the outside boundary of the subdivision;</u></p> <p>C. <u>changes the number of lots within the subdivision;</u></p> <p>D. <u>alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or</u></p> <p>E. <u>alters a common area or other common amenity within the subdivision.</u></p>
<p><u>SUBDIVISION PLAT AMENDMENT:</u></p>	<p><u>A subdivision amendment that is effectuated by recording a new plat that supersedes all or part of the prior subdivision plat.</u></p>
<p><u>SURVEY MAP:</u></p>	<p><u>A map prepared by a Utah licensed land surveyor and filed with the county surveyor showing the boundary of land that establishes or reestablishes a boundary line or obtains data for constructing a map or plat showing a boundary line.</u></p>
<p>TRAFFIC CONTROL DEVICES:</p>	<p>Traffic signs limited to speed limit, yield and stop signs and stop bar pavement markings.</p>
<p>TRANSPORTATION MASTER PLAN:</p>	<p>The master plan for streets and other transportation purposes as adopted by the Ogden City Council as the same may be amended.</p>
<p>ZONING ORDINANCE:</p>	<p>The zoning ordinances of Ogden City, Utah, as adopted in title 15 of this code.</p>

SECTION 2. ~~Chapter amended.~~ Chapter 7, Title 14 of the Ogden Municipal Code is

amended to read as follows:

CHAPTER 7
[SUBDIVISION AMENDMENTS, ALTERATIONS AND VACATIONS]

14-7-1: [DEFINITIONS:]

~~LOT COMBINATION: The altering of a subdivision plat by joining two (2) or more of an owner's contiguous, residential lots into one lot.~~

~~PLAT VACATION: The elimination of a plat, in whole or in part, which vacation may apply to subdivided lots as well as roads, alleys, easements, and other areas depicted or dedicated on the plat.~~

~~PROPERTY LINE ADJUSTMENT: The adjustment of a mutual boundary line between the owners of adjacent parcels that are described by either a metes and bounds description or as a lot within a recorded plat.~~

~~PUBLIC STREET OR ALLEY: Any street or alley, including a right of way or public access easement, that was dedicated as a public thoroughfare by means of recordation of a subdivision plat or street dedication plat. It also includes public streets or alleys, rights of way, and public access easements established by use or conveyed to the city, or its predecessor, by deed, declaration, legislative act or other instrument of conveyance other than a subdivision plat or street dedication plat.~~

14-7-2: [PLAT AMENDMENTS, ALTERATIONS AND VACATIONS; MAYOR AND COMMUNITY DEVELOPMENT DIRECTOR AUTHORIZED; CITY COUNCIL AUTHORITY:]

~~A.—The mayor may, with or without petition, upon recommendation of the planning commission, consider and approve any proposed vacation, alteration, or amendment of a recorded subdivision plat under the provisions of this chapter and Utah Code Annotated section 10-9a-608 as amended. The vacation of a public street or alley, when proposed as part of an amended plat, shall be reviewed and approved by the city council.~~

~~B.—The director may, upon petition, consider and approve a property line adjustment, under the provisions of this chapter and Utah Code Annotated section 10-9a-608(5) as amended.~~

~~C.—The city council may, with or without petition, consider and approve any proposed vacation of a public street or alley, after public hearing and notice as provided in section 14-7-7 of this chapter and Utah Code Annotated section 10-9a-208.~~

~~14-7-3: [STANDARDS AND PROCEDURES:]~~

~~A.— Compliance With Zoning Title And Subdivision Title Requirements: Any amendment, alteration, or vacation of a recorded subdivision plat shall comply with the requirements of the zoning title. The approval of an amended subdivision plat shall comply with the standards and procedures for the approval of a new subdivision plat, except for those procedural requirements waived herein.~~

~~B.— Preliminary Plat Approval:~~

~~1. In addition to the petition requirements under section 14-7-4 of this chapter, the director may require the submission of any information or documents otherwise required for preliminary plat approval for any proposed amended subdivision plat that:~~

~~a.— Requires the additional dedication of any land for street or other public purposes; or~~

~~b.— Creates more than five (5) new additional lots.~~

~~2. Under such circumstances, the petitioner shall meet with the director prior to submission of the petition in order to determine what additional documents or information will be necessary to adequately review the proposal.~~

~~C.— Resubdivision: Whenever an owner or developer desires to vacate all or a portion of a recorded subdivision plat for purposes of the resubdivision of land, the owner or developer shall first, or concurrently therewith, obtain approval for the new or resubdivided plat by the same procedures prescribed for the subdivision of land.~~

~~D.— Approval And Recordation: All subdivision amendments shall be approved by recording of an amended plat in the office of the Weber County recorder meeting all requirements of this title for the approval of a final plat, except where approval by another instrument is authorized herein.~~

~~E.— Waiver Of Requirement To File Amended Plat: The filing of an amended plat shall not be required to effectuate a subdivision amendment, alteration or vacation under the following circumstances:~~

~~1. A property line adjustment approved by the director pursuant to section 14-7-9 of this chapter.~~

~~2. The vacation of an easement, other than a public access easement, dedicated to the city may be approved by recording of a deed signed by the mayor quitclaiming any interest the city may have in the described easement.~~

~~3. The vacation of an entire subdivision plat, wherein the resubdivision of the property is not intended, may be approved by recording of a resolution duly adopted by the city council containing a legal description of the entire subdivision.~~

~~F.—Planning Commission Review: All petitions to vacate, alter or amend a subdivision plat shall be reviewed by the planning commission and its recommendations made to the mayor, except that property line adjustments may be approved without planning commission review and recommendation, if such adjustment is reviewed and approved by the director, the city engineer, and the city attorney, pursuant to section 14-7-9 of this chapter.~~

~~G.—Required Owner Signatures: Any amended plat, or conveyance document effectuating a property line adjustment, shall be signed and acknowledged by all owners of the real property which is the subject of the amended plat or property line adjustment.~~

~~H.—Effective Period Of Approval: Approval of a petition to amend a plat shall be valid for a maximum period of twelve (12) months, unless, upon application of the subdivider, the planning commission grants an extension. If the amended plat has not been recorded within twelve (12) months or the approved extended period, the amended plat must again be submitted for approval.~~

~~I.—Time Limit For Recording: After the mayor has approved a petition to amend a plat, an amended plat shall be prepared and approved in the same manner as final plats under the provisions of section 14-2-6 of this title. An approved amended plat, in the form of a final plat, shall be recorded within one month after receiving approval from the city. If a final plat is not recorded within one month after receiving final approval, the approval shall be considered null and void and the petitioner must again submit for final approval.~~

14-7-4: [PETITION REQUIREMENTS:]

~~A.—A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this title may file a written petition with the city to have some or all of the plat vacated, altered, or amended. A separate petition is required if the applicant proposes to vacate a public street or alley in connection with the vacation, alteration or amendment of a plat. A petition to vacate, alter or amend a plat shall be made on forms provided by the department, upon payment of fees as prescribed in title 4, chapter 6 of this code. A petition shall include at a minimum:~~

~~1. The name and address of each owner of record of the land contained in the entire plat.~~

~~2. The signature of each of these owners within the plat who consents to the petition.~~

~~3. The name, address, telephone number, fax number and e-mail address of the designated contact person.~~

~~4. A copy of the recorded plat to be amended, and a current copy of the Weber County ownership plats depicting the subdivision and the adjacent properties.~~

~~5. Be accompanied by a minimum of twelve (12) copies of the proposed amended plat.~~

~~6. A recent title report covering the subject property, which identifies ownership, easements of record, liens or other encumbrances, and verifies payment of taxes and assessments. Such requirement may be waived by the director if the city attorney determines that the ownership records of Weber County or other documentation of ownership provided by the petitioner will be adequate.~~

~~7. Any additional information or documents required by the director to be submitted pursuant to subsection 14-7-3B of this chapter, in order to adequately review the proposed amendment, alteration or vacation.~~

~~B. Unless an amended plat is not required under the provisions of this chapter, a copy of the proposed amended plat is required.~~

~~C. No petition shall be accepted unless accompanied by the applicable fee required in subsection 4-6-1A1 of this code. Regardless of the action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to or approved by the city.~~

~~D. For purposes of determining whether all owners in the subdivision have signed a petition or an amended plat, ownership may be determined as of the date of the petition requesting the amendment, alteration or vacation.~~

14-7-5: [CRITERIA:]

The vacation, alteration, or amendment of a recorded subdivision plat may be approved upon a finding that there is good cause for the vacation, alteration, or amendment and on such terms and conditions as are reasonable to protect public health, safety, and welfare, or as is necessary to meet the requirements for new subdivisions.

14-7-6: [NOTICE:]

~~A. Except for a lot combination or a property line adjustment involving unsubdivided properties, notice of a proposed subdivision vacation, alteration, or amendment shall be made by:~~

~~1. Mailing the notice to each record owner of property located within three hundred feet (300') of the property that is the subject of the proposed plat change, and all record owners of property subject to the change, addressed to the owner's mailing address appearing on the rolls of the Weber County assessor at least ten (10) calendar days before a public meeting or public hearing where the matter will be considered. The notice shall include:~~

~~a. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the date of the notice;~~

~~b. A statement that if no written objections are received by the city within the time limit, no public hearing will be held; and~~

~~c. The date, place, and time when a public meeting or public hearing, if one is required, will be held to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all landowners as required.~~

~~2. Posting the date, place, and time of the public meeting or public hearing, in lieu of mailing, on the property proposed for subdivision vacation, alteration or amendment in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passersby.~~

~~B. The public meeting or, if required, the public hearing will be held by the mayor or, in the case of a lot line adjustment involving subdivided lots, by the director within forty five (45) days after the petition is filed. A public hearing will be required, if:~~

~~1. Any owner within the plat notifies the city of the owner's objection in writing within ten (10) days of mailed notification;~~

~~2. All of the owners in the subdivision have not signed the revised plat; or~~

~~3. Any owner of property located within three hundred feet (300') of the property that is the subject of the proposed plat change notifies the city of their objection in writing within ten (10) days of mailed notification.~~

14-7-7: [STREET OR ALLEY VACATIONS:]

A. Procedure:

~~1. Any person desiring to vacate a public street or alley as part of a subdivision amendment or as a separate action is required to file a petition making the request and provide a recordable plat if such vacation is approved in any manner. The plat may be either a street vacation plat or, if the vacation is proposed as part of a resubdivision of property, a subdivision plat. The petition shall include:~~

~~a. The name and address of each owner of record of land that is adjacent to the section of public street or alley proposed to be vacated and that is accessed by or within three hundred feet (300') of said section;~~

~~b. The signature of each owner under subsection A1a of this section who consents to the vacation;~~

~~c. A title report disclosing how the section of public street or alley proposed to be vacated was acquired by the city or dedicated to public use.~~

~~2. No petition shall be accepted unless accompanied by the applicable fee required in subsection 4-6-1A1 of this code. Regardless of the action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to or approved by the city.~~

~~3. No portion of any public street or alley may be vacated by the city council unless the vacation has been proposed by the planning commission or first submitted to the planning commission for its recommendation. Notice of the date, place and time of the planning commission meeting where such vacation shall be considered shall be mailed at least seven (7) days in advance to the record owner of each parcel located within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is located within the jurisdictional boundaries of the city.~~

~~4. The recommendation of the planning commission shall be forwarded to the city council.~~

~~5. The city council shall hold a public hearing for any proposed vacation of a public street or alley. At least ten (10) days before the public hearing, notice of the date, place and time of the hearing shall be:~~

~~a. Mailed to each affected entity;~~

~~b. Posted on the Utah Public Notice Website.~~

~~c. Mailed to the record owner of each parcel that is accessed by the portion of the public street or alley proposed to be vacated or that is located within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is located within the jurisdictional boundaries of the city; and~~

~~d. Posted on or near the public street or alley in a manner that is calculated to alert the public.~~

~~6. The city council may approve the proposed vacation if it finds that good cause exists for the vacation and neither the public interest nor any person will be materially injured by the~~

vacation. The ordinance approving the vacation or narrowing of a public street or alley shall contain a legal description of the vacated portion.

~~7. The plat reflecting the vacation shall be signed by those persons within the city who sign subdivision plats, and shall be effective when recorded with the Weber County recorder's office. The plat and ordinance shall be recorded:~~

~~a. Within thirty (30) days of approval or of complying with any required conditions if the vacation is not part of a resubdivision of property; or~~

~~b. At the time the subdivision plat is filed if the vacation is included as part of a resubdivision of property.~~

~~8. The action of the city council vacating some or all of a public street or alley that has been dedicated to public use operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the city's fee in the vacated street or alley, but may not be construed to impair any right of way or easement of any lot owner or the franchise right of any public utility with existing utility lines in the portion vacated.~~

~~9. The action of the city council in vacating some or all of a public street or alley that was acquired by the city by use or conveyance to the city, or its predecessors, by deed, declaration, legislative act or other instrument of conveyance, other than a subdivision plat or street dedication plat, operates to remove the property from the category of public use property and the portion vacated shall be held and managed by the city according to the property management requirements of title 4, chapter 3, article A of this code.~~

14-7-8: [PLAT VACATION BY CITY:]

~~A. Planning Commission Recommendation; Conditions: The planning commission, on its motion, may recommend that the plat of any recorded subdivision be vacated when:~~

~~1. No lots within the approved subdivision have been sold within five (5) years from the date that the plat was recorded;~~

~~2. The developer has breached a subdivision improvement agreement or otherwise failed to install the required public improvements and the city is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the developer or its successor;~~

~~3. The plat has been of record for more than five (5) years and the planning commission determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the developer or its successor.~~

~~B.—Procedure: Upon any motion of the planning commission to vacate the plat of any previously approved and recorded subdivision the proposed vacation shall be referred to the mayor, who may approve the vacation of the subdivision plat after notice and public hearing as provided under sections 14-7-6 and 14-7-7 of this chapter. If approved a resolution of vacation containing a legal description of the entire vacated subdivision shall be prepared and submitted to the city council for their approval and thereafter recorded in the records of Weber County.~~

~~C.—Authority Not Restricted: The authority granted herein shall not be interpreted to restrict the power of the city to approve, without petition, other amendments, alterations or vacations of recorded subdivision plats.~~

14-7-9: [PROPERTY LINE ADJUSTMENTS:]

~~A.—A property line adjustment may be approved by the director, if the director determines, after the required notice and public hearing, that:~~

- ~~1. No new lot, dwelling unit, or remnant parcel will result from the property line adjustment;~~
- ~~2. The adjoining property owners have agreed, or intend to agree, to the property line adjustment through means of a recorded agreement or an agreement suitable for recording; and~~
- ~~3. The adjustment does not result in violation of applicable zoning requirements.~~

~~B.—The conveyance document effecting the property line adjustment shall recite the descriptions of both the original parcels or lots and the parcels or lots created by the adjustment or exchange of title, and be signed and acknowledged by the owners.~~

~~C.—If the director approves a property line adjustment, a notice of approval shall be recorded in the Weber County recorder's office, either as an attachment to the conveyance document or as a separate document, in a form suitable for recording, approving such conveyance document.~~

~~D.—The city engineer shall review and approve the legal descriptions used in the conveyance document. The city attorney shall review and approve the form of the conveyance documents for compliance with this chapter and the requirements of state law.~~

CHAPTER 7

[PARCEL AND LOT COMBINATIONS]

14-7-1: [PURPOSE:]

The purpose of this chapter is to allow the joining of adjacent parcels or lots under common ownership so they may be treated as a single parcel or lot for purposes applying the land use ordinance.

14-7-2: [APPLICABILITY AND EFFECT:]

A. When parcels or lots are combined following the procedures in this chapter, they are considered a single parcel or lot for purposes of applying the land use ordinance.

B. Once combined under this chapter, the prior parcels or lot may not be sold or conveyed separately without approval of a subdivision or other procedure authorized under this code.

C. This chapter does not limit the ability of property owners to combine the legal descriptions of separate parcels or lots for taxing or sale purposes without following the requirements of this chapter. However, parcels or lots combined only for taxing or sale purposes remain separate parcels or lots for purposes applying the land use ordinance until or unless they are combined following the provisions of this chapter.

D. A lot combination approved under this chapter serves to amend a subdivision without requiring a subdivision plat amendment under Utah Code 10-9a-601(4). As an alternative to this chapter, a property owner may apply to combine lots through a subdivision plat amendment or plat vacation under chapter 9 of this title.

14-7-3: [PROCESS:]

A. The manager shall review and may approve, approve with conditions, or deny a parcel combination or lot combination application.

B. The manager shall hold a public meeting prior to making a decision on a lot combination application. Notice of the public meeting giving the date, time and location of the meeting and opportunity to comment on the proposal shall be mailed not less than seven (7) days before the public meeting to each owner of property located within three hundred feet (300') of the subject property, addressed to the owner's mailing address appearing on the rolls of the Weber County assessor;

14-7-4: [APPLICATION REQUIREMENTS:]

An application for a parcel combination or lot combination shall include the following:

- A. An application form as provided by the manager.
- B. Legal descriptions of the parcels and lots as they exist prior to the combination.
- C. For a parcel combination or a lot combination that involves any parcel, a legal description of the outside boundaries of the resulting combined parcel or lot.
- D. A map depicting the existing and proposed property boundaries and existing uses on the properties.
- E. A deed and agreement, signed by the property owner, that the resulting parcel or lot will be held in common ownership, unless subsequently subdivided or otherwise approved by the city in accordance with the requirements of law.
- F. Any other information the manager determines necessary to review of the application.

14-7-5: [STANDARDS FOR APPROVAL:]

The manager shall approve a proposed parcel combination or lot combination application if it meets the following standards:

- A. The combination results in only one parcel or lot without any remnant parcels.
- B. The combination does not create any violation of lot or development standards under the land use ordinance. If the existing parcel or lot is nonconforming, the combination does not increase the nonconformity.
- C. All parcels or lots subject to the combination are under common ownership, and the property owner has agreed to the combination.
- D. The legal descriptions are accurate and conform with legal requirements and professional standards as determined by the city engineer.
- E. The deed and agreement are legally sufficient to effect the combination as determined by the city attorney.

14-7-6: [RECORDING INSTRUMENT:]

The applicant for a parcel combination or lot combination shall record with the county recorder a deed and agreement that includes the following:

A. A notice of approval signed by the manager.

B. The notarized signature of the property owner.

C. The legal descriptions of the original parcels or lots, and the resulting combined parcel or lot.

D. A deed and agreement, signed by the property owner, that the resulting parcel or lot will be held in common ownership unless subsequently subdivided or otherwise approved by the city in accordance with the requirements of law.

14-7-7: [RESTORATION OF COMBINED PARCELS:]

Once combined, parcels may not be restored except through approval of a subdivision.

14-7-8: [RESTORATION OF COMBINED LOTS:]

Lots combined through a lot combination under this chapter may be restored either through a subdivision, subdivision amendment, or the lot restoration process described below.

A. [Process:] An application for restoration of combined lots shall follow the same process as a lot combination.

B. [Standards:] The manager shall approve a restoration of combined lots if it meets the following standards:

1. The individual lots each meet the lot dimension standards of the land use ordinance.

2. There are no buildings within the required setbacks of the property lines separating the lots.

3. Any permit condition or other circumstance that would have required the combination of the lots is no longer valid.

C. [Recording Instrument:] If approved, the applicant for a restoration of combined lots shall record with the county recorder the following:

1. A notice of approval signed by the manager.

2. The notarized signature of the property owner.

3. The legal descriptions of the restored lots.

14-7-9: [PARCELS AND LOTS CONSIDERED COMBINED:]

A. In any of the following cases, adjoining parcels or lots are considered combined for purposes of applying the land use ordinance, whether or not there was any formal document combining the parcels or lots.

1. Where the property owner of both properties, current or past, has constructed or caused construction of a building over the property line separating the two properties.

2. Where a deed has been recorded conveying a portion of a property to an adjoining property owner, and either the purpose of the deed was to effect a parcel boundary or lot line adjustment, or the portion conveyed does not meet the minimum lot dimension standards of this code.

3. Vacated public streets and alleys shall be considered a portion of the adjoining property to which title reverted through the vacation process or was conveyed through a sale of surplus property.

4. Abandoned private alleys and vacated common areas shall be considered a portion of the adjoining property to which title was conveyed through the abandonment.

5. Adjoining lots or parcels that were held in common ownership continuously from February 8, 1951 to July 1, 2023 are considered combined if either lot or parcel did not meet the minimum lot area, lot width, or lot frontage requirements per the zoning ordinance.

a. Where several adjoining lots or parcels were held in common ownership on February 8, 1951, the property owner may request recognition of a configuration of combined lots or parcels such that each resulting combined lot or parcel meets the standards of the land use ordinance.

b. The manager may approve such a request by recording a certificate of compliance.

B. Parcels considered combined under this section may be restored through approval of a subdivision.

C. Lots considered combined under this section may be restored through approval of a subdivision or through the lot restoration process under section 14-7-8 of this code.

D. The land use authority may require the property owner to complete a formal parcel or lot combination as a condition of land use approval on the property.

SECTION 3. Chapter adopted. The following is adopted as Chapter 8, Title 14 of the

Ogden Municipal Code:

CHAPTER 8

[PARCEL BOUNDARY AND LOT LINE ADJUSTMENTS]

14-8-1: [PURPOSE:]

The purpose of this chapter is to allow adjustments to the boundaries of parcels and lots while ensuring that the resulting parcels and lots comply with the land use ordinance.

14-8-2: [APPLICABILITY AND EFFECT:]

A. A lot line adjustment approved under this chapter has the effect of amending the subdivision plat or plats that include any of the adjusted lots.

B. As an alternative to this chapter, property owners may apply to adjust the boundaries of parcels through a subdivision.

C. As an alternative to this chapter, property owners may apply to adjust the boundaries of lots through a subdivision or subdivision amendment.

D. A parcel boundary or lot line adjustment may be filed in conjunction with a parcel or lot combination to reduce the number of parcels or lots to as few as two (2).

E. Property owners wishing to adjust the boundaries of more than two adjoining parcels or lots may do so through a series of parcel boundary or lot line adjustments provided at each step of the series the resulting parcels or lots fully comply with the land use ordinance. Otherwise, the series shall be processed as a subdivision or subdivision amendment.

F. This chapter does not limit the ability of property owners to enter into a boundary line agreement without following the provisions of this chapter to establish the existing, unknown boundary line between parcels for the purpose of settling an ambiguity, uncertainty, or dispute, or to adjust the known common boundary line between adjacent parcels where neither parcel contains a dwelling. However, the city shall withhold approval of a land use application for property that is subject to a boundary line agreement that was not approved pursuant to this chapter if the manager determines that the parcels or lots established by the boundary line agreement were not in compliance with the land use ordinance in effect on the day on that the boundary line agreement was recorded.

G. A parcel boundary adjustment or lot line adjustment may not be used to alter or dedicate any public street or alley, land for public use, or municipal utility easement.

14-8-3: [PROCESS:]

A. The manager shall review and may approve, approve with conditions, or deny a parcel boundary adjustment or lot line adjustment application.

B. The manager shall hold a public meeting prior to making a decision on a lot line adjustment application. Notification of the meeting shall follow city notification policies.

C. In cases where property owners have executed a boundary line agreement or deed prior to filing an application for parcel boundary or lot line adjustment, and the applicant cannot obtain the signature of all property owners on said application, but the adjustment otherwise complies with the standards of approval, the following apply:

1. For boundary line adjustments, the manager may approve the adjustment without signatures of all property owners.

2. For lot line adjustments, the manager shall hold a public hearing in lieu of a public meeting to consider the adjustment.

a. The manager shall hold the hearing within 45 days of the filing of the application.

b. Notification of the hearing shall be made in the same manner as for a lot combination and shall include all record owners of land include in the adjustment.

c. After considering testimony and any objections, if any, the manager may approve the adjustment without signatures of all property owners.

14-8-4: [APPLICATION REQUIREMENTS:]

An application for a parcel boundary or lot line adjustment shall include the following:

A. An application form as provided by the manager.

B. Legal descriptions of the parcels and lots as they exist prior to and after the combination, and of the new boundary separating the parcels or lots.

C. A map depicting the existing and proposed property boundaries and existing uses on the properties.

D. For a parcel boundary adjustment, a copy of survey map prepared in accordance with Utah law.

E. If the properties are not under common ownership, a parcel boundary agreement or deeds and an agreement, signed by the property owners of both properties, conforming to the parcel boundary or lot line adjustment.

F. Any other information the manager determines necessary to review of the application.

14-8-5: [STANDARDS FOR APPROVAL:]

The manager shall approve a proposed parcel boundary adjustment or lot line adjustment application if it meets the following standards:

A. The adjustment results in two parcels or lots with no remnant parcels.

B. The adjustment does not create any violation of lot or development standards under the land use ordinance. If either or both of the existing parcels or lots are nonconforming, the adjustment does not increase the nonconformity.

C. All property owners have agreed to the parcel boundary or lot line adjustment, except as provided under section 14-8-3C of this code.

D. The legal descriptions are accurate and conform with legal requirements and professional standards for such as determined by the city engineer.

E. The documents to be recorded are legally sufficient to effect the adjustment as determined by the city attorney.

14-8-6: [RECORDING INSTRUMENT:]

After approval, the applicant for a parcel boundary adjustment or lot line adjustment shall record with the county recorder the following:

A. If the properties are not under common ownership, either a boundary line agreement or deeds transferring land conforming to the adjustment.

B. The notarized signature of the owners consenting to the adjustment, except as provided under section 14-8-3C of this code.

C. A notice of approval signed by the manager with the original and new legal descriptions.

D. For parcel boundary adjustments, a citation to a record of survey map.

SECTION 4. Chapter adopted. The following is adopted as Chapter 9, Title 14 of the

Ogden Municipal Code:

CHAPTER 9 **[SUBDIVISION AMENDMENTS]**

14-9-1: [PURPOSE:]

The purpose of this chapter is to allow amendments to recorded subdivisions, including changes that modify the number of lots, the boundaries of the subdivision, easements, public streets or alleys, or that vacate all or part of the subdivision.

14-9-2: [APPLICABILITY AND EFFECT:]

A. If an amended subdivision plat is approved and recorded in accordance with this chapter, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.

B. A lot combination approved under chapter 7 of this title has the same effect as a subdivision amendment without amending the subdivision plat. The combined properties are treated as single lot for purposes of applying the land use ordinance. A subdivision amendment approved under this chapter combining lots eliminates the former lots. Either method may be used to combine lots.

C. A lot line adjustment approved under chapter 8 of this title has the same effect as a subdivision amendment.

D. An application to subdivide a lot within a subdivision shall be processed as a subdivision amendment.

E. A plat vacation approved under this chapter has the effect of removing all lot lines, public streets or alleys, easements, and other conditions shown on that plat or portion of a plat. The underlying land thereafter shall be considered a single lot.

14-9-3: [PROCESS:]

A. [Subdivision Amendments Subject to Mayor Review:]

1. The mayor shall consider and may approve, approve with conditions, or deny a subdivision amendment application that:

a. does not increase the number of lots within the subdivision by more than ten (10) lots;

b. does not vacate any public streets or alleys or municipal utility easements;

c. does not dedicate land for public streets or alleys, other than dedications that widen existing public streets or alleys; and

d. is made by all property owners of lots that would be changed by the amendment.

2. The mayor shall hold a public meeting prior to rendering a decision on the subdivision amendment.

3. Notice of the meeting shall be provided in the same manner as for a subdivision.

B. [Subdivision Amendments Subject to Planning Commission Review:]

1. The planning commission shall consider and may approve, approve with conditions, or deny a subdivision amendment application that:

a. increases the number of lots within the subdivision by more than ten (10) lots;

b. dedicates any public streets or alleys, or land for public uses, other than amendments that only dedicate right-of-way that widens existing public streets or alleys; or

c. vacates all or part of a plat without vacating public streets or alleys, land for public uses, or municipal utility easements.

2. The application shall be processed in the manner of a preliminary subdivision per subsections 14-2-5C through D of this code.

3. If a record owner or property owner within the subdivision petitions for an amendment that would change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner, the planning commission shall hold a public hearing in lieu of a public meeting. If the commission cannot hold the hearing within forty-five (45) days after the petition is filed, the manager may hold the hearing and present minutes to the planning commission prior to their decision.

C. [Subdivisions Amendments Subject to City Council Review:]

1. [Street, Alley, or Easement Vacations:] The city council may consider the vacation of any public street or alley or municipal utility easement associated with a subdivision amendment.

a. The vacation request shall be processed per chapter 11 of this title.

b. The planning commission shall first review the subdivision amendment per subsection B of this section and may approve the amendment, conditional upon city council approval of the vacation.

c. Should the planning commission approve the subdivision amendment, the vacation request shall be forwarded to the city council for consideration.

d. Should the planning commission not approve the subdivision amendment, the vacation request also shall be denied.

14-9-4: [APPLICATION REQUIREMENTS:]

An application for a subdivision amendment shall include the following:

A. An application form as provided by the manager.

B. Evidence of the property owner's consent, except as provided in subsection 14-9-3B3 of this code.

C. All information required for a preliminary plat as described in section 14-2-5 of this code. If the application only requests vacation of all or part of a plat, only that information needed to review the requested vacation is required.

D. If the application requests vacation of any public street or alley or municipal utility easement, all information required for a vacation under a section 14-11-4 of this code.

E. Any other information the manager determines necessary to review of the application.

14-9-5: [CRITERIA FOR APPROVAL:]

The land use authority designated in section 14-9-3 of this code may approve, approve with conditions, or deny a requested subdivision amendment, based on all the following criteria:

A. There is good cause for the subdivision amendment.

B. The proposed subdivision amendment meets the criteria for subdivision preliminary plan approval contained in section 14-2-5E of this code.

C. Any vacation or alteration of a public street or alley or municipal utility easement has been approved by the city council by ordinance.

D. The amended plat is accurate and conforms with legal requirements and professional standards for such as determined by the city engineer.

E. The amended plat and documents to be recorded are legally sufficient to effect the subdivision amendment as determined by the city attorney.

14-9-6: [RECORDING INSTRUMENT:]

After approval, the applicant for a subdivision amendment shall record an amended plat containing the following:

- A. A depiction of only the portion of the subdivision that is proposed to be amended.
- B. A plat name distinguishing the amended plat from the original plat and that is unique in Weber County.
- C. A description of the differences between the amended plat and the original plat.
- D. References to the original plat.
- E. All information described in section 14-2-6 of this code for final subdivision plats.
- F. The signature of the mayor, which acts to show the land use authority has approved the plat.
- G. If the subdivision amendment vacates any public streets or alleys, land for public uses, municipal utility easements, the subdivision amendment plat shall include the ordinance number that approved the vacation.

14-9-7: [PLAT VACATIONS INITIATED BY THE MAYOR:]

- A. The mayor may initiate the vacation of a subdivision plat if:
 - 1. No lots within the approved subdivision have been sold within five (5) years from the date that the plat was recorded;
 - 2. The developer has breached a subdivision improvement agreement or otherwise failed to install the required public improvements and the city is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the developer or its successor; or
 - 3. The plat has been of record for more than five (5) years, and the mayor determines that the further sale of lots within the subdivision presents a threat to public health, safety, and welfare, except that the vacation shall apply only to lots owned by the developer or its successor.
- B. If the mayor initiates a vacation, it shall be processed per the provision of this chapter.

C. The authority granted herein shall not be interpreted to restrict the power of the city to approve, with or without petition, other amendments, alterations or vacations of recorded subdivision plats.

SECTION 5. Chapter adopted. The following is adopted as Chapter 10, Title 14 of the Ogden Municipal Code:

CHAPTER 10 **[DEDICATION PLATS AND NON-SUBDIVIDING PLATS]**

14-10-1: [PURPOSE:]

The purpose of this chapter is to provide for creation and recording of plats that define lot lines and may dedicate public streets or alleys or land for public use, create municipal utility easements, create private rights-of-way, and otherwise act like subdivision plats with the exception of not subdividing land. This chapter is to be used for situations where the parcel and lot combination, parcel boundary and lot line adjustment, and subdivision amendment processes do not apply.

14-10-2: [APPLICABILITY AND EFFECT:]

A. When recorded, a non-subdividing plat has the same effect as a subdivision plat over the property, except that it does not subdivide land. Properties defined by a non-subdividing plat are considered the same as subdivided lots.

B. When approved under this chapter, a dedication plat vests the fee of the public streets or alleys, or land for public use in the city for the uses named or intended in the plat.

14-10-3: [PROCESS:]

A. The manager may approve a non-subdividing plat that does not dedicate public streets or alleys or land for public use by signing the plat.

B. The mayor may approve a non-subdividing dedication plat that widens existing public streets or alleys or dedicates land for public use by signing the plat.

C. The planning commission shall consider and may approve, approve with conditions, or deny a non-subdividing dedication plat that dedicates land for a new or extension of an existing public street or alley. The application shall be processed in the manner of a preliminary subdivision per subsections 14-2-5C through D of this code.

D. An application to amend a non-subdividing plat shall be processed as a subdivision amendment.

14-10-4: [STANDARDS FOR APPROVAL:]

The land use authority designated in section 14-10-3 of this code may approve, approve with conditions, or deny a dedication plat or non-subdividing plat based on all the following criteria:

A. If any land is to be dedicated to the public, all improvements required for that land have been installed and accepted, or plans have been approved by the city engineer and sufficient guarantee for their installation has been made.

B. The plat is accurate and conforms with legal requirements and professional standards for such as determined by the city engineer.

C. The plat and documents to be recorded are legally sufficient as determined by the city attorney.

14-10-5: [RECORDING INSTRUMENT:]

After approval, the applicant shall record a plat containing the following:

A. A plat name unique from any other plat in Weber County.

B. All information described in section 14-2-6 of this code for final subdivision plats.

C. A dedication plat shall include the signature of the mayor.

SECTION 6. Chapter adopted. The following is adopted as Chapter 11, Title 14 of the Ogden Municipal Code:

CHAPTER 11 **[VACATION OF DEDICATED LAND]**

14-11-1: [PURPOSE:]

The purpose of this chapter is to provide for eliminating public streets or alleys and municipal utility easements where there is good cause for their vacation.

14-11-2: [APPLICABILITY AND EFFECT:]

A. [Vacation of Land Dedicated by Dedication Plat:]

1. Any request to vacate a public street or alley created by dedication plat shall be processed in conjunction with a subdivision amendment.

2. When approved in accordance with this chapter, the vacation of a public street or alley created by dedication plat shall act to vest title in the underlying land in accordance with Utah state law.

3. When approved in accordance with this chapter, the vacation of land dedicated for public use shall be considered common area unless otherwise designated in the vacation action or required by Utah state law.

B. [Public Streets or Alleys Created by other than Dedication:] When approved in accordance with this chapter, the vacation of a public street or alley originally created by deed, declaration, legislative act or other instrument of conveyance removes the property from the category of public use property. The portion vacated shall be held and managed by the city according to the property management requirements of title 4, chapter 3, article A of this code.

C. Vacated public streets or alleys shall be considered a portion of the adjoining property to which title reverted through the vacation process.

D. A vacation may not be construed to impair:

1. any right-of-way or easement of any property owner;

2. the rights of any public utility; or

3. the rights of a culinary water authority or sanitary sewer authority.

14-11-3: [PROCESS:]

A. The planning commission shall hold a public meeting to consider the vacation petition.

1. Notice of the meeting shall be made in the same manner as for the city council hearing in subsection B1 below.

2. The planning commission shall make recommendation on the vacation. Should the planning commission deny an associated subdivision plat amendment, the vacation shall be denied.

B. After receiving the planning commission recommendation, the city council shall hold a public hearing to consider the petition.

1. At least ten (10) days before the public hearing, the city council shall ensure that the notice of the hearing is:

- a. mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;
- b. mailed to each affected entity;
- c. posted on or near the public street or alley or municipal utility easement in a manner that is calculated to alert the public;
- d. published on the official city website until the public hearing concludes; and
- e. published on the Utah Public Notice Website.

2. The city council may approve a vacation by ordinance.

14-11-4: [APPLICATION REQUIREMENTS:]

A petition to vacate some or all of a public street or alley, land for public use, or municipal utility easement shall include all of the following:

A. The name and address of each record owner of land that is:

1. adjacent to the public street or alley between the two (2) nearest public street intersections; or

2. accessed exclusively by or within three hundred feet (300') of the public street or alley.

B. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated.

C. The signature of each record owner under subsection A of this section who consents to the vacation. At least one such property owner shall sign the petition unless the vacation is initiated by the mayor.

D. A title report disclosing how the section of public street or alley proposed to be vacated was acquired by the city or dedicated to public use.

E. If the city acquired the section of public street or alley proposed to be vacated other than dedication, an appraisal by a Utah licensed appraiser of the land proposed to be vacated.

F. A legal description of the land proposed to be vacated.

G. A legal description of any easements proposed within the vacated public street or alley.

H. If the public street or alley is within a subdivision, an amended subdivision plat.

14-11-5: [CRITERIA FOR APPROVAL:]

The city council shall consider and may approve, approve with conditions or modifications, or deny a vacation petition upon finding the criteria below are met. The city council may deny a vacation petition upon a legislative perception of the request even though the findings would support the vacation.

A. Good cause exists for the vacation.

B. Neither the public interest nor any person will be materially injured by the proposed vacation.

C. The vacation identifies and preserves any easements for utilities to remain in the vacated area.

D. The vacation is consistent with the General Plan.

E. The vacation does not create any nonconformity in adjoining lots or parcels, such as reducing lot frontage below minimum standards, unless the council finds:

1. An overriding public interest warrants the vacation; and

2. The nonconformity is avoided or reduced to the extent feasible.

14-11-6: [RECORDING INSTRUMENT:]

If the city council approves the vacation, the city recorder shall ensure that one or both of the following is recorded with the county recorder:

A. a plat reflecting the vacation with a reference to the adopted ordinance; or

B. if the vacated area is not within an existing plat, an ordinance including a legal description of the area vacated.