

# TITLE VIII

## SUBDIVISION ORDINANCE

### CHAPTER 1

#### PURPOSE

- 8-1-1: General Purpose**
- 8-1-2: Public Interest**
- 8-1-3: Variations—Exception**

**8-1-1: GENERAL PURPOSE.** The purpose and intent of this Chapter is to promote the public health, safety, convenience and general welfare of the inhabitants of the incorporated territory of Syracuse City in the matter of subdivision or matters affected by subdivisions

1. Provide for the harmonious and coordinated development of the City, and to assure sites suitable for subdivision development and human habitation.
  2. Ensure adequate open space for traffic, recreation, light and air.
  3. Facilitate the conservation or production of adequate transportation, water, sanitation, drainage and energy resources.
  4. Avoid scattered and premature subdivision that would cause insufficient public services and facilities, or necessitate an excessive expenditure of public funds for the supply of such services and facilities.
  5. Ensure utilization of the land in the best interest of the public welfare and the neighborhood development of the area concerned.
  6. Preserve outstanding natural, cultural or historic features.
- B. This chapter is designed to inform the subdivider and public of the requirements and conditions necessary to obtain approval of a subdivision. To this end, all requirements, where possible, are expressly delineated in this Title or other applicable ordinances. However, since it is impossible to cover every possibility, and there are some aspects which do not lend themselves to being easily articulated, this Title allows the Planning Commission and City Council to impose reasonable conditions upon a subdivider in addition to those expressly required, so long as such conditions do not conflict with any requirements set forth in this Chapter or other applicable ordinances. (1997)

**8-1-2: PUBLIC INTEREST.** Any proposed subdivision and its ultimate use shall be in the best interest of the public welfare and the neighborhood development of the area concerned.

The subdivider shall present evidence to this effect when requested to do so by the Planning Commission. (1997)

**8-1-3:** **VARIATIONS/EXCEPTION.** In cases where unusual topographical or other exceptional conditions exist, variation and exception from this Ordinance may be made by the City Council after recommendation by the Planning Commission. (1997)

**CHAPTER 2**  
**GENERAL PROVISIONS**

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**8-2-1: DEFINITIONS.** The following terms used in this title shall have the respective meanings hereinafter set forth:

**ALLEY:** Any public way or thoroughfare less than 16 feet but not less than 10 feet in width, which has been dedicated or deeded to the public for public use.

**BENCH MARK:** A mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.

**BLOCK:** A piece of land bordered by streets or other rights-of-way, and or which is designated as a block on any recorded sub-division plat.

**BUILDING OFFICIAL:** The officer or other designated authority charged with the administration and enforcement of uniform codes, and the inspection of all subdivision improvements, or the building officials duly appointed representative.

**CITY:** Refers to Syracuse City.

**CITY COUNCIL:** The City Council of Syracuse.

**CITY ENGINEER:** Any registered civil engineer hired by the City Council to accomplish the objectives of this ordinance provided that no such person may serve the City and a

subdivider simultaneously where he would have to check his own work or the work of a member of his firm in connection with any subdivision in the City.

**CONDOMINIUM:** The ownership of a single unit in a multi-unit project together with undivided interest in common in the common areas and facilities of a property as provided by State law.

**CONSTRUCTION:** Any work or product which will become the property of the City; i.e., roads, curb and gutter, sidewalks, water works, sewer works, culverts, bridges, fencing, etc.

**CONTRACTOR:** The person in charge of construction. He could also be the subdivider.

**CUL-DE-SAC:** A minor street having only one outlet being terminated at the other end by a vehicular turnaround.

**DRIVEWAY:** A private roadway, the use of which is limited to persons residing, employed or otherwise using or visiting the lot on which the roadway is located.

**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.

**FINAL PLAT:** A subdivision map prepared in accordance with the provisions of this ordinance that is accurately surveyed and such survey marked on the ground so that the streets, alleys, blocks, lots and other divisions thereof can be identified and which is designated to be placed on record in the office of the County Recorder.

**IMPROVEMENT DISTRICT:** Is as defined by Utah State law.

**IMPROVEMENTS:** Work objectives, devices, facilities, or utilities required to be constructed or installed in a subdivision. Such improvements may include but are not limited to water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, streets, trees, street signs, street lights, traffic control or safety devices, fire hydrants and such other facilities or construction required by the subdivision ordinance.

**INSPECTOR:** The authorized inspector or representative of the City Council.

**LOT:** A portion of the subdivision or parcel of land intended for building development or transfer of ownership.

**MASTER PLAN:** A long-range general plan that identifies present and future needs of Syracuse City, which outlines growth and development of land within the City and provides for health, general welfare, and safety as outlined in Section 10-9-301 et seq, Utah Code Annotated, 1953, as amended.

**MAY:** Is permissive.

**OPEN SPACE:** Shall mean any area within the subdivision that has been designated as open to meet the requirements of development

**OWNER:** Shall mean and refer to the person, corporation, partnership or other entity in which is vested the fee simple, title of the property to be subdivided, unless otherwise clearly indicated, or the owners designee.

PERSON: Any individual, firm, partnership, associate, entity, institution, or corporation and their heirs, assigns, or agents.

PLANNING COMMISSION: Shall mean the Syracuse City Planning commission unless another Planning commission is specifically named.

PRELIMINARY PLAT: A map or plan of a proposed land division or subdivision prepared in accordance with the requirements of this ordinance.

SHALL: Is mandatory

SKETCH PLAN: A conceptual drawing of the proposed development prepared in accordance with the requirements of this ordinance.

SMALL SUBDIVISION: The division of a tract or lot or parcel of land into two, but not more than 9 lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development, wherein all such divisions front on an existing street.

SPECIFICATIONS: To be interpreted as rules and regulations.

STREET, ARTERIAL: A street existing or proposed, which serves or is intended to serve as a major traffic way, as a controlled access highway, major street parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

STREET, LOCAL: 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 need of a neighborhood.

STREET, MAJOR COLLECTOR : Shall mean a street with a right-of way 72 feet, designated in the general plan to carry larger volumes of traffic to arterial streets.

STREETS, MINOR COLLECTOR: A street existing or proposed with a 66' right-of-way, which carries traffic from local subdivision streets to the major collectors

SUBDIVISION: Any land that is divided, resubdivided 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:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument: and
2. Divisions of land for all residential and non residential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

SUBDIVISION REQUIREMENTS: Are those that are adopted by the various governing bodies in the City for the necessary proper development of a proposed subdivision.

SUBDIVIDE: And any derivative thereof shall have reference to the term subdivision as herein defined.

SUBDIVIDER: One who subdivides a parcel of land and may also be referred to as a developer.

WALKWAY: A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind.

WET LANDS: Any area that has the potential to support wildlife and the capability of natural water filtration whether naturally or man made.

ZONING: The most recent zoning ordinances adopted by Syracuse City. (1997)

## 8-2-2

### GENERAL REQUIREMENTS

- A. Scope. This section defines the general requirements for improvements to be built by the Subdivider.

The improvements shall include all street improvements in front of all lots and along all dedicated streets to the connection with existing improvements of the same kind or to the boundary of the subdivision nearest existing improvements. Layout must provide for future extension to adjacent development and be compatible with the contour of the ground for proper drainage. All water lines, sewer lines, and any other buried conduit shall be installed to the boundary lines of the subdivision.

- B. Standards for Construction Drawings. The following instructions are for the purpose of standardizing the preparation of drawings to obtain uniformity in appearance, clarity, size, and style. All drawings and/or prints shall be clear and legible and conform to good engineering and drafting room practice. Size of drawings shall be 22" x 34" (trim line) with 1/2" border on top, bottom and right sides. Left side shall be 1 1/2".

- (1) In general the following shall be included on drawings:

- (a) North arrow (plan).
- (b) Scale and elevations referenced to City datum.
- (c) Stationing and elevations for profiles.
- (d) Title block, located in lower right corner of sheet, to include:
  - (i) Name of City
  - (ii) Project title (subdivision, etc.).
  - (iii) Specific type and location of work.
- (e) Space for approval signature of City Engineer and date.
- (f) Name of engineer or firm preparing drawings with license number and signature.

- (2) Curb and gutter, drains and drainage structures, signing, lighting sidewalks, and street surfacing shall show:

- (a) Scale: 1" = 20' or 50' horizontal; 1" = 2' or 5' vertical.
- (b) Both plan view and profile. Street center line.
- (c) Stationing and top of curb elevations with curve data must be shown for all curb returns. Show top of curb elevation on both sides on even stations (50 FT. Sta. Max.).
- (d) Flow direction and type of cross drainage structures at intersections with adequate flow line elevations.
- (e) Bench Mark location and elevation (use City datum).
- (f) Bedding Details

(3) Sewer drawings shall show:

- (a) Scale: 1" = 20' or 50' horizontal; 1" - 2' or 5' vertical.
- (b) Location, size, and grade of all lines except individual services.
- (c) Manhole details, size, location, and flow line elevation.
- (d) Type of pipe.
- (e) Bench Mark location and elevation (use City datum).
- (f) Bedding Details.

(4) Culinary and secondary water drawings shall show:

- (a) Size and location of water mains, valves, hydrants, tees, etc.
- (b) Type of pipe.
- (c) Minimum cover.
- (d) Bedding Details

(5) Each set of plans shall be accompanied by a separate sheet of details for structures which are to be constructed. All structures shall be designed in accordance with minimum requirements established by the Syracuse City Subdivision Standards.

- (a) Drawing size: 22" x 34" (trim line).
- (b) Scale of each detail.
- (c) Title block, lower right hand corner (same format on all sheets), including the name of the subdivision.
- (d) Completely dimensioned and described.

C. Construction and inspection. No construction of public improvements shall proceed until the final plat has been approved by the City Council and filed for record in the office of the County Recorder, except that the City Council may conditionally approve the installation of off-site improvements as described in Section 8-7-3(D)(1). All public improvements shall be completed within one year of the date the final plat was approved, and the Building Official shall inspect the construction as it proceeds. A construction punch list shall be made up by the Building Official indicating the items missed or needing correction prior to acceptance of the improvements by the Building Official, and all required replacements or repairs shall be completed by the subdivider, at his expense, prior to acceptance by the City.

D. As Built Drawings. At the completion of construction, or at the end of one year, whichever comes first, the Building Official shall make an inspection of all improvements and inform the Developer and City Administrator of the results of the inspection. At the completion of construction, the subdivider shall call for inspection by the Building Official and said inspection shall be made within ten (10) days of the request thereof. The developer shall provide the City with record drawings accurately defining for permanent record the surface improvements and underground utilities as they were actually constructed and shall provide one mylar copy, which indicates any changes from the original approved final drawings. All sewer and land drain manhole flow lines shall be verified.

E. Inspection. All construction work involving the installation of improvements in subdivisions shall be subject to inspection by the City Building Official. Certain types of construction shall have continuous inspection, while others shall have periodic inspections. The City may request the services of the City Engineer to assist in inspection if it is deemed necessary.

- (1) To cover the cost of inspection and management of off-site improvements, the subdivider shall pay a fee to the City based on the linear feet of improvements installed, the number of building lots in the subdivision, and the average number of hours spent inspecting off-site improvements. Said fee shall be established by resolution of the City Council. Said fee shall be paid prior to recordation of the subdivision plat.
  - (2) The Community Development Director or his designee shall insure that all off-site inspections are installed in accordance with approved subdivision standards prior to acceptance by the City.
  - (3) On construction requiring continuous inspection, no work shall be done except in the presence of the City Inspector. Continuous inspection may occur on the following types of work:
    - (a) Preparation of street subgrade and compacted fill.
    - (b) Laying of street surfacing.
    - (c) Pouring of concrete for curb and gutter, sidewalks, and other structures.
    - (d) Laying of sewer pipe, drainage pipe, water pipe, valves, hydrants, and testing.
  - (4) Periodic inspections shall be required on the following:
    - (a) Street grading and gravel base.
    - (b) Excavations for curb and gutter and sidewalks.
    - (c) Excavations for structures.
    - (d) Trenches for laying pipe.
    - (e) Forms for curb and gutter, sidewalks, and structures. (Ord 05-12)
- F. Requests for Inspection. Requests for inspections shall be made to the City by the person responsible for construction. Requests for inspection on work requiring continuous inspection shall be made three (3) days prior to the commencing of the work. Notice shall be given one (1) day in advance of the starting of work requiring periodic inspection.
- G. Construction Completion Inspection. An inspection shall be made by the City Inspector after receiving a written document from the Developer that all work is completed. Attached to this document the developer's engineer shall prepare a statement that all sanitary sewers have been tested for exfiltration/infiltration and they have passed the requirements herein.
- H. Guarantee of Work. The subdivider shall warrant and guarantee (and post bond or other security) that the improvements provided for hereunder, and every part thereof, will remain in good condition for a period of two (2) years after the date of the construction completion inspection report by the City Inspector and shall agree to make all repairs to and maintain the improvements and every part thereof in good condition during that time with no cost to the City.

It is further agreed and understood that the determination for necessity of repairs and maintenance of the work rests with the City Inspector. His decision upon the matter shall be final and binding upon the subdivider, and the guarantee hereby stipulated shall extend to and include, but shall not be limited to, the entire street base and all pipes, joints, valves, backfill and compaction, as well as the working surface, curbs,

gutters, sidewalks, and other accessories that are, or may be affected by the construction operations, and whenever, in the judgement of the City Inspector, said work shall be in need of repairs, maintenance, or rebuilding, he shall cause a written notice to be served the subdivider, and thereupon the subdivider shall undertake and complete such repairs, maintenance, or rebuilding. If the subdivider fails to do so within ten (10) days from the date of service of such notice, the City Inspector shall have such repairs made, and the cost of such repairs shall be paid by the subdivider, together with 15 percent in addition thereto as and for stipulated damages for such failure on the part of the subdivider to make the repairs.

- I. Acceptance of Materials. Material such as, but not limited to, bituminous products, portland cement, steel, pipe gaskets, joints filler, fire hydrants and other similar commercially produced products will be accepted by the City upon submission by the subdivider of a supplier certification that the material meets specifications. These materials shall not be incorporated into the project until such certification has been received and approved in writing by the City Inspector.
- J. Samples and Tests. Materials, equipment, and workmanship shall be subject to sampling or testing by the City. At the option of the Inspector, materials shall be subject to tests and inspection before such materials are used in the work. Representative preliminary samples of the character and quality prescribed shall be submitted without charge by the contractor or producer of materials to be used in the work in sufficient quantities or amounts for testing.

All tests of materials furnished by the contractor shall be made in accordance with the commonly recognized standards of National technical organizations and such special methods and tests as are prescribed herein.

K. General.

- (1) Approval of plans and specifications by the City Engineer on a submitted project will extend for a period of six months. If no work has been performed on such project within a period of six months following initial approval, the plans must be re-submitted and become subject to re-approval under the latest City standards and specifications.
- (2) Final acceptance of any or all work is contingent upon (1) an on-the-site inspection as the work progresses, (2) a reproducible "as built" plan having been submitted, and (3) a final inspection of the site.
- (3) All utilities, private or publicly owned, shall be placed underground unless otherwise approved or specified by the City. This will include, but not be limited to, telephone, gas, electric power, water, sewer, storm drains, etc. These underground utilities shall be installed before the surfacing of the streets and installation of road base, curb and gutter, sidewalks, etc.
- (4) It is the sole responsibility of the contractor to:
  - (a) Secure any and all permits required for completion of the project.
  - (b) Provide for the safety and protection of all those engaged in the project, not allowing any unsafe conditions to exist.

- (c) Acquire materials and produce workmanship which conforms to the City standards and specifications. Sub-standard installations and materials are subject to removal and replacement at the contractor's expense.
- (d) Have all work performed in a manner acceptable by the City Inspector.
- (5) No project can receive final approval until the workmanship and materials are in compliance with City standards and specifications. This includes accurate and proper placement of survey monuments and acceptable clean-up of area.
- (6) All items not mentioned within these standards and specifications related to road work will be performed in accordance with the most recent edition of "State of Utah Standard Specifications for Road and Bridge Construction" by the State Road Commission.
- (7) The burden of proof to justify any variance to the standards and specifications contained herein shall be at the expense of the petitioner. Final acceptance will be by the City Engineer.
- (8) Adoption of these standards and specifications in no way alleviates the responsibility of the developer to practice good sound engineering and construction practices in all phases of his work. It is the intent of these standards and specifications to provide uniformity, continuity and eventual lessening of unnecessary maintenance expenses to the City.
- (9) Where these standards and specifications are in conflict with adopted City ordinances, the most restrictive will apply.
- (10) These standards and specifications are subject to revision, modification, additions or changes without notice, by reference to the Subdivision Ordinance and approval by the majority of the City Council. (1997)

### 8-2-3

#### SECURITY OF PERFORMANCE

- A. A Subdivision plat shall not be recorded until the subdivider shall have furnished to the City a Security of Performance, acceptable to the City and as set forth below, in an amount set by the City Engineer and equal to at least 1.1 times the reasonable value of unfinished improvements required herein. The Security of Performance required by this section, and at the City's discretion, may be furnished by any of the following methods:
  - (1) By providing a surety or cash bond in the amount specified herein and conditioned upon payment by the subdivider of all expenses incurred for labor or material used in the construction of required improvements.
  - (2) By depositing the specified amount of cash in a bank account to which the City alone has access, but only in the event it becomes necessary, in order to complete, repair or replace the improvements as set forth below.
  - (3) By depositing the specified amount of cash in a supervised bank account to which the Subdivider has access, with the approval and signature of the City, which funds shall be used to pay for the subdivision improvements as construction is completed and evidence that no liens have been placed on the

construction project. In the event it becomes necessary for the City to foreclose on the Security of Performance and move to complete, repair or replace the improvements as set forth below, then the City shall have access to said supervised bank account for the purpose of completing, repairing, or replacing improvements without the necessity of obtaining the approval of the subdivider.

(4) By any other method that is acceptable to the City, provided that the City's interests in assuring that the work required herein is paid for, inspected and completed in conformance with City standards are protected. (Ord 05-12)

- B. The Security of Performance required by this section is to assure the City that all improvements are constructed in conformance with all relevant City ordinances, regulations, and standards, and to assure the City that all expenses incurred for labor or material used in the construction of the same are paid for by the Subdivider. Further, the City may retain 10 percent of the Security of Performance Guarantee provided by the subdivider until two years following the final inspection by the Building Official, or for such other period of time less than two years as the City deems necessary to insure compliance as set forth herein. (Ord 05-12)
- C. In the event construction of the public improvements is not completed or is not completed in a satisfactory manner one year from the date the final plat was approved by the City Council, the City may proceed to install the improvements in a satisfactory manner at the subdivider's expense by foreclosing on at the subdivider's "Security of Performance" held by the City.

In the event the public improvements fail to meet the standards as set forth in the subdivider's written guarantee, the City shall so notify the subdivider who shall be given a reasonable time to repair or otherwise correct as requested. The City may proceed to repair or replace the unsatisfactory improvements at the subdivider's expense by foreclosing on any Security of Performance still held by the City; and, in addition, the City may avail itself of any other remedy provided to it under the laws of the state of Utah and of the City of Syracuse. In addition to any other remedies stated herein, the city shall not approve additional phases for development if the subdivider has not completed improvements in a satisfactory manner within one year from the date of final plat approval.

**8-2-4: FEE PAYMENT** All fee schedules shall be established by the City Council by means of a resolution. Such fee schedules and the periodic adjustments thereof shall be a part of this ordinance by reference. (1997) (See Resolution R97-3)

**8-2-5: PARKS, OPEN SPACE, AND OTHER PUBLIC SPACES**

- A. Location of parks and other public spaces. The City shall require a minimum of four 6.6 acres of property for parks or other public spaces for every 1000 population throughout the city. The location of parks shall be determined by the City as identified in the Syracuse City General Plan. Developers will be required to work with the City to obtain park property within the development where placement of parks have been identified.
- B. Entrances to Subdivisions from Major Roadways. Every entrance to a subdivision from a major street shall have an area designated as open space. This shall be accomplished by requiring a 40-foot setback on corner lots with an area designated as clear view. See detail drawings for set back requirements. (Ord. 02-19)

**8-2-6: ADJACENT STREETS.** It shall become the responsibility of the Developer to complete all of the necessary public improvements on streets adjacent to his proposed development. This shall include reasonable landscaping of park strips, as approved by the city, when a new street placed is adjacent to an existing lot, which becomes a corner lot because of placement of the road. This shall be done at the subdivider's sole expense. (Ord. 03-25)

**8-2-7: RELATION TO ADJOINING STREET SYSTEMS.** The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless the variations are deemed necessary by the Planning Commission for public requirements.

Street access for new subdivisions shall be established by using the AASHTO Traffic Design Manual calculation of 7.5 seconds of travel time between street accesses onto existing roadways, (which calculated would be 385 feet at 35 mph) unless otherwise recommended by the Planning Commission. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their 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. Half streets along the boundary of land proposed for subdivision will not be permitted. (1999)

**8-2-8: STREET LIGHTS.** The placement of streetlights shall be included as part of the subdivision development. Developers shall be responsible to install or have installed, streetlights in accordance with adopted Construction Specifications.

Placement of streetlights shall be at each intersection within the development and at the end of each cull-de-sac, providing that the end of the cul-de-sac is at least 400 feet from the entrance thereof. (Ord 02-19)

**8-2-9: IRRIGATION WATER.** Due to the need of providing irrigation water for subdivision development, the subdivider shall convey to Syracuse City water rights that have been customarily used on the property to be developed that are usable by and acceptable to Syracuse City to provide a minimum of three acre feet (3 a.f.) of water annually during normal water years, for each acre or part thereof within the subdivision. In the event there are no owner water rights on property to be developed, the developer shall obtain and convey water rights acceptable and usable by Syracuse City. (Ord 04-23)

**8-2-10: EXTENSION OF PUBLIC WORK FACILITIES.** The extensions of any City Public works facilities including but not limited to roads, bridges, storm drains, water mains, sewer lines, and secondary water systems, shall be installed by the developer of any subdivision. There shall be no consideration or return to the developer within this area. The City, however, will consider cost sharing on any water or sewer lines in excess of eight (8) inch diameter in the event the City desires to participate for future planning purposes. (Ord 02-19)

**8-2-11: SECOND ACCESS REQUIRED.** Providing for emergency response, all subdivisions having more than 35 homes shall have a minimum of two (2) ingress/egress roads, except that other acceptable alternatives for emergency accesses can be made and approved by both the Planning Commission and City Council. (Ord 05-12)

**8-2-12: MANDATORY USE OF CITY WATER, SECONDARY WATER AND SEWER SYSTEMS.** All subdivisions located within the corporate boundaries of the City of

Syracuse shall be required to connect to the water and sewer systems of the City, any ordinance or resolution to the contrary notwithstanding. The City Council hereby expressly finds the requirements of this Section and Section 8-2-9 to be in the best interests of the City and to promote the public health, safety, and general welfare of the residents thereof. (Ord 02-19)

**8-2-13:** **APPEALS.** Any applicant, member of the Planning Commission and/or property owner within 1,000 feet of proposed subdivision property shall have the right to appeal the action of the Planning Commission to the City within five (5) days of the date of such action. Any action taken and not appealed within said five (5) days shall be final. When a written appeal is received by the City within five (5) days of the time the action was taken, the City will publish notice of an appeal hearing fifteen (15) days prior to the scheduled date by posting the notice thereof at three public places within the City. Action by the City Council will be final. (Ord 02-19)

**8-2-14:** **WRITTEN AGREEMENTS.** When and as written agreements are deemed to be necessary for the protection and understanding of all parties concerned, then they shall be entered into by all parties concerned, i.e., to cover areas of concern not specifically addressed by the subdivision ordinance or other requirements of the City, and shall be submitted with the final plats to the Planning Commission and the City Council.

A. Payback Agreement.

- (1) The City may enter into a payback agreement with a developer who installs improvements or facilities for water, secondary water, land drains, storm sewer, roads, or parks, where the improvements installed extend, expand, or improve the City's water, secondary water, land drains, sewer, storm sewer, roads, or parks, beyond the improvements required to service or benefit the subdivision or development proposed by the developer or where a developer installs improvements due to the layout or ownership of the land that benefit another landowner or developer who would or should in equity normally pay a portion of the improvements. The payback agreement is not mandatory, but may be used at the option of the City upon approval of the payback agreement by the City Council.
- (2) The dollar amount of the payback to the developer shall be solely determined by the City under the direction of the City Engineer after consideration of the portion of the improvements or facilities installed that benefit developer's development, and the portion of the improvements or facilities that are specifically over-sized or installed to provide for future development or benefit other landowners or future developers.
- (3) The City shall, in all cases, be immune and not liable for any payments to the developer if the payback agreement is determined to be unenforceable or if the City is not able to collect from future developers. At the time a payback agreement is entered into with a developer, the City shall record a notice against the benefited property with the County Recorders office, which notice shall inform the benefited landowners that at such time as they develop the benefited property they will be required to pay for a portion of the improvements previously installed.
- (4) The payback agreement shall not confer a benefit upon any third party and shall be in a form approved by the City Administrator or his designee. The responsibility for payment of the required improvements or facilities shall rest entirely with the developer.

- (5) The payback agreement shall expire ten years from the date of the payback agreement or at such time as the developer has recovered the costs specified in the payback agreement, whichever comes first.
- (6) If any part of this ordinance is found to be invalid by a court of competent jurisdiction, or if the Legislature of the State of Utah should pass a law which would invalidate any portion of this ordinance, all parties to the payback agreement shall be released from further responsibility thereunder and shall be relieved from any and all responsibility thereunder.

**8-2-15: GUIDELINES AND CHECKLISTS.** The City is hereby authorized and empowered to promulgate by way of resolution certain guidelines and/or checklists relative to this ordinance. These materials shall be provided to any interested person upon request and upon payment of a fee specified by the City. These materials shall be for instructional purposes only and represent an attempt to aid those seeking to comply with this ordinance. In the event any conflict arises between such guidelines and this ordinance or other regulations, resolutions or policies of the City, then said ordinances, resolutions, regulations, or policies shall be deemed controlling and all questions shall be resolved in their favor. (1997)

**8-2-16: FEES AND RECORDING**

- A. Utility connection fees and service assessments will be the established rate at the time application is made.
- B. Recording fees will be the established rate at the time recording is made. (Ord 02-19)

**8-2-17: ISSUANCE OF BUILDING PERMIT**

- (A) The following requirements shall be met prior to issuance of any building permit within a subdivision:
  - (1) All required fencing installed as a condition of subdivision approval in compliance with Syracuse City Zoning Ordinance;
  - (2) All water and sewer and drainage systems installed, inspected and tested;
  - (3) All curb and gutter installed;
  - (4) A minimum of 8 inches of road base in place and graded;
  - (5) All lots within the subdivision rough graded so that weeds and other vegetation can be maintained by the contractor;
- (B) Contractors will be responsible to see that all construction materials and/or debris are continuously secured or removed from construction site in accordance with Syracuse City Ordinance, Chapter 6-1, Nuisances on Property. (Ord 02-19)

**8-2-18: OCCUPANCY OF A DWELLING.** All structures used for the purpose of residential dwelling shall meet the following guidelines prior to occupancy:

- (A) All underground off-site improvements properly installed and operational as approved by Syracuse City.

(B) All required asphalt or concrete hard surface roadway installed and completed throughout the entire phase in which the dwelling is located in accordance with Syracuse City design standards. In the event that hard surface paving cannot be properly installed due to weather related circumstances, the developer may petition the City Council for conditional occupancy providing the following guidelines are met:

- (1) Roadbase installed in accordance with Syracuse City design standards.
- (2) Developer must maintain all roadbase surfaces providing for adequate vehicular accessibility and that the developers provide for services which will not be available due to the absence of paving.
- (3) Required asphalt or concrete hard surface roadway shall be installed and completed as soon as weather related circumstances change or as directed by Syracuse City. (Ord 02-19)

**8-2-19: SUBDIVISION PHASES.** A subdivision containing more than thirty-six (36) lots shall be planned in subsequent phases and must follow the following requirements:

- (A) The sketch plan must show the placement, numbering and boundaries of the phases within the subdivision.
- (B) Any future alteration or deviation from the original sketch plan will require the submittal of an amended sketch plan.
- (C) Design of each phase must be consistent with the Syracuse City's General Plan and this ordinance.
- (D) Phases must be completed in such a manner as to provide sufficient services to existing and future development.
- (E) Phase and lot numbering must be sequential and consistent to that approved in the Sketch Plan. (Ord 02-19)

**8-2-20: RESIDENTIAL DRIVEWAYS.** The arrangement of residential driveways on proposed subdivision lots fronting a collector or arterial street will be directed by the City Planning Commission. Driveways fronting collector or arterial streets will be constructed to allow semi-circular, pull-through, or hammerhead pull out residential driveways. (Ord 02-19)

## CHAPTER 3

### PUBLIC IMPROVEMENTS

**8-3-1: Design Standards**

**8-3-2: Local Minimum Standards & Specifications**

**8-3-3: Other General Standards**

**8-3-1: DESIGN STANDARDS.** The design of the final subdivision plat in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the Planning Commission and by other departments and agencies of city government. Design standards shall be approved by the City Council and shall include provisions as follows which are hereby approved by the City Council:

- A. Blocks shall not exceed thirteen hundred twenty feet in length.
- B. Dead-end streets, which exceed one lot depth in length, shall have a forty-foot (40') radius temporary turnaround area at the end. The turnaround shall have an all-weather surface acceptable to the City. (Ord. 03-10)
- C. Blocks shall be wide enough to adequately accommodate a minimum of two lots.
- D. Dedicated walkways through the block may be required where access is necessary to a point designated by the Planning Commission. Such walkways shall be a minimum of six feet in width, but may be required to be wider where determined necessary by the Planning Commission. The subdivider shall surface the full width of the walkway with a concrete surface, install a chain link fence or its equal at least four feet high on each side and the full length of each walkway and provide, in accordance with the standards, rules, and regulations, barriers at each walkway entrance to prevent the use of the walkway by any motor vehicle or by any non-motorized vehicle wider than four feet.
- E. Blocks intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
- F. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.
- G. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning ordinance for the zone or proposed zone in which the subdivision is located, and to the minimum requirements of the County Board of Health for water supply and sewage disposal.
- H. Each lot shall abut on a street shown on the subdivision plat or on an existing publicly-dedicated street. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.
- I. Side lines of lots shall be approximately at right angles, or radial to the street lines.

- J. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.
- K. Subdivision boundaries shall include all property; no protection or holding strips will be allowed. All improvements shall be installed to the boundary of the subdivision.
- L. Cul-de-sacs (dead-end streets designed to be permanently closed to through traffic) shall be no longer than four hundred (400) feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet diameter, measured to the property lines. Exceptions to the maximum length may be granted by the City Council, after receiving a recommendation from the Planning Commission, upon finding that the topography or other physical conditions of the development site make it impossible to develop the property any other way and that an increased street length will not unreasonably impact the ability to provide emergency and other public services. (Ord. 03-10)
- M. When a dead-end street reaches its maximum block length of 1320 feet, it shall not be extended except to connect to another street which provides a second point of independent access. (Ord. 03-10)

**8-3-2: LOCAL MINIMUM STANDARDS & SPECIFICATIONS.** Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be prepared by the City Engineer; standards for water distribution and sewage disposal facilities by the Board of Health; and similar standards for fire protection by Insurance Services Office. All subdividers shall comply with the standards established by such departments and agencies. These standards in addition to the general standards listed below shall be used by all subdividers. (1997)

**8-3-3: OTHER GENERAL STANDARDS.**

- A. Irrigation Ditches and Canals. Open ditches or canals shall not be allowed within a subdivision or within an existing street right-of-way adjacent to a subdivision. The subdivider shall work with the irrigation, drainage or ditch companies to determine:
  - (1) Methods of covering, realigning or eliminating ditches or canals.
  - (2) The size of pipe and culverts required.
  - (3) The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts.

In any case where canals or ditches are within public or proposed public rights-of-way, specifications and grades for pipe or culvert must be approved by the City Engineer.

When an irrigation ditch or canal is adjacent to subdivision development the subdivider must construct a continuous chain link fence on the property line of at least five (5) feet in height.

- B. Buffering. In addition to fencing ditches and canals the subdivider shall be required to provide adequate buffering as outlined in the City's Zoning Ordinance. (1997)

## CHAPTER 4

### SUBDIVISION SKETCH (CONCEPT) PLAN;

**8-4-1: Procedures and Requirements for Submission**

**8-4-2: Feasibility Report**

**8-4-3: Action by the Planning Commission**

**8-4-1: PROCEDURES AND REQUIREMENTS FOR SUBMISSION** Submit one (1) standard 22" x 34" copy, plus four (4) reduced to 11" x 17" (1/2 scale) copies of a Sketch Plan to the Planning commission for review and discussion of plan and general scope and conditions. The Plan must be submitted at least two weeks prior to the next regularly scheduled meeting of the Planning Commission and shall include the following items:

- A. The proposed name of the subdivision.
- B. The adjacent property boundaries under the control of the subdivider together with the boundaries of the proposed Subdivision, showing all streets serving property proposed for subdividing.
- C. Approximate number of lots proposed and street layout indicating general scale dimensions of lots. The scale shall not be less than 1" = 100'.
- D. Approximate total acreage of the development as well as size of the individual lots.
- E. Location of all irrigation, waste water drain channels, and all existing utilities within or adjoining the proposed subdivision.
- F. Location of all subsurface or land drains with in the boundaries of the proposed subdivision.
- G. Location and approximate acres of open space or parks within the subdivision.
- H. Vicinity map.
- I. Current Zoning. (1997)

**8-4-2: FEASIBILITY REPORT** The developer shall prepare and submit a development feasibility report that addresses the following:

- A. Proposed method of connecting to city utilities including, but not limited to, water, secondary water, storm drain, sanitary sewer land drains, etc.
- B. Irrigation water rights to be conveyed to the city to meet the irrigation water requirements.
- C. Method and calculations for meeting the density requirements outlined in the city's zoning ordinance for the zone where subdivision is located.
- D. Method of meeting the open space requirements outlined in Section 8-2-5

- E. Identification of any potential wetland areas within the subdivision and proposed method of dealing with them.
- F. Estimated number of phases and the number of lots in each phase of the development.
- G. Method of meeting requirements for secondary access required by section 8-2-10. (1997)

**8-4-3:**

**SKETCH PLAN APPROVAL.** The Planning Commission, City Engineer and representatives of other City departments, as deemed necessary by the Zoning Administrator, shall review the Sketch Plan of the proposed subdivision. The Planning Commission shall either approve, reject, conditionally approve or table action for the next regular meeting, provided, however, that when the Planning Commission reasonably determines that it is necessary and that it would be conducive to a correct and proper decision in the best interests of the City, the Planning Commission may serve notice of and hold a public hearing concerning the proposed subdivision before taking any action with respect thereto. Such notice shall be given at least seven (7) days before the proposed public hearing and shall be given by publishing it at least once in a newspaper having a general circulation within the City and by posting notice thereof in at least three (3) public places within the City.

If the sketch plan is approved, the Planning Commission shall then forward it to the City Council for their action, which action shall be taken in a regularly scheduled meeting of the City Council. If the Sketch Plan is disapproved, the Planning Commission shall indicate its disapproval by written notice stating the reasons for disapproval, in which cases the decision can be appealed to the City Council. Approval of sketch plans by the City Council will extend for a period of one year. If work or subsequent action by the developer to proceed to preliminary plan review does not occur within the year following initial approval, the plan must be re-submitted and become subject to re-approval under the latest City ordinances and specifications. (1999)

## CHAPTER 5

### PRELIMINARY SUBDIVISION REVIEW

**8-5-1: Preliminary Plat**

**8-5-2: Approval of Preliminary Plat**

**8-5-1: PRELIMINARY PLAT.** The Preliminary Plat shall comply with the following requirements:

(A) Submission Requirement: Submit Three (3) standard 22" x 34" copies (see standard drawing #1) plus Three (3) reduced to 11" x 17" (1/2 scale) , of the preliminary plat to the Planning Commission for review at least two weeks prior to the next regularly scheduled meeting of the Planning Commission. The Planning Commission may, if said copies are not so submitted beforehand, postpone its consideration thereof until its next regularly scheduled meeting.

(B) General Information Required:

- (1) The proposed name of the subdivision.
- (2) The location of the subdivision, including the address of the section, township and range.
- (3) Date of preparation.
- (4) The location of the nearest bench mark and monument.
- (5) The boundary of the proposed subdivision.
- (6) Legal description of the subdivision and acreage included.
- (7) Location, width and name of existing streets within two hundred (200) feet of the Subdivision and of all prior platted streets and other public ways, railroad and utilities rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporate lines within and adjacent to the tract.
- (8) Easements for water, sewer, drainage, utility lines, fencing, and other appropriate purposes.
- (9) The layout, number, area, and typical dimensions of lots, streets, and utilities.
- (10) Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in a subdivision including, but not limited to, sites to be reserved or dedicated for parks, playgrounds, schools or other public uses.
- (11) Current inset City map showing location of subdivision.
- (12) Boundary lines of adjacent tracts of undivided land showing ownership.

- (13) Location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries.
- (14) Existing sewers, field drains, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries, indicating pipe size, grades, manholes and exact location.
- (15) Existing ditches, canals, natural drainage channels, open waterways, and proposed alignments within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries.
- (16) Contours at two-foot intervals for predominate ground slopes within the subdivision between level and ten percent, and five-foot contours for predominate ground slopes within the subdivision greater than ten percent.
- (17) The plat shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet and shall indicate the base of bearing true north.
- (18) The subdivider's detailed plan for protecting future residents of his development from such hazards as open ditches, canals or waterways, non-access streets, open reservoirs or bodies of water, railroad rights-of-way and other such features of a potentially hazardous nature located on, crossing, contiguous or near to the property being subdivided, with the exception that the subdivider's plan need not cover those features which the Planning Commission determines would not be a hazard to life and/or where the conforming structure designed to protect the future residents would itself create a hazard to the safety of the public. The foregoing does not relieve the subdivider of the duty to investigate all possible means of protecting future residents from a potential hazard before a determination is made that the only conceivable means of protection is potentially more hazardous than the hazard itself.
- (19) Location of existing and proposed land drains. (1997)

**8-5-2:**

**APPROVAL OF PRELIMINARY PLAT.** The Planning Commission, City Engineer and representatives of other interested City departments, as deemed necessary by the Zoning Administrator, shall review the preliminary plat and visit the site of the proposed subdivision. Following this investigation, and after receipt of the City Engineer's written comments and recommendations, the Planning Commission shall either approve, reject, conditionally approve or table action for the next regular meeting.

If the preliminary plat is approved, the Planning Commission shall return one copy of the plat signed by the Planning Commission Chairman to the subdivider with any conditions attached. Other signed copies shall be forwarded to each of the interested City departments. The Planning Commission shall retain one signed copy of the plat for its files. If the Preliminary Plat is disapproved, the Planning Commission shall indicate its disapproval by written notice stating the reasons for disapproval.

The receipt of a signed copy of the approved preliminary plat shall authorize the subdivider to proceed with preparation of the final plat. Approval of preliminary plats by the Planning Commission will extend for a period of one year. If work or subsequent action by the developer to proceed to final plan review does not occur within the year

following initial approval, the plan must be re-submitted and become subject to re-approval under the latest City ordinances and specifications. (1999)

## CHAPTER 6

### FINAL SUBDIVISION REVIEW

**8-6-1: Final Plat**

**8-6-2: Final Plan and Profile**

**8-6-3: Final Approval**

**8-6-1: FINAL PLAT.** The Final Plat must be prepared by a licensed land surveyor on a sheet of approved tracing with permanent black Ink and shall be prepared in accordance with the requirements of this ordinance. The plat shall be 19" X 30" and shall have a one and one-half (1 1/2) inch border on the left and a one-half (1/2) inch border on the three remaining sides. The top of the plat shall be either north or east, whichever accommodates the drawing best.

The plat shall show:

- (A) The name of the Subdivision, which name must be approved by the Planning Commission and County Recorder.
- (B) Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.
- (C) An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions in feet and hundredths.
- (D) The street address for each lot. Each street address shall be assigned by the City to be consistent with the current numbering scheme.
- (E) True angles and distances to the nearest established street lines or official monuments which shall be accurately described in the plat and shown by appropriate symbol.
- (F) Radii, internal angles, points and curvatures, tangent bearings and the length of all arcs.
- (G) The accurate location of all monuments to be installed shown by the appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position.
- (H) The dedication to the City of all streets, highways and other public uses and easements included in the proposed subdivision
- (I) Street monuments shall be shown on the Final Plat as are approved by the City Engineer. Standard precast monuments will be furnished by the subdivider and placed as approved.
- (J) Pipes or other such iron markers shall be shown on the plat.

- (K) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common use of all property owners.
- (L) All boundary, lot and other geometrics (bearings, distances, curve data, etc.,) on Final Plat shall pose to an accuracy of not less than one part in five thousand (1/5000).
- (M) Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.
- (N) Boundary descriptions of the Subdivision.
- (O) Current inset City map showing location of subdivision.
- (P) Standard forms for the following:
  - (1) A registered Land Surveyor's Certificate of Survey as applicable under State Law.
  - (2) Owner's Dedication which shall "warrant and defend and save the City harmless against any easements or other encumbrances on the dedicated streets which will interfere with the City's use, maintenance and operation of the streets."
  - (3) A notary public's "Acknowledgement."
  - (4) The City Planning Commission's "Certificate of Approval."
  - (5) The City Engineer's "Certificate of Approval."
  - (6) The City Council's "Certificate of Approval."
  - (7) The County Recorder's "Certificate of Attest."
  - (8) A three-inch (3") by three-inch (3") space in the lower right-hand corner of the drawing for recording information.

**8-6-2:** **FINAL PLAN AND PROFILE.** Plan and Profile must be prepared by a licensed engineer in accordance with the requirements of this ordinance. Standard 22" x 34" and reduced to 11" x 17" (1/2 scale) of the plan and profile will be required for review by the city. (1997)

General Information required.

- (A) Plan for culinary water improvements. Show proposed water main sizes, valves, fire hydrants, and service connections to all lots within the proposed subdivision and connections to existing water mains
- (B) Plan for secondary water improvements. Show proposed secondary water main sizes, valves, and service connections to all lots within the proposed subdivision and connections to existing secondary water lines.

- (C) Plan for sanitary sewer. Show proposed sewer mains and manholes, together with proposed slopes and depths within the proposed subdivision. Also show location of service laterals to each lot within the subdivision.
- (D) Land Drain. Show method of dealing with land drains and subsurface water drains within the proposed development. If applicable, indicate location of any service connections and service manholes within the subdivision.
- (E) Storm Water. Show location and size of storm water drains, together with any manholes or drop boxes within the subdivision. Show slope and grade of all storm drain lines. Storm water calculations need to accompany drawings for engineer review.
- (F) Streets. Typical cross section of road improvements, together with flow line of proposed curb and gutter improvements as compared with existing ground slopes and center line offsets of all proposed utilities.
- (G) Stationing. Stationing callouts should conform with acceptable engineering practices.
- (H) Agreements. When necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission. (1997)

**8-6-3:**

**FINAL APPROVAL.**

- (A) Submittal: Submit one (1) standard 22" x 34" copy of plat and plan & profile sheets, plus one (1) copy of each reduced to 11" x 17" (1/2 scale) to the city. Submit three (3) standard 22" X 34" copies of plat and plan & profile sheet, together with a cost estimate of off-site improvements, storm drain calculations, and a 19"X 30" mylar of the Final Plat to the City engineer.
- (B) Engineer Review: City Engineer will review submitted documents and transmit his conclusions and recommendations to the Planning Commission, including cost estimate for off-site improvements required by City ordinance. If documents are in order, City Engineer will sign the mylar indicating his approval of the subdivision. After approval and signature of the Final Plat, the City Engineer shall submit the plat, along with his comments of review and approval to the Planning Commission.
- (C) Approval: Upon receipt of the approved plans from the City Engineer the Planning Commission shall either approve, reject, or table action for the next regular meeting the Final Plat. If the final plat is approved, the Planning Commission Chairman shall sign the plat and forward it to the City Council for approval and signature, which action shall be taken in a regularly scheduled meeting of the City Council.

If the Planning Commission does not approve the Final Plat, disapproval shall indicated by written notice stating the reasons for disapproval, in which case the decision can be appealed to the City Council whose decision will be final. Approval of final plats by the City Council will extend for a period of (6) six months. If work or subsequent action by the developer to proceed with offsite construction does not occur within the (6) six month period following initial approval, the plat and construction drawings must be re-submitted and become subject to re-approval under the latest City ordinances and specifications. (1999)

- (D) Construction of off-site Improvements: No construction of off-site improvements shall commence until the developer has completed a pre construction meeting with the city planning and building departments, at which time a review of construction project and expectations of the city will be discussed. Such conference shall be scheduled with the city and all affected utility companies will be invited to attend.
- (E) Approval to Record Subdivision: Before any subdivision plat will be recorded, the subdivider shall furnish a corporate surety bond in amount as finally determined by the City Engineer to secure the performance of the public improvements in a workmanlike manner and according to specifications established by the Syracuse City Subdivision Standards {See Section 8-2-3}. Some of the public improvements are as follows:
- (1) Paving of streets
  - (2) Curb, gutter and sidewalks
  - (3) Sewer and water lines, including irrigation lines
  - (4) Storm and subsurface drainage
  - (5) Street signs, monuments, lighting, fences and street trees
  - (6) Removal or relocation of any easements which may affect the use of the dedicated streets by the City.
  - (7) Utility development connection fees
- (F) Recording. The Final Plat, bearing all official signatures as above required, shall be deposited in the office of the City Recorder, who shall cause the plat to be recorded in the office of the County Recorder. No plat shall be recorded in the office of the County Recorder and lots included in such plat shall not be sold or exchanged, and no offer shall be made to sell or exchange any such lots unless and until the plat is so approved and signed. (1997)

## CHAPTER 7

### ENFORCEMENT, PERMITS AND PENALTIES

**8-7-1: Enforcement**

**8-7-2: Inspection**

**8-7-3: Permits**

**8-7-4: Violation**

**8-7-5: Penalty**

**8-7-1: ENFORCEMENT** The Planning Commission, the City Council and such other departments and agencies and officials of the City as are specified under the provisions of this title are hereby designated and authorized as the agencies charged with the enforcement of the provisions of this title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies, shall not legalize any violation of such provisions. (1997)

**8-7-2: INSPECTION.** Appropriate agencies and departments and officials of the City shall inspect or cause to be inspected all buildings, street improvements, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by appropriate department, agency or officials. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the Inspector. (1997)

**8-7-3: PERMITS.** From the time of the effective date of this title, the Building Official shall not grant a permit, nor shall any City office, department or agency grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this title until a subdivision plat therefor has been recorded or approved as herein required. Any license or permit issued in conflict with such provisions shall be void. (1997)

**8-7-4: VIOLATION.** No person shall subdivide any tract or parcel of land located wholly or in part in the City except in compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the Planning Commission, nor offer for recording in the office of the County Recorder, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provision of this title. (1997)

**8-7-5: PENALTY.** Whoever shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction of any such violation, shall be punishable by a fine of not more than \$1,000.00, or by imprisonment for not to exceed 6 months, or by both fine and imprisonment or by the penalty for transfer and sale of property provided in Section 10-9-26, Utah Code Annotated, 1953, except that in all cases where a corporation would be punishable as for a misdemeanor, and there is no other punishment prescribed by ordinance, such corporation is punishable by a fine not exceeding

\$1,000.00. Provided further, that each violation of this ordinance shall be considered a separate offense, and each day such violation is permitted to exist shall constitute a separate offense. (1997)

## CHAPTER 8

### AMENDMENTS, VALIDITY, REPEALER

**8-8-1: Changes and Amendments**

**8-8-2: Validity**

**8-8-3: Repeal of Inconsistent Ordinances, Rules, and Regulations**

**8-8-1: CHANGES AND AMENDMENTS.** This Subdivision Ordinance may be amended from time to time by the Syracuse City Council after fifteen (15) days notice and public hearing but all proposed amendments shall be first proposed to the Planning Commission for its recommendation, which shall be returned to the Syracuse City Council within thirty (30) days. Failure of the Planning Commission to submit its recommendations within the prescribed time shall be deemed approval by such commission of the proposed change or amendment. The Syracuse City Council may overrule the Planning Commission's recommendation by a majority vote of its members. (1997)

**8-8-2: VALIDITY.** Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof other than the part specifically so declared to be invalid. (1997)

**8-8-3: REPEAL OF INCONSISTENT ORDINANCES, RULES, AND REGULATIONS.** All ordinances, rules and regulations, or parts thereof, of Syracuse City which are repugnant to or inconsistent or in conflict with this Ordinance are hereby repealed. (1997)