

CHAPTER 10
SUBDIVISIONS

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10.1 PURPOSE

The purpose of this chapter is to:

- A. Protect and provide for the public health, safety, and general welfare of Fountain Green City.
- B. Guide the future growth and development of Fountain Green City, in accordance with the General Plan.
- C. Encourage the orderly and beneficial development of land within the municipality.
- D. Protect the integrity of buildings, land and improvements, and to minimize the conflicts among the uses of land and buildings.
- E. Establish reasonable standards of design and procedures for subdivisions, plat amendments, and lot line adjustments, in order to further the orderly layout and use of land; and to insure proper legal descriptions and recordation of subdivided land.
- F. Verify that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- G. Encourage the wise use and management of natural resources in order to preserve the integrity, stability and aesthetics of the community.
- H. Continue the rural development and variety of structural design within residential zones.
- I. Provide for open spaces through the most efficient design and layout of the land, while preserving the density of land as established in the Zoning and Subdivision Code of Fountain Green City.

10.2 CONSIDERATIONS FOR SUBDIVISION APPLICATION PROCESS

Chapter 10 adopts and incorporates the definitions of terms found in Chapter 2 and distinguishes between several processes of subdivision and land division including all subdivisions, plat amendments, plat vacations, and lot line adjustments. This process involves:

- A. CITY COUNCIL DECISION. The City Council shall make a decision based on the Planning Commission recommendation on the major subdivision application, and shall approve, deny or approve with conditions. The city may impose an exaction or exactions on proposed land use development if:
1. An essential connection exists between a legitimate governmental interest and each exaction, and
 2. Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
- B. NOTICING REQUIREMENTS FOR SUBDIVISION PUBLIC HEARINGS AND PUBLIC MEETINGS. For any proposed major (nonexempt) subdivision, Fountain Green City shall provide notice of the date, time and place of a public hearing (Section 10-9a-207 Code) that is:
1. Mailed not less than ten calendar days before the public hearing and addressed to the record owner of each parcel within 600 feet of that property (Developers shall pay costs of mailing.), or
 2. Posted not less than ten calendar days before the public hearing, on the subdivision property proposed to be amended, in a visible location, with a sign of sufficient size, durability and print quality that is reasonably calculated to give notice to passers-by, and
 3. Posted not less than ten calendar days in three public places in Fountain Green City.
- C. DEFINITION OF PROPERTY LINES FOR UTILITY REQUIREMENTS. For the purposes of Chapters 7 through 11 only, the following definitions shall apply:
1. The following definition shall apply for Minor Subdivisions. For purposes of water and sewer connections, the property line is defined as that property line of a lot or parcel of land that fronts on a dedicated street where water and sewer lines are existing in the street. Water and sewer lines will be considered at the property line in a minor subdivision if they are within 120 feet of the property on either side of the street. No connection fees will be collected until such time as the process of obtaining a building permit is initiated by the property owner. The builder/property owner will bear the entire cost of installing the sewer line from the main line. This cost is in addition to the standard Fountain Green City sewer hook-up fee. The Fountain Green City water hook-up fee will normally cover the cost of installing the water line from the main line to the meter. Electricity is required to be brought to the deeded property line of each lot or parcel. More than one lot or parcel can be serviced from one pole based on requirements as established by the public facility. A drop line must be at each lot, but a single line can feed more than one lot.
 2. The following shall apply for Major Subdivisions (more than 2.25 acres). All city required utilities, to include electric, water, and sewer shall be required to be stubbed to each lot where meter placement would occur. Impact fees shall be paid prior to final approval of the subdivision plat.

10.3 SIMPLE SUBDIVISIONS (LOT SPLITS)

An applicant may subdivide a property of less than 2.25 acres into two lots or parcels provided that all proposed lots or parcels front a dedicated public street, do not extend into proposed City roadways as based on the City transportation plan, and comply with the applicable zone standards. Minimum lot size is 0.455 acre in the Residential Agriculture Zone. In the Business Commercial Zone, businesses or business-residence combinations must meet frontage, setback and parking requirements (see Use Table

7.3-3 Minimum Lot and Development Standards) and residential dwellings only have a minimum lot size of 0.455 acre. This process should be completed in the following manner:

- A. APPLY FOR INITIAL CONTACT AT THE CITY OFFICE and receive a Subdivision Application and copies of Chapters 10 and 11.
 - 1. The Subdivision Application contains the name of applicant or authorized agent and the following information:
 - a. Name, mailing address, phone, and email contact information for developer(s) and agents.
 - b. Plat number for which subdivision is being applied.
 - c. Subdivider Agreement Attestation: *"Subdivider hereby acknowledges receipt of a copy of the Fountain Green City Subdivision Ordinances, General Design Standards, and General Plan. Subdivider hereby acknowledges that he or she has read the Subdivision Ordinance (or that an agent of subdivider has), and that he or she understands the provisions of the subdivision ordinance, Design and Construction Standards, and that he or she will fully and completely comply with the provisions and requirements therein contained."*
 - 2. Pay simple subdivision non-refundable application fee of \$100.
 - 3. The proposed address for the subdivision will be supplied by the City Public Works Officer.
- B. ADMINISTRATIVE SKETCH PLAN REVIEW/INITIAL CONTACT WITH THE PLANNING COMMISSION:
 - 1. Developer provides the signed Subdivision Application with the subdivider agreement.
 - 2. Developer provides evidence that the subdivision application fee has been paid.
 - 3. Developer provides a sketch of the planned subdivision.
 - 4. Discussion with the Planning Commission regarding the General Plan, Ordinances, and requirements.
 - 5. The Planning Commission reviews the sketch plan.
- C. The applicant needs approval from the Public Health Department on simple subdivisions if it is determined that the property is not serviced by the public sewer system.
- D. IF APPROVED, DEVELOPER SUBMITS THE FOLLOWING TO THE CITY FOR REVIEW:
 - 1. Guarantee of required improvements.
 - 2. Agreements/conditions of approval.
- E. THE DEVELOPER PAYS THE FOLLOWING FEES:
 - 1. Water and sewer impact fees.
- F. AS-BUILTS are submitted to the City as they are completed and verified.

10.4 MINOR SUBDIVISIONS

An applicant may subdivide a property of a size less than 2.25 acres into three or four lots or parcels of not less than 0.455 acres in the following manner provided that both proposed lots or parcels front a dedicated public street, do not extend into proposed City roadways as based on the City transportation

plan, and comply with the applicable zone standards. Minimum lot size is 0.455 acre in the Residential Agriculture Zone. In the Business Commercial Zone, businesses or business-residence combinations must meet frontage, setback and parking requirements (see Use Table 7.3-3 Minimum Lot and Development Standards) and residential dwellings only have a minimum lot size of 0.455 acre. This process should be completed in the following manner:

- A. APPLY FOR INITIAL CONTACT AT THE CITY OFFICE and receive a Subdivision Application and copies of Chapters 10 and 11.
 1. The Subdivision Application contains the name of applicant or authorized agent and the following information:
 - a. Name, mailing address, phone, and email contact information for developer(s) and agents.
 - b. Plat number for which subdivision is being applied.
 - c. Subdivider Agreement Attestation: *"Subdivider hereby acknowledges receipt of a copy of the Fountain Green City Subdivision Ordinances, General Design Standards, and General Plan. Subdivider hereby acknowledges that he or she has read the Subdivision Ordinance (or that an agent of subdivider has), and that he or she understands the provisions of the subdivision ordinance, Design and Construction Standards, and that he or she will fully and completely comply with the provisions and requirements therein contained."*
 2. Pay minor subdivision non-refundable application fee of \$250.
 3. No survey is required. measurements of lots may be by metes and bounds.
- B. ADMINISTRATIVE SKETCH PLAN REVIEW/INITIAL CONTACT WITH THE PLANNING COMMISSION:
 1. Developer provides the signed Subdivision Application with the subdivider agreement.
 2. Developer provides evidence that the subdivision application fee has been paid.
 3. Developer provides a sketch of the planned subdivision.
 4. Discussion with the Planning Commission regarding the General Plan, Ordinances, and requirements.
 5. The Planning Commission reviews the sketch plan.
- C. PLANNING COMMISSION RESPONSE (within 2 scheduled meetings of each sketch plan review).
 1. The Planning Commission provides written report(s) for required changes/provisions per City Ordinances and General Plan (email to the address provided in the Subdivision Application will suffice for the written report).
- D. ADDITIONAL ADMINISTRATIVE SKETCH PLAN REVIEWS and Planning Commission responses as necessary until the City requirements/ordinances are accommodated by the sketch plan.
- E. FINAL PLAT SUBMITTED (within 1 year of last sketch plan review).
- F. FINAL PLAT REVIEW AT PLANNING COMMISSION (within 75 days of submission). The applicant shall prepare and submit five copies of a preliminary plat of the proposed subdivision and any other plat as required by the county recorder.
 1. The final plat shall include:

- a. A minimum scale of 1" = 50';
 - b. The proposed streets, parks, open spaces and other offers of public dedications showing widths and pertinent dimensions of each;
 - c. Existing rights-of way and easement grants of record for streets, underground utilities and other public purposes;
 - d. The Fire Chief shall review and recommend fire hydrant placement in consultation with the City Public Works Director. The Fire Chief shall review and make recommendations on other fire-fighting concerns;
 - e. The applicant needs approval from the Public Health Department on major subdivisions if it is determined that the property is not serviced by the public sewer system;
 - f. A north arrow;
 - g. A date on each sheet;
 - h. The boundary dimensions and legal description of the subdivision;
 - i. The location, width, and other dimensions of all existing or platted streets and other important features such as utility lines, drainage and flood mitigation and exceptional topography and structures within the proposed subdivision and within a 200' perimeter of the subdivision;
 - j. The proposed subdivision name;
 - k. The name and address of the applicant, engineer or surveyor for the subdivision and the owners of the land to be subdivided;
 - l. Signature blocks for Planning Commission and City Council acceptance on approval and for County Recorder.
2. Recommend to the City Council.
- G. FINAL PLAT REVIEW AT THE CITY COUNCIL (within 45 days of the Planning Commission recommendation).
- 1. Approval, denial, or approval with conditions.
 - a. Signatures by mayor and Planning Commission Chair shall not be made until all conditions have been met.
 - 2. Written report provided for required changes/provisions.
- H. IF APPROVED, DEVELOPER SUBMITS THE FOLLOWING TO THE CITY for review by the City Attorney:
- 1. Guarantee of required improvements;
 - 2. Agreements/conditions of approval;
 - 3. City calculates the surety/bonding required and notifies the Developer;
 - 4. City provides individual lot addresses.
- I. THE DEVELOPER PAYS THE FOLLOWING FEES:
- 1. Water and sewer impact fees.
 - 2. Recording fee paid to the City. The City records the plat at the County.
- J. When PROOF OF FEE PAYMENTS are provided, the Mayor will sign the Final Plat.

K. AS-BUILTS are submitted to the City as they are completed and verified.

10.5 EXEMPTIONS FROM PLAT NECESSITY

An applicant may submit to the County Recorder's Office for recording a record of survey document that subdivides property into simple or minor subdivisions, without the necessity of recording a plat, if:

- A. The Planning Commission has given approval; and
- B. The document contains a certificate or written approval from the Planning Commission.
- C. By indicating its approval on the document subdividing the property, the Planning Commission certifies that:
 - 1. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes, and
 - 2. If the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width and area requirements of the zoning ordinance, or has been granted a variance from those requirements by the Board of Adjustment.
- D. Documents recorded in the County Recorder's Office that divide property by metes and bounds description do not create a subdivision allowed hereunder unless the certificate or written approval required by Subsection 2, above, is attached to the document.
 - 1. The absence of the certificate or written approval from the Planning Commission does not affect the validity of the recorded document.
 - 2. A document which does not meet the requirements of this section may be corrected to comply with this section by recording an affidavit to which the required certificate or written approval is attached.
 - 3. For purposes of this section:
 - a. "Document" includes, but is not limited to, a deed or other written conveyance that transfers the property creating a simple or minor or agricultural land subdivision;
 - b. "Certificate" or "written approval" means a stamp and Planning Commission chair's signature on or attached to the document indicating that the subdivision has been approved by the Planning Commission.
- E. The certificate or written approval required herein shall be in substantially the following form:
- F. "The Fountain Green City Planning Commission hereby represents and acknowledges that the property described herein is part of a simple or minor subdivision consisting of less than five lots, and as such, negates the necessity of recording a subdivision plat. The Fountain Green City Planning Commission certifies that that the subdivision is not traversed by the mapped lines of a proposed street as shown in the General Plan and does not require the dedication of any land for street or other public purposes; and that each lot in the subdivision meets the frontage, width and area requirements of the Fountain Green City Land Use Ordinance, or has been granted a variance from those requirements by the Board of Adjustment."

10.6 MAJOR SUBDIVISIONS

Any subdivision 2.25 acres or larger that results in 2 or more lots or parcels

OR

Final copy approved by Fountain Green City Council February 18, 2008. Revised sections 10.2 – 10.7 approved by Fountain Green City Council November 17, 2022.

Any subdivision smaller than 2.25 acres in which any of the following apply:

1. The proposed subdivision crosses any platted/planned street;
 2. One or more proposed lots/parcels do not front a dedicated public street;
 3. Any proposed lots/parcels extend into proposed City roadways as based on the City Transportation Plan.
- A. APPLY FOR INITIAL CONTACT AT THE CITY OFFICE and receive a Subdivision Application and copies of Chapters 10 and 11.
1. The Subdivision Application contains the name of applicant or authorized agent and the following information:
 - a. Name, mailing address, phone, and email contact information for developer(s) and agents.
 - b. Plat number for which subdivision is being applied.
 - c. Subdivider Agreement Attestation: *"Subdivider hereby acknowledges receipt of a copy of the Fountain Green City Subdivision Ordinances, General Design Standards, and General Plan. Subdivider hereby acknowledges that he or she has read the Subdivision Ordinance (or that an agent of subdivider has), and that he or she understands the provisions of the subdivision ordinance, Design and Construction Standards, and that he or she will fully and completely comply with the provisions and requirements therein contained."*
 2. Pay major subdivision non-refundable application fee of \$500.
- B. ADMINISTRATIVE SKETCH PLAN REVIEW/INITIAL CONTACT WITH THE PLANNING COMMISSION:
1. Developer provides the signed subdivider agreement.
 2. Developer provides a receipt of the subdivision application fee.
 3. Developer provides a sketch of the planned subdivision.
 4. Discussion with the Planning Commission regarding the General Plan, Ordinances, and requirements.
 5. The Planning Commission reviews the sketch plan.
- C. PLANNING COMMISSION RESPONSE (within 2 scheduled meetings of each sketch plan review).
1. The Planning Commission provides written report(s) for required changes/provisions per City Ordinances and General Plan (email to the address provided in the Subdivider agreement will suffice for the written report).
- D. ADDITIONAL ADMINISTRATIVE SKETCH PLAN REVIEWS and Planning Commission responses as necessary until the City requirements/ordinances are accommodated by the sketch plan.
- E. PRELIMINARY PLAT SUBMITTED (within 1 year of last sketch plan review).
1. The applicant shall prepare and submit five copies of a preliminary plat of the proposed subdivision. The preliminary plat shall include:
 - a. A minimum scale of 1" = 50';
 - b. The proposed streets, parks, open spaces and other offers of public dedications showing widths and pertinent dimensions of each;

- c. Existing rights-of way and easement grants of record for streets, underground utilities and other public purposes;
 - d. The Fire Chief shall review and recommend fire hydrant placement in consultation with the City Public Works Director. The Fire Chief shall review and make recommendations on other fire-fighting concerns;
 - e. The applicant needs approval from the Public Health Department on major subdivisions if it is determined that the property is not serviced by the public sewer system;
 - f. A north arrow;
 - g. A date on each sheet;
 - h. The boundary dimensions and legal description of the subdivision;
 - i. The location, width, and other dimensions of all existing or platted streets and other important features such as utility lines, drainage and flood mitigation and exceptional topography and structures within the proposed subdivision and within a 200'-perimeter of the subdivision;
 - j. The proposed subdivision name;
 - k. The name and address of the applicant, engineer or surveyor for the subdivision and the owners of the land to be subdivided;
 - l. Signature blocks for Planning Commission and City Council acceptance on approval.
2. Preliminary plat shall be available for public inspection at the City office.
- F. NOTICE. The applicant shall provide the city with two sets of type written address labels, together with sufficient funds to cover related postage costs, to all property owners within 600 feet of the proposed subdivision. Such notice shall be mailed at least 14 days prior to the Planning Commission consideration of the preliminary plat. Notice of subdivisions for commercial or industrial development shall be provided to affected entities as required under this section.
- G. PLANNING COMMISSION PUBLIC HEARING. The Planning Commission shall hold a public hearing on the preliminary plat by providing reasonable notice of the public hearing at least 10 days before the date of the public hearing.
- H. PRELIMINARY PLAT REVIEW AT THE PLANNING COMMISSION (within 75 days of submission)
1. Provide recommendations to the City Council.
- I. PRELIMINARY PLAT REVIEW AT THE CITY COUNCIL (within 45 days of Planning Commission recommendation)
1. Approval, denial, or approval with conditions.
 2. Written report provided for required changes/provisions.
- J. COST ESTIMATES.
1. Project engineer shall provide existing infrastructure study,
 2. Infrastructure study reviewed by City's engineer (at Developer's cost).
- K. FINAL PLAT SUBMITTED (within 1 year of approval of preliminary).
- Upon Planning Commission recommendation and City Council approval of the preliminary

plat, the applicant shall prepare and submit to the Planning Commission a final Mylar plat together with four paper copies with dimensions of 24" x 36" and a second plat as required by the County Recorder. The final plat shall include:

1. A minimum scale of 1" = 50';
2. The proposed streets, parks, open spaces and other offers of public dedications, showing widths and pertinent dimensions as well as points of intersection of each;
3. Existing rights-of-way and easement grants of record for streets, underground utilities and other public purposes;
4. The Fire Chief shall review and recommend fire hydrant placement in consultation with the City Public Works Director. The Fire Chief shall review and make recommendations on other fire-fighting concerns;
5. A north arrow;
6. A date on each sheet;
7. The boundary dimensions and legal description of the subdivision and each lot therein which is within 0.010' with the point of beginning clearly labeled;
8. The acreage or square footage for all parcels or lots and the length and width of the blocks and lots intended for sale;
9. A legend of symbols;
10. All survey monuments and proposed hydrant locations;
11. The streets indicating numbers and/or names and lots numbered consecutively;
12. The location, width, centerline bearings and curve data (including delta angle, radius, length, tangent and the long chord on curves) and other dimensions of all existing proposed or platted streets and easements;
13. A similar description of important features such as utility lines, drainage and flood mitigation and exceptional topography and structures within the proposed subdivision and within a 200'-perimeter of the subdivision. Utility features must appear on the plat;
14. The streets, lots, and properties within 200' surrounding the subdivision shown in ghost lines;
15. A proposed subdivision name and the name and address of the applicant, engineer, or surveyor for the subdivision and owners of the land to be subdivided;
16. Evidence of approval for:
 - a. Owner's dedication and acknowledgment;
 - b. Surveyor's stamped certificate with subdivision boundary legal description;
 - c. City Engineering Consultant's approval;
 - d. Public utilities acceptance;
 - e. Culinary water authority;
 - f. Public Health Department approval if it is determined that the property can not be served by the public sewer system.
17. Signature blocks for signatures upon final approval for:

- a. Planning Commission acceptance;
- b. City Council approval as to form;
- c. County Recorder's certificate.

18. Project engineer shall provide cost estimates.

19. Extensions. Not more than one year after receiving approval of the Preliminary Plat, submit the original and one reproducible copy of the final plat and other information required by this ordinance, to the City Council for action. The Council may extend the one-year time limit for just cause for a period of time not to exceed one year with an additional fee. In the event that the final plat extension request has not been submitted in a timely manner to the land use authority, the plat is void.

L. FINAL PLAT REVIEW AT PLANNING COMMISSION (within 75 days of submission)

- 1. Recommend to the City Council.

M. FINAL PLAT REVIEW AT THE CITY COUNCIL (within 45 days of the Planning Commission recommendation).

N. IF APPROVED, DEVELOPER SUBMITS THE FOLLOWING TO THE CITY for review by the City Attorney at the Developer's expense:

- 1. Guarantee of required improvements.
- 2. Agreements/conditions of approval.
- 3. City calculates the surety/bonding required and notifies the Developer.

O. THE DEVELOPER PAYS THE FOLLOWING FEES:

- 1. Water and sewer impact fees.
- 2. Recording fee to the City. The City records the plat at the County.

P. MAYOR AND PLANNING COMMISSION CHAIR FINAL PLAT SIGNATURES. When proof of fee payments are provided and all conditions are met, the Mayor and Planning Commission Chair shall sign the Final Plat.

Q. AS-BUILTS are submitted to the City as they are completed and verified.

R. DEDICATIONS

- 1. Maintained by the Developer for 3 years after completion.
- 2. Pre-acceptance inspection by the City Public Works Officer (superintendent of water, sewer, roads, and any other improvements).

S. FAILURE TO RECORD. Failure to record a final plat within one year of approval of the preliminary plat by the Fountain Green City Council shall render the preliminary plat null and void. In such case, the applicant must commence the subdivision process anew.

T. ADOPTION OF FINAL SUBDIVISION PLAT. Upon a determination that the proposed plat is consistent with the General Plan and upon receipt of owner tax clearance, and approval from the culinary water authority and the sanitary sewer authority, the City Council may approve a final subdivision plat as provided above.

U. IMPROVEMENTS. Subdivision improvements must be completed within one year of recording the final subdivision plat, unless such time is extended by the Fountain Green City Council.

- V. PUBLIC IMPROVEMENTS ASSURANCE. A security arrangement shall be one of the following types as dictated by the City:
1. A bond with a surety company licensed to do business in the State of Utah;
 2. An irrevocable letter of credit with a federally insured financial institution;
 3. A cashier's check made payable only to the City, or
 4. A trust or escrow account with a federally insured financial institution designating the City as beneficiary.
 - a. Any interest accruing on escrowed funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer and not to the City. The City shall not be required to pay interest to the developer on any non-interest bearing escrow account for this purpose.
- W. INSPECTIONS. City staff shall inspect the subdivision development during construction through its completion.
- X. RECORDING OF PLAT. The city shall record a certified and approved plat in the County Recorder's office and provide a copy of the recorded plat to the Fountain Green City Planning Commission as proof. An applicant's failure to provide a certified and approved final plat within one year of City Council approval shall render the plat void. In such case, the applicant must commence the subdivision process anew.

10.7 SIMPLE OR MINOR SUBDIVISION LOT LINE ADJUSTMENTS

Applicants, as the owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat, may exchange title to portions of the parcels.

The Planning Commission may approve an exchange of title if the adjustment does not result in violations of applicable zoning requirements.

10.8 VACATING OR CHANGING A MAJOR SUBDIVISION PLAT (INCLUDING LOT LINE ADJUSTMENTS)

- A. The City Council by ordinance may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or lot line adjustment contained in a subdivision at a public hearing. If a petition is filed, the City Council shall hold the public hearing within 45 days after receipt of the Planning Commission's recommendation under Subsection (2) 10-9a-608 Code if:
1. Any owner within the plat notifies the municipality of their objection in writing within ten days of mailed notification, or
 2. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- B. Before the City Council may consider a proposed vacation, alteration, or amendment under Subsection (1)(a) 10-9a-608 Code above, the City Council shall refer the proposal to the Planning Commission for its recommendation; and the Planning Commission shall give its recommendation within 30 days, or as that time period is extended by agreement with the applicant, after the proposed vacation, alteration, or amendment is referred to it.

- C. The public hearing requirement of Subsection (1)(b) does not apply and a land use authority may consider at a public meeting an owner’s petition to alter a subdivision plat if:
 - 1. The petition seeks to join two or more of the owner’s contiguous, residential lots, and
 - 2. Notice has been given pursuant to local ordinance.
- D. Each request to vacate or alter a street contained in a petition to vacate, alter or amend a subdivision plat is also subject to Section 10-9a-609.5 Code where the Planning Commission shall, after providing notice pursuant to local ordinance and Section 10-9a-208 Code, make a recommendation to the City Council concerning the request to vacate or alter such street and the City Council shall hold a public hearing in accordance with Section 10-9a-208 Code to determine whether good cause exists for the vacation or alteration of said street.
 - 1. If the City Council vacates or alters any portion of the street, it shall ensure that the plat is recorded in the office of the recorder of Sanpete County. Such action of vacating or narrowing the street that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating plat, as a revocation of acceptance thereof, and the relinquishment of the city’s fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby.
- E. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section and Section 10-9a-609.5 Code.
- F. Each petition to vacate, alter, or amend an entire plat, a portion of a plat, a street, a lot, or lot line adjustment contained in a plat shall include:
 - 1. The name and address of all owners of record of the land contained in the entire plat;
 - 2. The name and address of all owners of record of land adjacent to any portion of the plat that is proposed to be vacated, altered, or amended, and
 - 3. The signature of each of these owners who consents to the petition.
- G. A petition that lacks the consent of all owners referred to in Subsection 6) b. and c. above may not be scheduled for consideration at a public hearing before the City Council until
 - 1. The notice required by Subsection 2) above, is given, and
 - 2. The petitioner shall pay the cost of the notice.
- H. The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the City Council and such an exchange of title will not violate the land use ordinance for that respective zone. Notice of approval shall be recorded as in Section 10-9a-608.7 Code.
- I. The name of a recorded subdivision may be changed by recording an amended plat making that change as long as that name is not the same as a subdivision in a plat already recorded in the county recorder’s office. See Section 10-9a-608.8 Code.

10.9 NOTICE OF HEARING FOR PLAT CHANGE

- A. For any amendment to a major subdivision, Fountain Green City shall provide notice of the

date, time and place of a public hearing (Section 10-9a-207 Code) that is:

1. Mailed not less than ten calendar days before the public hearing and addressed to the record owner of each parcel within 600 feet of that property (Developers shall pay costs of mailing.), or
 2. Posted not less than ten calendar days before the public hearing, on the subdivision property proposed to be amended, in a visible location, with a sign of sufficient size, durability and print quality that is reasonably calculated to give notice to passers-by, and
 3. Posted not less than ten calendar days in three public places in Fountain Green City.
- B. If the amendment to a major subdivision includes any proposal to vacate, alter or amend a public street or right-of-way, Fountain Green City shall provide notice of the date, time and place of a public hearing (Section 10-9a-208 Code) that is:
1. Mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement;
 2. Mailed to each affected entity;
 3. Posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public, and
 4. Published in a newspaper of general circulation in the municipality in which the land subject to petition is located.

10.10 GROUNDS FOR VACATING OR CHANGING A PLAT

Within 30 days after the public hearing, the City Council shall consider the petition.

- A. The City Council may approve a petition to vacate or change a plat if it finds:
 1. Neither the public nor any person will be materially injured by the proposed vacation, alteration or amendments; and
 2. There is good cause for the vacation, alteration or amendment.
- B. The City Council, by ordinance, may vacate, alter, or amend the plat, any portion of the plat, any street, lot, or lot line adjustment.
- C. The City Council may approve the vacation, alteration, or amendment by ordinance, amended plat, administrative order, or deed containing a stamp or mark indicating approval by the City Council.
- D. The City Council shall ensure that the vacation, alteration, or amendment is recorded in the office of the Sanpete County Recorder.
- E. An aggrieved party may appeal the City Council’s decision to the District Court.

10.11 RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES

The City Council may refuse to approve or renew any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on lots and/or buildings erected on lots or parcels covered by the plat or subdivision as per Section 10-9a-610 Code.

10.12 PROHIBITED ACTS

An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold. See Section 10-9a-611 Code.