

EUREKA CITY
SUBDIVISION ORDINANCE

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PREFACE

This Subdivision Ordinance is an appendage to Chapter 6 of the Eureka City General Plan and is based upon provisions established by Utah Code Annotated, Title 10, Chapter 9, Part 8.

This Ordinance supersedes but shall be deemed to be a continuation, or updating, of all existing ordinances covering subdivisions and subdivision approval within Eureka City. This Ordinance shall be interpreted as a continuation of previous provisions which relate to the procedures and standards governing the subdivision of land within or adjacent to Eureka City.

In adopting this Ordinance, the City Council has determined that the chapters, sections, paragraphs, sentences, clauses, and phrases contained herein are severable. Should any of the foregoing be declared invalid or unconstitutional by an Court of competent jurisdiction, such ruling shall not affect any of the remaining provisions of this Ordinance.

Amendment(s) to this Ordinance, when required or suggested, shall be made in accordance with Chapter 2, Section 3 of the Eureka City General Plan, or Chapter 2, Section 2 of this Ordinance.

It is the intent of the citizens, Planning Commission, and City Council to encourage growth and development within and adjacent to Eureka City provided that said growth and development is in keeping with lawful uses and standards established by the Eureka City General Plan, Zoning Ordinance, and the provisions herein.

Eureka City Subdivision Ordinance

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Chapter 1

General Provisions

1.1. General Plan Requirements. (a) In exercising the power granted by Title 10, Chapter 9 of the Utah Code, the Eureka City General Plan and this Ordinance, the Planning Commission shall prepare and recommend the Eureka City Council adopt these regulations governing the subdivision of land within Eureka City.

1.2. Name. This shall be known as the Eureka City Subdivision Ordinance and shall be so cited and pleaded. Those definitions at U.C.A. 10-9-103 are hereby adopted by reference and like terms shall have the same meaning within this Ordinance.

1.3 Subdivide, Subdivided, Subdivider, Subdivision defined. For the purposes of this Ordinance, the above words shall be identical in definition to like words defined by U.C.A. 10-9-103 (1)(p)(i) "Subdivision" means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. (ii) "Subdivision" includes the division or development of land whether by deed metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument. (iii) "Subdivision" does not include: (A) a bona fide division or partition of agricultural land for agricultural purposes; (B) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if (I) no new lot is created; and (II) the adjustment does not result in a violation of the [Eureka City Zoning] Ordinance; or (c) a

recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property. (iv) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this Subsection (1)(p) as to the un-subdivided parcel of property or subject the unsubdivided parcel to this [Eureka City] Ordinance.

1.4. Approval Required. (a) Approval of the Eureka City Planning Commission and Eureka City Council shall be required before any land within Eureka City may be subdivided. (b) It shall be unlawful for any person to subdivide any tract of land or to sell, exchange or offer for sale, or purchase or offer to purchase, any parcel of land which is any part of a subdivision or a larger tract of land; when the intent of the transaction is to create a subdivision or to subdivide land within Eureka City, without first obtaining the approval(s) and following the procedures required by this Ordinance. (c) This provision is not intended to regulate or to restrict a land transaction between a willing buyer and a willing seller when the transaction does not fall under the definition(s) at Section 1.3 or require the approval(s) specified in this Ordinance.

CHAPTER 2

Adoption and Amendment

2.1. Utah Code Requirements. Upon recommendation by the Planning Commission, the Eureka City Council shall enact a Subdivision Ordinance requiring that persons engaged in subdividing land comply with applicable provisions of U.C.A. Title 10, Chapter 9 and the regulations specified herein.

2.2. Preparation and Adoption. The Eureka City Planning Commission shall: (a) Prepare and recommend a proposed Subdivision Ordinance to the Eureka City Council that shall regulate the subdivision of land within Eureka City; (b) hold a public hearing on the Subdivision Ordinance before making a final recommendation to the Eureka City Council; and (c) provide reasonable notice of the public hearing at least 14 days before the date of the hearing. (d) The Eureka City Council shall also hold a public hearing on the proposed Subdivision Ordinance recommended to it by the Planning Commission and provide reasonable notice of the public hearing at least 14 days before the date of the hearing. (e) After the public hearing, the Eureka City Council may adopt the Subdivision Ordinance as proposed; amend the Ordinance and either adopt or reject it as amended; or reject the Ordinance.

2.3. Amending the Subdivision Ordinance. The Eureka City Council may, upon recommendation of the Planning Commission, amend provisions of this Subdivision Ordinance by following and complying with procedures specified at Chapter 2.2.

CHAPTER 3

Subdivision Approval Procedures

3.1. Procedures to Obtain Subdivision Approval. The following steps or procedures shall be completed prior to obtaining approval of a subdivision: (a) **Application.** The owner(s) subdividing land shall first notify the Eureka City Administrator in writing of the intent to subdivide. The owner(s) shall obtain and complete the Application For Subdivision Approval. (b) **Vicinity Plan.** The owner(s) shall next prepare and submit 3 (three) copies of a Vicinity Plan and 3 (three) copies of a

Preliminary Plat of the proposed subdivision for consideration by the Planning Commission. Presentation of the plat shall be noticed and presented at a regularly-scheduled meeting of the Planning Commission. All supporting documentation shall accompany the plat as outlined in Chapter 4 of this Ordinance; c) **Preliminary Plat.** The Planning Commission, in consultation with an engineer, planner, or others as deemed appropriate, shall review the Preliminary Plat. In any subdivision contiguous to property owned by a public entity, such entity shall be notified of the subdivision and shall be invited to review the Preliminary Plat. (d) **Review of Preliminary Plat.** The Planning Commission shall review the Preliminary Plat and issue a recommendation to the Eureka City Council to approve, disapprove, or approve the plat with modifications, as the Commission deems appropriate. The Eureka City Council may approve, modify, or reject the Planning Commission's recommendation(s); (e) **Final Plat.** After the Eureka City Council has approved the Preliminary Plat, the owner(s) shall prepare and submit a Final Plat. The Final Plat, with recommended modifications shall be submitted to the Planning Commission. The Planning Commission shall consider the Final Plat and issue a recommendation to the Eureka City Council to either approve or deny the Final Plat. The owner(s) shall pay all required fees¹ to Eureka City and provide a policy of title insurance or a preliminary title report showing that the owner has an interest sufficient to control the premises and authority to effectively dedicate streets within the subdivision without boundary exceptions. If a Final Plat is not submitted within one calendar year from the date Preliminary Plat approval

¹All fees required in this Ordinance shall be established by resolution of the Eureka City Council.

was granted by the Eureka City Council, Preliminary Plat approval shall expire. After expiration of the preliminary approval, the owner(s) shall be required to resubmit the application with the required fee(s), to the Planning Commission before the proposed subdivision may proceed. **(f) Approval of Final Plat.** The owner(s) shall submit the Final Plat on a permanent, reproducible cippa sheet together with three (3) prints of each sheet of the proposed Final Plat. The Planning Commission shall review the Final Plat. If acceptable, the Planning Commission Chair shall sign the Final Plat and submit it to the Eureka City Council, with recommendation, for approval and signature by the Mayor. **(g) Posting of Bond and Subdivision Improvements Agreement.** Before they authorize signature on the Final Plat, the Eureka City Council and Mayor shall confirm that the owner has posted the required cash bond or letter of credit together with a Subdivision Improvements Agreement guaranteeing required improvements. The Eureka City Council shall approve, disapprove, or make modifications to the Final Plat as they deem necessary to ensure that the Final Plat conforms to the approved Preliminary Plat and to applicable Eureka City Ordinances. **(h) Final Plat - Recording.** After appropriate signatures are affixed to the Final Plat (see Section 4.3), the owner shall have the Final Plat recorded in the office of the Juab County Recorder.

3.2. Multiple Development Phases. If more than one phase of development is proposed, each of the phases, or plats (such as Plat A, B, C, or Plat 1, 2, 3) shall require the submission of a separate plat. **Each phase or plat shall be integrated with the master plan, or plat, submitted for the entire area.** Each phase or plat shall follow the plat

approval process and procedures specified at Chapter 3.1. Each phase shall be of such size, composition and arrangement that its construction, marketing and implementation is feasible as a unit independent of any prior or any subsequent phase. Each phase shall comply with the requirements of this Ordinance.

CHAPTER 4 Maps and Plats

4.1. Maps and Plats Required. Vicinity Map. The Vicinity Map shall illustrate existing streets in relationship to the proposed layout of streets, lots, and other features including existing utility lines, in relation to existing and planned streets that are located within one-fourth mile of the proposed subdivision. The Vicinity Map shall be prepared at a scale of not smaller than one (1) inch equals four hundred (400) feet.

4.2. Preliminary Plat. A Preliminary Plat shall be submitted for all proposed land divisions and shall consist of a written description and illustrated plan showing the proposed subdivision layout drawn at a scale of one (1) inch equals fifty (50) feet. The plan shall show: (a) the proposed name of the subdivision; (b) the north point, scale and date; (c) the names and addresses of the owner(s), the engineer, surveyor, and owners of the land that adjoins the land to be subdivided; (d) The location of the subdivision as forming a part of the larger tract or parcel where the plan submitted covers only a part of the owner's tract and a vicinity sketch; (e) The boundary lines of the subdivision in heavy lines with reference to survey markers, or monuments sufficient to accurately locate property shown on the Plat; (f) The location, width, and other dimensions of the existing or platted streets, and existing

buildings within the Plat; (g) The location, width, and other dimensions of proposed streets, lots, easements, parks and other open spaces with proper labeling of spaces to be dedicated to Eureka City; (h) The location of existing water supply mains, easements, irrigation ditches, and other water ways within the tract which are within one hundred (100) feet of the boundary of the proposed subdivision; (i) Engineering drawings, including typical cross-sections, and plans regarding width and type of proposed off-site and on-site facilities and proposed improvements, such as sidewalks, curbs, gutters, parks, and fire hydrants. The proposed location of all of the aforementioned improvements shall be shown on the Preliminary Plat. (j) Preliminary grading plans, showing existing grades with dashed line contours and proposed grades superimposed with solid line contours. Plans and plats for any hillside area subdivision shall also indicate the natural slope greater than 25% by cross hatching; the location of proposed cuts and fills; the storm water drainage for the subdivision; a vegetation and re-vegetation plan; and an environmental impact Certification required by the Eureka City Zoning Ordinance.

4.3. Final Plat. A Final Plat shall be prepared for each subdivision. Said Plat shall consist of a sheet of approved tracing lines or Mylar having outside or trim line dimensions of twenty-four (24) by thirty-six (36) inches. The border line of the Plat shall be drawn in heavy lines, leaving a margin of at least one and one-half inches on the left-hand side of the sheet for binding, and at least one-half inch on the other three (3) sides of the sheet. The Plat shall be drawn so the top of the sheet either faces north or east, whichever accommodates the drawings better. All lines, dimensions and

marking shall be made on the tracing linen with approved waterproof black "India Drawing Ink" or equivalent. The actual map shall be made with a minimum scale of one (1) inch equals fifty (50) feet. Details and the workmanship on finished drawings shall be neat and readable. A poorly drawn, illegible, or inaccurate map and Plat is sufficient cause for rejection. (b) The owner(s) shall provide Eureka City with one (1) permanently reproducible copy and three (3) prints of the Final Plat when submitting the tracing. (c) The Final Plat shall contain all the information provided on the preliminary Plat, including any amendments; and a Registered Professional Engineer or Registered Land Surveyor's Certificate of Survey. The Final Plat shall also provide signature of the owner's dedication of public roadways, when applicable. The Planning Commission Chairman and the Mayor's signatures shall be attested by the City Recorder. The Final Plat shall also have a Notary Public's acknowledgment.

4.4. Exemption from Plat Requirements. Upon favorable recommendation from the Planning Commission, the Eureka City Council may grant exemptions to properties which do not meet the definition of Subdivision specified in U.C.A. 10-9-103 (1)(p)(I),(ii)and (iii)(A and B), or which meet the exemption requirements specified at U.C.A. 10-9-806. Specifically, these properties shall meet each of the following conditions: (1) be located on a dedicated Eureka City roadway; (2) culinary water shall be present at the site. An approved waste water or sewer system and electric power services shall also be installed at the site; (3) the site shall meet the area, lot, and frontage requirements established by the Eureka City Zoning Ordinance.

4.5. Recording a Subdivision Final Plat. (a)

As defined by U.C.A. 10-9-811, a person may not file or record a plat of a subdivision of land in the Juab County Recorder's Office unless a favorable recommendation has been received from the Eureka City Planning Commission and the Final Plat has been approved by the Eureka City Council; said approval to have been entered in writing on the Final Plat by the signatures of the Planning Commission Chairman and the Mayor of Eureka City. (b) Any plat of a subdivision filed or recorded without the approvals required by this Ordinance is void; (c) Any owner or agent of the owner(s) of any land located in a subdivision as defined in this Ordinance who transfers or sells any land in that subdivision before a plan or plat of the subdivision has been approved and recorded as required herein is guilty of a violation of this Ordinance for each lot or parcel transferred or sold; (d) The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation or from the penalties or remedies provided in this Ordinance.

4.6. Amending, Changing or Vacating a Subdivision Plat. Upon the filing of a petition by one or more affected owners, the Eureka City Council shall, upon proper notice within the 45 day period specified, hold a public hearing to consider amending, changing or vacating a subdivision Final Plat. This action by the Eureka City Council shall be in accordance with the procedures specified by U.C.A. 10-9-808.

4.7. Notice of Hearing for Plat Change. The Eureka City Council shall hold a public hearing within 45 days after a petition is filed if the revised plat (1) includes the vacation of a

public roadway; (2) if any owner notifies the City of his (her) objection in writing within ten days of mailed notification; or (3) if all of the owners in the subdivision have not signed the revised plat. The Eureka City Council shall give notice of the date, place, and time to consider revising a plat by following the procedures specified by U.C.A. 10-9-808.

CHAPTER 5

Eureka City Subdivision Standards

5.1. Extension and Dedication of City Roadways. (a) Maps and plats, when made, certified, acknowledged, filed, and recorded according to the procedures specified in this Ordinance, operate as a dedication of all roads and other public places, and vest the fee of those parcels of land in Eureka City for the public uses named or intended in those maps or plats. (b) The dedication established by this Ordinance shall not impose liability upon Eureka City for roads and other public places that are dedicated in this manner but unimproved.

5.2. Roadway Standards. (a) New roads in approved subdivisions shall conform with the width of roads established in Eureka City, and shall be a minimum of 48 feet in width, unless otherwise approved as part of a site plan approval in a planned unit development. (b) Minimum width of roadway wherever curb and gutters are installed (face to face of curb) shall be as follows: (1) for residential roadways in approved subdivisions: forty-eight (48) feet; (2) for collector roads: sixty-six (66) feet; (3) for arterial roads: eighty (80) feet; (c) Cul-de-sacs (dead end roads) shall be used only where unusual topography or drainage conditions exist which make other designs undesirable. Each cul-de-sac, if warranted, shall have a minimum dedicated width of fifty-

six (56) feet and shall have a maximum length of three hundred (300) feet, and shall be terminated by a turn-around of not less than ninety-nine (99) feet in diameter. Surface water shall drain away from the turn-around; except where surface water cannot be drained along the roadway away from the turn-around due to the grade, catch basins, drain lines, and drainage easements shall be provided in the subdivision design. (d) Roads shall intersect each other as nearly as possible at right angles. Local roads shall approach collector and arterial roads at an angle of not less than eighty (80) degrees. Off-sets in roadway alignment between ten (10) feet and one hundred twenty (120) feet shall be prohibited. (e) Roadway grades shall be a minimum of one percent (1%) and a maximum of twelve percent (12%). The Eureka City Planning Commission, in consultation with an engineer, may issue a recommendation otherwise if it determines that a steeper or lesser grade would be acceptable because of unusual land conditions and in order to get the best development and utilization of land.

5.3. Roadway Improvements, Signing and Lighting. (a) Excluding existing Eureka City roadways, specifications for the design of roadway sub-base, base, hard surfacing, curb, gutters, sidewalks, drainage courses, and roadway mapping and signs shall comply with standard roadway specifications adopted by Eureka City. City standards and specifications shall be administered by the City Administrator in consultation with a Professional Engineer and the City Council. (b) The full width of all roads within a subdivision shall be dedicated; all underground utilities shall be installed; and the roadway shall be graveled or paved as may be required. (c) It shall be unlawful for the developer of any parcel of ground within Eureka City, for residential, business,

commercial, industrial, or public facilities purposes, to build on the parcel without simultaneously installing required improvements upon the newly dedicated Eureka City roadway frontage that provides public access to the developed property. Development of the roadway and installation of water, waste water, and electric power mains, as well as curb, gutter, sidewalk, and roadway paving for the full lot frontage, as may be required, shall be considered a necessary part and condition precedent to final inspection and occupancy of the building(s).² No final inspection shall be given on any premises until the improvements required have either been installed or appropriate bonds and guarantees have been tendered to Eureka City; (d) No cuts shall be made in new roadway pavement for at least two (2) years after hard surfacing has been installed and the road has been accepted by Eureka City, unless request is made and approval is given by the Eureka City Council. All expense in compacting and resurfacing shall be borne by the owner(s); (e) Roadway and interior street signs shall be specified on the preliminary and final plat maps. A Master Road and Street Directory shall be installed at the entrance of all subdivisions having nine (9) or more lots; (f) Consistent with the Eureka City Zoning Ordinance (Chapter 5.8, as amended), owners or developers of subdivisions shall provide and pay for street lighting and signing for new roadways, streets or structures in any zone and in new subdivisions.

²When and where new roadway construction is required, roadway standards and specification shall be entered on the Final Plat approved by the Eureka City Council. In the RA Zone where the City is extending a roadway or in a Planned Unit Development with lots of 1 acre or less, hard surface paving to the City's standards shall be installed.

5.4. Extension of Existing Roads. (a) The arrangement and design of roads in a new subdivision shall make provision for the continuation and extension of existing roads in adjoining areas (or for 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 variations are deemed necessary and approved by the Planning Commission and the Eureka City Council. Proposed roads shall be extended by dedication and improved to the boundary of each adjoining property. (b) All improvements within or upon roadways shall conform to the standards specified by this Ordinance.

5.5. Block Standards. In keeping with established standards generally, unless a cluster arrangement or planned unit development is approved, the maximum and minimum length of blocks shall be established in accordance with recommendations issued by the Planning Commission.

5.6. Lot Standards. (a) Building sites. Lot arrangement, design, and shape shall be such that each lot provides a compact area of land for buildings, be properly related to topography and conform to requirements set forth in this Ordinance. Lots shall not be peculiarly shaped or elongated solely to provide necessary square footage which would be unusable for normal purposes; (b) Lot sizes shown on the subdivision plat shall conform to the minimum requirements of the Zoning Ordinance for the zone in which the subdivision is located. Each lot shall be in a single ownership; (c) Lots shall abut on a dedicated roadway; Interior lots having frontage on two (2) roads shall be prohibited, except where topographic conditions make such design desirable; (d) Corner lots shall

have dimensions sufficient for the maintenance of required building setback lines on both roads, along with sufficient area to comply with area requirements of the Eureka City Zoning Ordinance.

CHAPTER 6 Lot Split Requirements

6.1. Approval Required. Except as allowed by Chapter 4, Section 4 of this Ordinance, the division or splitting of any parcel or tract of land into two (2) parts, shall first be reviewed by the Eureka City Planning Commission. The purpose of this review is to assure compliance with the requirements of this Ordinance, the Eureka City Zoning Ordinance, and the Eureka City General Plan.

6.2. Lot Split Procedures. (a) The property owner shall submit to the Planning Commission a fully dimensioned plat of the proposed lot split showing all existing and proposed property lines, all roads, and easements. The plat shall be accompanied by a complete and accurate legal description of the entire property proposed for lot split; (b) The Planning Commission shall review the proposed lot split and may approve, disapprove, or approve the proposed split with conditions and modifications deemed appropriate to achieve the objectives of the zone in which the property is located. The Planning Commission shall, within thirty (30) days of receipt of the proposed lot split, issue a recommendation to the Eureka City Council. Failure by the City Council to issue a decision within 30 days of receipt of the Planning Commission's recommendation shall constitute approval of said lot split; (c) Upon approval, or approval with conditions, the owner may proceed with preparation of a plat containing survey data for the property. The lot split plat

shall be certified by a registered engineer or land surveyor. (d) The property owner shall submit the original tracing on Mylar, with two copies of the survey plat. (e) When the plat conforms with all required conditions, the plat shall be signed by the Planning Commission Chairman and the Eureka City Mayor. After it is approved and signed, the owner shall have the plat recorded by the Juab County Recorder within ten (10) working days following said approval.

6.3. Lot Split Fees. A request for a lot split shall be accompanied by payment of a fee as established by the Eureka City Council at the time of the first submission of a preliminary lot split plat.

6.4. Appeal of Decision. Any person may appeal any decision by the Building Official, the Planning Commission or Eureka City Council by filing a written statement requesting review by the Eureka City Board of Adjustment.

6.5. Stay of Proceedings. The filing of an appeal with the Board of Adjustment shall stay all proceedings and action in furtherance of the matter appealed pending a decision by the Board of Adjustment.

CHAPTER 7

Supplementary Regulations

7.1. Solar Energy Access. In order to ensure the options and purposes described in U.C.A. 10-9-901, the Eureka City Council, upon the recommendation of the Planning Commission, may refuse to approve or renew any plat or subdivision plan, including the dedication of a roadway or other ground, if the deed restrictions, covenants, or similar binding agreements running with the land for the lots

or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.

7.2. Off-Roadway Parking Requirements. Off-roadway parking requirements specified in each of the Zones within the Eureka City Zoning Ordinance are hereby adopted by reference and shall apply to each applicable land use in which a subdivision is recommended by the Planning Commission and approved by the Eureka City Council..

7.3. Sign Regulations. The sign regulations specified in the Eureka City General Plan and Zoning Ordinance shall apply to all buildings, structures, lots, tracts, and uses of land within subdivisions approved by Eureka City.

7.4 Mobile Dwelling Parks. For the purposes of this Ordinance, the standards, requirements and conditions of Factory Built Housing Units, Modular Dwelling Units and Mobile Dwelling Parks established by Chapter 9 of the Eureka City Zoning Ordinance shall apply to each Mobile Dwelling Park proposed under this Ordinance. Subdivision or Planned Unit Development standards and approval procedures in this Ordinance shall apply to Mobile Dwelling Parks proposed to be located within Eureka City.

7.5 Recreation Vehicle Parks. Standards and Requirements for Recreation Vehicle Parks specified at Chapter 9.6 of the Eureka City Zoning Ordinance shall apply to said Parks proposed under this Ordinance. Subdivision or Planned Unit Development standards and approval procedures in this Ordinance shall

apply to Recreation Vehicle Parks proposed to be located within Eureka City.

CHAPTER 8

Appeals and Enforcement

8.1. Appeals. (a) No person may challenge in District Court a Eureka City land use decision made under this Ordinance, or under the regulations adopted under authority of this Ordinance until that person has exhausted all administrative remedies; (b) Any person adversely affected by any decision made in the exercise of the provisions of this Ordinance may, within 30 calendar days following the decision, file a petition for review of the decision with the Eureka City Board of Adjustment; (c) Any person may file a petition for review of the decision by the Board of Adjustment with the District Court. The petition shall be filed within 30 days after the decision is rendered; (d) The District Court shall: (1) presume that land use decisions and regulations are valid; and (2) determine only whether or not the decision is arbitrary, capricious, or illegal.

8.2 Enforcement. (a) If a violation of this Ordinance occurs, the Eureka City Attorney designate, or the owner(s) of real estate within Eureka City adversely affected by the violation may, in addition to other remedies provided by law, institute: (1) injunctions, mandamus, abatement, or any other appropriate action; or (2) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act; (b) Eureka City need only establish the violation to obtain the injunction; (c) Eureka City may enforce the provisions of this Ordinance by withholding a building permit or permits; (d) It shall be unlawful to erect, construct, reconstruct, alter the structure, or electrical, plumbing, or mechanical system, or change the

use of any building within Eureka City without first obtaining approval and a building permit; (e) Eureka City, through its Building Inspector designate may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conforms to all Eureka City land use regulations then in effect; (f) As specified at U.C.A. 10-9-811, the Juab County Recorder may not accept for recording any plat of a subdivision within Eureka City in which the owner does not follow the specified procedures, submit the required fees and financial assurances and contain the approvals required by the General Plan, the Eureka City Zoning Ordinance and this Ordinance.

8.3. Improperly Filed Plat. Any plat of a subdivision filed or recorded without the approvals required by the Eureka City Planning Commission is void. Any owner or agent of the owner of any parcel of land in a subdivision that is transferred or sold without the approvals required by this Ordinance is guilty of a separate violation for each lot or parcel transferred or sold.

8.4. Penalties. (a) The Eureka City Council shall, in consultation with the Eureka City Attorney designate, establish civil penalties for violations of the provisions of this Ordinance which, upon conviction, shall include as warranted, civil or criminal penalties, fines, or forfeiture of fees paid, and incarceration.

CHAPTER 9

Uniform Codes To Govern

9.1. Uniform Building Code. (a) The Uniform Building Code, most recent edition as adopted by the Utah Uniform Building Standards Act, is hereby adopted within this Subdivision Ordinance and standards of said

Code, by reference, are incorporated herein. (b) A copy of the Code, most recent edition, shall be filed in the offices of Eureka City and be available for examination and reference by interested persons. (c) Provisions of said Code establish rules and regulations for the erection, repair, construction, enlargement, alteration, equipment, use, height, area, and maintenance of buildings and structures within Eureka City. (d) Said Code provides for the issuance of building permits and collection of fees for the activities specified herein and penalties for violation of the provisions thereof. (e) Any person who violates any provision of this Chapter shall be subject to the penalties specified in this Ordinance.

9.2. Uniform Electrical Code. (a) The Uniform Electrical Code, most recent edition, is hereby adopted within this Ordinance and said Code Standards, by reference, are incorporated herein. (b) A copy of the Code, most recent edition, shall be filed in the Office of the Eureka City Building Inspection Department and be available for examination and reference by interested persons. (c) Provisions of said Code establish rules and regulations for the erection, repair, and construction of electrical equipment, facilities, and devices used in the construction, maintenance, and operation of buildings and structures in Eureka City.

9.3. Uniform Mechanical Code. The Uniform Mechanical Code, most recent edition, is hereby adopted within this Ordinance and Mechanical Code Standards are incorporated herein. A copy of the Mechanical Code shall be filed in the offices of Eureka City and be available for examination and reference by interested persons.

9.4. Uniform Plumbing Code. (a) The

Uniform Plumbing Code, most recent edition, is hereby adopted within this Ordinance and said Standards, by reference, are incorporated herein. (b) A copy of this Code, most recent edition, shall be filed in the offices of Eureka City and be available for examination and reference by interested persons. (c) Provisions of said Code establish rules and regulations for the construction, installation, and repair of plumbing devices, equipment, and facilities used in the construction, maintenance, and operation of buildings and structures in Eureka City.

9.5. Uniform Fire Code. Selected provisions of the Uniform Fire Code, most recent edition, and Uniform Fire Code Standards which are applicable to the Uniform Building Code requirements and standards, as determined by the designated building or health official, for buildings and structures erected or modified in Eureka City are hereby adopted by reference within this Chapter.

9.6. Uniform Code for Abatement of Dangerous Buildings. Provisions of the Uniform Code for Abatement of Dangerous Buildings, most recent edition, are hereby adopted by reference and shall be enforced in Eureka City as determined to be applicable by the Eureka City Building Inspector.

9.7. Uniform Code for Building Conservation (Historic Structures). This Code contains provisions related to the conservation of historic structures. The present Eureka City Historic Preservation Ordinance, adopted March 3, 1992, together with operational policies governing the restoration or refurbishing of historical buildings in Eureka City, are hereby made a part of this Chapter by reference. Applicable provisions in each of the Codes adopted in this

Chapter shall apply to commercial, industrial, and residential structures in Eureka City which are reconstructed, refurbished, remodeled, or restored for historic preservation purposes and building permits will be required. At the time a building permit is obtained, written evidence and signed certification shall be presented which documents that a licensed architect, building contractor, building inspector, or registered professional engineer has examined the structure and determined that it may appropriately and safely be restored. Based upon certification which is acceptable to the Eureka City Building Inspector, provisions of the Uniform Code for Building Conservation may be invoked in restoring or refurbishing historic buildings in a manner that is consistent with the Uniform Code requirements adopted in the Eureka City General Plan and in this Chapter. All remodeled and restored structures shall meet contemporary health and safety standards.

9.8. Utah Uniform Building Standards Act (U.U.B.S.A.). Provisions of the Utah Uniform Building Standards Act, as amended by Session Laws of Utah, issued May 1, 1995, and amended thereafter, are hereby adopted by reference and shall be enforced in Eureka City.