



# Subdivision Code Updates

## *Planning Petition Information for PLNPCM2023-00494*

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### Frequently Asked Questions about Subdivisions

**What is a subdivision?** A subdivision is a map of how land is divided into smaller lots.

**How is a subdivision approved?** A subdivision is approved after a review to determine if all the requirements have been met. The review process involves multiple city departments who check to see if:

- The lots comply with zoning,
- That water, sewer, and electricity can be provided,
- That the streets meet minimum construction requirements;
- That the subdivision doesn't impact rivers, streams, wetlands, and other natural areas (this is a new provision);
- That the subdivision doesn't negatively impact the property rights of others, such as accessing their own property, any existing easements, or other rights to the land that is proposed to be subdivided.

The process includes a two-step approval process. The first step, called preliminary approval, is a basic review. The purpose of the first step is to determine the above issues. If a subdivision does comply, it receives preliminary approval. Preliminary approval guarantees the right to subdivide the land provided all the required infrastructure can comply with adopted construction standards. The second step is called final approval. Final approval requires the subdivider to provide public improvement plans and a final plat.

**What is the role of the public in the process?** Preliminary approval includes a public notice to all abutting property owners and posting a sign on the property that is proposed to be subdivided. The purpose of the notice is to identify any potential rights that neighboring property owners may have that could be impacted by the subdivision. There is a 12-day period for a property owner to respond in writing to the notice. If no input is received, the preliminary subdivision may be approved after the 12-day notice period. There is no public process for final approval because it is when all the technical reviews are done by qualifying professionals.

**What if a subdivision requires another process?** Some subdivisions require other approval processes. The most common is a planned development. In a planned development, the applicant is seeking a modification to some standard that may impact the subdivision. When this happens, the subdivision follows the same approval process as the planned development because the subdivision cannot be approved unless the planned development is also approved. This requires a 45-day public input period and a public hearing with the Planning Commission. Neighbors receive a notice for the 45-day input period and the Planning Commission public hearing.

**Why are the changes so extensive?** Due to changes in Utah Code, the city must update the subdivision regulations to comply with the state code. As the Planning Division began drafting the

changes, it became apparent that the current subdivision code had several issues that made it hard to use and administer.

- The approval processes were in different sections and the code did not clearly require some requirements to all of the subdivision processes.
- The subdivision standards were a one size fits all approach and some standards that were necessary for residential subdivisions did not work in manufacturing districts. This created unnecessary delays in reviewing and approving subdivisions.
- Some regulations did not follow modern practices and some important impacts were not regulated.

These issues were all improved as part of this process. The result is most of the regulations and requirements were simply relocated to a different part of the code to create a logical order of regulations.

**Are there other processes in the subdivision code?** Yes, the subdivision includes the following processes:

- Creating new subdivisions (this includes condominiums);
- Amending existing subdivisions;
- Dedicating new streets when there are no new lots being created (this is rare, but is a process authorized under state code);
- Combining lots into one lot;
- Modifying a lot line or lot lines; and
- Converting existing buildings to condominiums.

**Who is a subdivider?** A subdivider is any person or entity that is proposing to divide an existing lot into two or more new lots.

**Does this impact existing subdivisions?** Existing subdivisions are only impacted if the property owner proposes a change to the existing subdivision. This includes anyone wanting to change an existing subdivision by further dividing an existing lot, combining lots, or altering a lot line.

**My house is in a subdivision, will these changes impact my property?** No. These changes do not require any existing subdivision or lot within a subdivision to do anything unless you want to further subdivide your property, convert your property to a condominium, combine your lot with an adjacent lot, or alter a lot line.

**What is the timeline for this proposal?** The Utah Legislature passed a law that requires the city to update the subdivision code to comply with Utah Code by February 1, 2024. To meet the deadline, the city is proposing the following timeline:

- 45-day public input period ends on September 22, 2023.
- Planning Commission briefing is scheduled for August 23, 2023.
- Planning Commission public hearing is scheduled for October 11, 2023.
- Transmittal to City Council as soon as possible after the planning commission makes a recommendation.
- City Council work session, public hearing, and decision: November 2023-January 2024.

### **What does the state code require the city to do?**

- Provide a preapplication meeting no later than 15 days after a request.
- Have a detailed list of all submittal requirements.
- Have a list of all adopted standards, including any public improvements.
- Review all applications for completeness within 15 days of the application being submitted.
- Limit the number of internal reviews to 4 review cycles for single-family, two-family, and townhome subdivisions.
- Limit the duration of each review cycle to no more than 20 days.
- Require a detailed list of review comments, citing each application requirement, standard, engineering specification, and any other adopted standard.
- Requires a subdivision to be approved if it complies with adopted standards.
- Limit the number of public hearings to no more than one. Salt Lake City does not currently require a public hearing for a subdivision unless another type of application is required, or the proposal includes the partial or full abandonment of a public street or alley.