

**ESCALANTE CITY
ORDINANCE 2023-18**

**AN ORDINANCE AMENDING ESCALANTE CITY CODE NO. 10.54.270, 10.54.280
CITY COUNCIL APPROVAL AND PROVIDING REPEALER WITHIN THE CITY
OF ESCALANTE, STATE OF UTAH.**

WHEREAS, the City Council, as the governing body of the City of Escalante, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Escalante to amend the following Ordinance; and

WHEREAS, The City Council and Mayor wish to amend such an Ordinance.

NOW THEREFORE, be it ordained by the Council of the Escalante City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.54.270 Lot Line Adjustments; Approval” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.54.270 Lot Line Adjustments; Approval

Property owners may adjust their lot lines and record the amendments to the appropriate subdivision plat or deeds of record if the following conditions are met:

- A. No new dwelling lot or housing unit results from the lot line adjustment.
- B. The lot line adjustment does not result in a remnant piece of land that did not exist previously.
- C. The lot line adjustment does not result in the violation of any applicable zoning requirement. Lot adjustments that are recorded and do not meet the above conditions shall be considered a violation of this ordinance.
- D. Approval of a Lot Line Adjustment:
 - 1. Owners' Responsibilities:
 - a. The owners seeking approval for a lot line adjustment shall present to the Planning Commission:
 - (1) Letters from both property owners requesting approval of a lot line adjustment or a personal appearance before the Planning Commission requesting the same.
 - (2) A map indicating the present lot boundaries and the boundaries as they will be upon completion of the lot line adjustment.
 - (3) A legal description of both affected properties describing the lots as they will exist after the lot line adjustment.

- b. Upon approval by the City Council ~~Planning Commission~~, the legal descriptions from la shall be recorded at the Garfield County Recorder's Office as an amendment to existing parcels or subdivision plat as appropriate. The lot line adjustment shall not be considered complete until this action is taken and a copy is received by the City.
2. Planning Commission Responsibilities:
- a. Upon receipt of the materials described above, the Planning Commission shall review the map and legal descriptions to ensure that:
 - (1) The adjusted lots shall each have sufficient acreage to meet the minimum required area for the zone(s) in which the lots exist.
 - (2) The adjusted lots shall each have the minimum required width required for the zone(s) in which the lots exist.
 - (3) he adjusted lots conform to all relevant ordinances.
 - (4) The adjusted lots each have access via street or lane.
 - (5) The requirements from the beginning of this section are satisfied.
 - b. Upon finding that all requirements from paragraphs A through C are met, the Planning Commission shall ~~approve~~recomend the requested lot line adjustment to the City Council for approval.

SECTION 2: AMENDMENT “10.54.280 Single Parcel Split; Approval” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.54.280 Single Parcel Split; Approval

Property owners may split their parcel and record the amendments of the appropriate subdivision plat or deeds of records if the following conditions are met:

- A. No Parcel may be split more than once in five years.
- B. Owner's Responsibilities:
 - 1. The owners seeking approval for a single parcel split shall present to the Planning Commission a map indicating the present parcel boundaries and the boundaries as they will be upon completion of the single parcel split.
 - 2. Upon approval by the ~~Planning Commission~~ City Council, a new legal description of both resulting parcels shall be recorded at the Garfield County Recorder's office. The single parcel split shall not be considered complete until this action is taken and a copy is received by the City.
- 3. Water Meter:

- a. must be on the property of the existing service;
- b. must be moved at the expense of the property owner to accommodate the existing service.

C. Planning Commission Responsibilities:

1. Upon the materials described above, the planning commission shall review the map to ensure that:
 - a. Both resulting parcels shall each have sufficient acreage to meet the minimum required area for the zone(s) in which the lots exist.
 - b. Both resulting parcels meet the minimum required width required for the zone(s) in which the lots exist.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Chad Lyman	_____	_____	_____	_____
Councilmember Sally Orme	_____	_____	_____	_____
Councilmember Marlene Stowe	_____	_____	_____	_____
Councilmember Guy Graham	_____	_____	_____	_____
Councilmember Lenza Wilson	_____	_____	_____	_____

Presiding Officer

Attest

Melani Torgersen, Mayor, Escalante City

Stephanie Steed, MMC, City Recorder, Escalante City