

**TITLE 11**

**SUBDIVISION REGULATIONS**

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## CHAPTER 1

## GENERAL PROVISIONS

## SECTION:

- 11-1-1: Title
- 11-1-2: Purpose And Intent
- 11-1-3: Scope
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11-1-1: **TITLE:** These regulations shall be known and cited as *THE LAKETOWN SUBDIVISION ORDINANCE*. (Ord. A-3, 5-21-1981)

11-1-2: **PURPOSE AND INTENT:**

- A. The underlying purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of the town in the matter of subdivision of land and related matters affected by such subdivision.
- B. Any proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the planning and zoning commission. (Ord. A-3, 5-21-1981)

11-1-3: **SCOPE:**

- A. No person shall subdivide any tract of land which is located wholly or in part in the town except in compliance with this title.
- B. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any



deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title; provided, that this title shall not apply to the bona fide division of land for agricultural, commercial, manufacturing or industrial purposes. Further, the above definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has been recorded in the office of the county recorder and any derivative thereof shall have reference to the term "subdivision", as herein defined. (Ord. A-3, 5-21-1981)

11-1-4:       **VARIATIONS, EXCEPTIONS:** In cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this title may be granted by the town council after recommendation by the planning and zoning commission. (Ord. A-3, 5-21-1981)



CHAPTER 2  
**DEFINITIONS**

SECTION:

11-2-1: Definitions

11-2-1: **DEFINITIONS:** The following terms used in this title shall have the respective meanings hereinafter set forth:

**ALLEY:** A public way which affords a secondary means of access to abutting property.

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

**COLLECTOR STREET:** A street which carries traffic from minor streets to a major street system, including the principal entrance streets of residence development and the primary circulating streets within such a development.

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

**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 map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.



FLAG LOT:	A lot which has minimum frontage on a street, which is reached via private drive and whose width some distance back from the street boundary line meets all ordinance requirements.
LOT:	A portion of a subdivision or parcel of land intended as a unit for building development or transfer of ownership.
LOT WIDTH:	The width of the lot measured along the minimum building setback line.
MAJOR STREET:	A street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the master street plan as a controlled-access highway, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.
MINOR STREET:	A street, existing or proposed, which is supplementary to a collector or major street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.
OFF-SITE FACILITIES:	Improvements not on individual lots but generally within the boundaries of the subdivision which they serve, and as further outlined in chapter 5 of this title.
OFFICIAL MAP:	Any map adopted by the town as the official map.
OFFICIAL MONUMENT:	A stone or other object set in the earth and described by a governmental agency to mark a boundary line or corner.
ON-SITE FACILITIES:	Construction of the dwelling and its appurtenant improvements on each lot.
OWNER:	Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or



	quasi-public corporation or any combination thereof.
PARCEL OF LAND:	A contiguous quantity of land, in possession of, or owned by, or recorded as the property of, the same claimant person. Land in one ownership, but physically divided by a public highway, road or street, is not considered contiguous under this definition, and may therefore be used as two (2) or more individual parcels of land.
PERSON:	Any individual, corporation, partnership, firm or association of individuals however styled or designated.
PLANNING AND ZONING COMMISSION:	The Laketown planning and zoning commission.
PLAT, FINAL:	A proposed subdivision drawn accurately to scale and which has all measurements, data, certificates and dedications thereon, which are required for approval and acceptance by the proper agencies and for recording in the office of the county recorder.
PLAT, PRELIMINARY:	A drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, but which does not have the certificates and dedications necessary for acceptance by the county.
PROPERTY, INTERVENING:	Property located between the existing utilities and public service facilities, and the property under development.
ROAD OR STREET:	A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty six feet (26') wide which has been made public by right of use and which affords the principal access to abutting property.
ROAD OR STREET, COLLECTOR:	A road or street, existing or proposed, of considerable continuity, which serves or is



	intended to serve to connect urbanizing areas to major road system.
ROAD OR STREET, MAJOR:	A road or street which serves or is intended to serve as a major traffic way for intracounty traffic, connecting communities and urbanizing areas and providing access to the arterial state highway system.
ROAD OR STREET, MARGINAL ACCESS:	A minor road parallel to and adjacent to a major road or street and which provides access to abutting properties and protection from through traffic.
ROAD OR STREET, MINOR:	A road or street, existing or proposed, which is supplementary to a collector or major road or street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.
ROAD RIGHT OF WAY:	The distance between property lines measured at right angles to the road centerline and is a minimum standard of sixty feet (60') from property line to property line.
SETBACK LINE:	A line generally parallel with and measured from the lot line, defining the limits of a yard in which building is restricted.
SUBDIVISION:	Any land that is divided, resubdivided or proposed to be divided into two (2) 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.
ZONING ORDINANCE:	The zoning ordinance for the town of Laketown. (Ord. A-3, 5-21-1981; amd. 2001 Code)



## CHAPTER 3

**ADMINISTRATION; PERMITS**

## SECTION:

- 11-3-1: Enforcement
- 11-3-2: Inspections
- 11-3-3: Permits
- 11-3-4: Violation
- 11-3-5: Conflict
- 11-3-6: Penalty

11-3-1:       **ENFORCEMENT:** The planning and zoning commission, the Utah state board of health, and such other departments and agencies of state or county, or town government 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. (Ord. A-3, 5-21-1981)

11-3-2:       **INSPECTIONS:** Appropriate agencies and departments of the state, county or town shall inspect or cause to be inspected all buildings, 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. 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. (Ord. A-3, 5-21-1981)

11-3-3:       **PERMITS:** From the time of the effective date hereof, the building inspector shall not grant a permit, nor shall any county or town officer 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. (Ord. A-3, 5-21-1981)

11-3-4:       **VIOLATION:** No person shall subdivide any tract or parcel of land located wholly or in part in the town 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 and zoning 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 provisions of this title. (Ord. A-3, 5-21-1981)

11-3-5:       **CONFLICT:** All ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. A-3, 5-21-1981)

11-3-6:       **PENALTY:** Any person violating any provision of this title shall be guilty of a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (2001 Code)



## CHAPTER 4

## PLATS

## SECTION:

- 11-4-1: Subdivision Procedure
- 11-4-2: Preliminary Plat
- 11-4-3: Final Plat

11-4-1: **SUBDIVISION PROCEDURE:**

- A. Procedure: Before dividing any tract of land into a "subdivision", as defined in section 11-2-1 of this title, a subdivider, shall: (Ord. A-3, 5-21-1981; amd. 2001 Code)
  - 1. Meet with the planning and zoning commission to discuss the proposed subdivision and file a subdivision information form.
  - 2. File eight (8) copies of a preliminary plat with the planning and zoning commission for approval or disapproval. The preliminary plat shall be prepared in conformance with the provisions of this title.
  - 3. Not more than one year after receiving approval of the preliminary plat, submit the original and one copy of a final plat to the planning and zoning commission for action. The planning and zoning commission may extend the one-year time limit for just cause.
  - 4. Following approval of the final plat, the subdivider shall present the final plat, bearing all required signatures to the county recorder and pay all recording fees. Approval of the final plat shall be void if not recorded within one year after the date of approval, unless application for an extension of time is made in writing to the planning and zoning commission and granted during the one-year period.
- B. Exceptions: Where unusual topographic or other exceptional conditions exist, the town council may vary the requirements of this title after receiving the recommendations of the planning and zoning



commission; provided, that such variations will not substantially impair the intent of this title.

- C. Other Public Agencies: The planning and zoning commission may withhold approval of a preliminary plat for one year if all or part of the area to be subdivided may be needed for a park, school, street or other public purpose. The planning and zoning commission should notify the appropriate agency in writing of the proposed subdivision. If proper means have not been initiated to acquire the desired property within one year, the owner may then subdivide in compliance with the provisions of this title. (Ord. A-3, 5-21-1981)

**11-4-2: PRELIMINARY PLAT:**

- A. Fees: The fee for preliminary plats shall be as per the fee schedule adopted by the town council.

- B. Requirements: The preliminary plat shall comply with the following requirements:

1. Description: In a title block located in the lower right-hand corner of the sheet shall appear the following:

a. The proposed name of the subdivision.

b. The location of the subdivision including the address and the section, township and range.

c. The names and addresses of the owner, subdivider if other than the owner, and the engineer or designer of the subdivision.

d. Date of preparation, scale (minimum of 1 inch equals 100 feet in standard subdivisions) and north point.

2. Existing Conditions: The plat shall show:

a. The location of the nearest benchmark or monument.

b. The boundary of the proposed subdivision and the acreage included.

c. All property under the control of the subdivider contiguous to the proposed subdivision. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street



system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in the light of existing master street plans or other planning and zoning commission studies.

d. The location, width and names of all existing streets within two hundred feet (200') of the subdivision and of all prior platted streets or other public ways, railroad and utility rights of way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements and section and corporation lines, within and adjacent to the tract.

e. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries.

f. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location.

g. Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.

h. Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible.

i. Contours at vertical intervals of not more than two feet (2') in standard subdivisions.

j. High-water levels of all watercourses, if any, shall be indicated in the same datum for contour elevations.

3. Proposed Plan: The subdivision plan shall show:

a. The layout of streets, showing location, widths and other dimensions (designated by actual or proposed names and numbers) of proposed streets, crosswalks, alleys and easements.

b. The layout, numbers and typical dimensions of lots.

c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.



d. Building setback lines, including showing dimensions where required by the planning and zoning commission.

e. Easements for water, sewers, drainage, utility lines and other purposes, if required by the planning and zoning commission.

f. Typical street cross sections and grade streets where required by the planning and zoning commission.

g. A tentative plan or method by which the subdivider proposes to handle storm water drainage for the subdivision.

Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning and zoning commission.

C. Approval Of Preliminary Plat:

1. The planning and zoning commission and other interested departments shall review the preliminary plat and visit the site of the proposed subdivision. Following this investigation, the planning and zoning commission shall approve the preliminary plat as submitted or modified, or disapprove the plat. The planning and zoning commission shall not take action to approve or disapprove the plat until written approval is received from each of the interested departments.

2. If the preliminary plat is approved, the planning and zoning commission shall return one copy of the plat signed by the planning and zoning commission chairman to the subdivider with any conditions attached. Other signed copies shall be forwarded to each of the interested departments. The planning and zoning commission shall retain one signed copy of the plat for its files. If the preliminary plat is disapproved, the planning and zoning commission shall indicate its disapproval by distributing signed copies of the plat bearing the reasons for disapproval.

3. The receipt of a signed copy of the approved preliminary plat shall authorize the subdivider to proceed with the preparation of the final plat. (Ord. A-3, 5-21-1981)

11-4-3: **FINAL PLAT:**

A. Fees: Fees for final plats shall be as per the fee schedule adopted by the town council. (Ord. A-3, 5-21-1981)



- B. Requirements: The final plat must be prepared and signed with ink by a land surveyor currently licensed in the state on a sheet of approved tracing linen or matte mylar twenty four inches by thirty six inches (24" x 36") scaled one inch to one hundred feet (1" = 100'); the top of the final plat shall be either north or east, whichever accommodates the drawing best; a copy of the submitted plats for subdivisions must be provided on eighteen inch by eighteen inch (18" x 18") mylar, scaled one inch equals one hundred feet (1" = 100') for plats containing one or more lots of less than two (2) acres; one inch equals two hundred feet (1" = 200') for plats containing one or more lots of two (2) to five (5) acres; and one inch equals four hundred feet (1" = 400') for plats containing all lots of greater than five (5) acres. The plat shall contain all information required on the preliminary plat, except contours, and shall comply with the following: (Ord., 10-12-1982; amd. 2001 Code)

1. Description And Delineation: The final plat shall show:

- a. The name of the subdivision, which name must be approved by the planning and zoning commission.
- b. Accurate angular and lineal 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 and blocks and names of streets. Lot lines shall show dimensions in feet and hundredths. Total area of each lot will also be shown to the nearest square foot for lots under one acre and to the nearest one hundredth of an acre for lots over one acre.
- d. True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the plat and shown by the appropriate symbol.
- e. Radii, internal angles, points of curvature, points of tangency, length of long chords, tangent lengths and lengths of all arcs.
- f. The accurate location of all monuments and fire hydrants to be installed shown by the appropriate symbol. All United States, state, county or other official benchmarks, monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position.



g. The dedication to the town in which the subdivision is located, all streets and highways included in the proposed subdivision which are identified by the planning and zoning commission.

Street monuments shall be installed by the subdivider's engineer or land surveyor at such points designated on the final map as are approved by the county engineer. Standard precast monuments will be furnished by the town, at no cost to the subdivider and must be placed prior to the release of the improvement bond.

h. Pipes or other such physical markers as shall be placed at each lot corner.

i. Accurate outlines and legal descriptions 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 uses of all property owners.

j. Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in an approved form.

2. Standard Forms For Following: The final plat shall require:

a. A registered land surveyor's "certificate of approval".

b. The owner's "certificate of dedication".

c. A notary public's "acknowledgement".

d. The appropriate planning and zoning commission's "certificate of approval".

e. The Utah state board of health's "certificate of approval".

f. The town surveyor's "certificate of approval".

g. The town attorney's "certificate of approval".

h. The town council's "certificate of approval".



i. A one and one-half inch by five inch ( $1\frac{1}{2}$ " x 5") space in the lower right-hand corner of the drawing for official agency use. (Ord. A-3, 5-21-1981)



CHAPTER 5  
IMPROVEMENTS

SECTION:

- 11-5-1: Required Improvements
- 11-5-2: Performance Bonds
- 11-5-3: Special Improvements Provisions

11-5-1: **REQUIRED IMPROVEMENTS:**

A. Bond Requirements:

- 1. No final plat of a subdivision of land shall be recorded without receiving a statement signed by the town surveyor certifying that the improvements described in the subdivider's plans and specifications have been completed, that they meet the minimum requirements of all ordinances and that they comply with the recommendations of the Utah state board of health, the planning and zoning commission, and with the standards, rules and regulations for subdivision contained herein, or that the subdivider has furnished to the town a bond in an amount equal to one hundred ten percent (110%) value of the improvements required by this section.
- 2. Bond shall be executed by a surety company duly authorized to do business in the state, shall be payable to the town, shall be filed in the office of the town clerk and shall be available for public inspection during regular business hours.
- 3. Each bond shall run for at least ninety (90) days after the installation of all improvements and after a final certified inspection. In no event shall the town be deemed liable under this section on any claim asserted by a laborer or materialman.

B. Sewer: Sanitary sewers shall be approved by the Bear River district health department. If a central collection system is used, it shall be constructed throughout the entire subdivision to carry off water from



all inlets and catch basins, and shall be connected to an adequate outfall. A storm water drainage system subject to approval of the planning and zoning commission shall be provided, and shall be separate and independent of the sanitary sewer system. The final plans for the drainage system shall be prepared by a licensed engineer.

- C. Storm Drainage: No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch.

D. Street Improvements:

1. At least ten (10) days prior to the commencement of any road or street construction, including the cutting of any road or street, the subdivider shall furnish to the planning and zoning commission a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed professional engineer and shall be accompanied by the final plat. The planning and zoning commission shall, within a reasonable time not to exceed thirty (30) days from the receipt of the plans, notify the subdivider of approval or disapproval, and in case of disapproval of the reasons therefor. Such plans and profiles shall include:

a. The designation of limits of work to be done.

b. The location of the benchmark and its true elevation according to county datum, all profiles to be referred to that datum.

c. Profiles which indicate the finished and existing grades for each side of the street. Separate profiles clearly designated, shall be made for each side of the street.

d. Construction plans which include the details of curb and gutter, if required, and street cross sections location and elevation of manholes, catch basins and storm sewers, elevations and location of fire hydrants and any other detail necessary to simplify evaluation of improvements.

e. Complete data for field layout and office checking.



f. On curb returns, at least two (2) additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to ensure drainage of intersections.

g. The street address of the project, if applicable.

2. Grades of streets shall not be in excess of eight percent (8%) on major arterial streets nor in excess of ten percent (10%) on other streets unless special conditions warrant grades in excess of these standards for short segments of the street system within a subdivision. If the grades of proposed streets exceed the above stated standards, approval of said streets must be based on the recommendation of a certified engineer.

3. All streets within a subdivision shall be improved to an overall width in accordance with the standards, rules and regulations adopted by the town in which the subdivision is located. Town road regulations shall be sixty feet (60') right of way, twenty-six feet (26') wide road base, a minimum twelve inch (12") deep road base and twenty-two feet (22') pavement. (Ordinance 2019-09 2/5/2020)

a. When a cul-de-sac is included within a subdivision, the proposed lots must have at least 50 foot (50') frontage off the pavement of the street. (Ordinance 2019-17 3/4/2020)

4. Pavements where required shall be constructed in accordance with the requirements of the standards, rules and regulations adopted by the town in which the subdivision is located. Town asphalt pavement shall be a minimum of three inches (3") in depth. (Ordinance 2019-09 2/5/2020)

5. Curbs and gutters where required shall be concrete of the standard high-back type unit, not less than two feet six inches (2'6") in overall width, and not less than seven inches (7") thick where the curb abuts the street pavement.

6. Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the planning and zoning commission.

7. All curb corners shall have a radius of not less than twenty four feet (24') and at intersections involving collector or major streets of not less than twenty five feet (25').

8. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the planning and zoning commission. New streets must connect with existing public streets.

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9. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).

10. Fire hydrants shall be installed in all subdivisions in accordance with the regulations adopted by the planning and zoning commission.

11. Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:

a. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision.

b. The size of pipes and culverts required.

c. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipes and culverts must be approved by the planning and zoning commission.

12. The subdivider shall install a six foot (6'), nonclimbable chainlink fence, or its equivalent, in conformance with the standards and rules and regulations adopted along all open ditches, canals or waterways, nonaccess streets, open reservoirs or bodies of water, railroad rights of way and other such features of potentially hazardous nature, on crossing or contiguous to the property being subdivided, except on those features which the planning and zoning commission shall determine would not be a hazard to life, or where the conforming structure would create a hazard to the safety of the public.

13. Street name signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the county, shall be provided by the developer at all street intersections. Installation shall be made in accordance with adopted standards to ensure uniformity. (Ord. A-3, 5-21-1981)

**11-5-2: PERFORMANCE BONDS:** The subdivider may, in lieu of the actual completion of the improvements listed in this chapter, file with the town clerk a surety or cash bond in an amount equal to one hundred ten percent (110%) of the reasonable value of the improvements required in this title to assure the actual construction of such improvements within a period of two (2) years in a satisfactory manner. Upon completion of the improvements for which a surety or cash bond has been filed, the



subdivider shall call for inspection by the planning and zoning commission or its designated representative. Inspections shall be made within fifteen (15) days from the date of the request. If inspection shows that adopted standards have been met in the completion of such improvements, the bonds shall be released within seven (7) days from the time of inspection. If the bonds are not released, refusal to release and the reasons therefor shall be given the subdivider in writing within seven (7) days from the time of inspection. (Ord. A-3, 5-21-1981)

**11-5-3: SPECIAL IMPROVEMENTS PROVISIONS:**

A. Parks, School Sites And Other Public Places: In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other areas for public use. Any provision for such open spaces should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency.

B. Cluster Subdivisions; Special Provisions:

1. Design Standards:

a. The design of the preliminary and final plats of cluster-type subdivisions in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning ordinances, elements of the master plan that have been adopted and design standards recommended by the planning and zoning commission.

b. Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character. (Ord. A-3, 5-21-1981)

2. Sewer Facilities: Connection to public water and public sewer facilities, if available, shall be required for each principal use in a cluster subdivision. (Ord. A-3, 5-21-1981; amd. 2001 Code)

3. Provision For Common Open Space: The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. The planning and zoning commission may place whatever additional conditions or restrictions it may deem necessary to ensure



development and maintenance of the desired character, including plans for disposition or reuse of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners. (Ord. A-3, 5-21-1981)

4. Guarantee Of Common Open Space Improvements:

a. As assurance of completion of common open space improvements, the subdivider may be required to file with the town clerk a surety or cash bond guaranteeing such completion, in a manner satisfactory to the planning and zoning commission, within two (2) years of such filing. (Ord. A-3, 5-21-1981; amd. 2001 Code)

b. Upon completion of the improvements for which a surety or cash bond has been filed, the subdivider shall call for inspection by the planning and zoning commission, such inspection to be made within fourteen (14) days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds therefor shall be released. If the bonds are not released, refusal to release and reasons therefor shall be given the subdivider in writing.

5. Continuation Of Common Open Space: As assurance of continuation of common open space use in accordance with the plans approved by the planning and zoning commission, the subdivider shall grant to the county or town an "open space easement" on and over the common open space prior to the recording of the final plat, which easement will not give the general public right of access but will provide that the common open space remains open.

6. Maintenance Of Common Open Space And Other Improvements: As assurance of maintenance of the common open space and other improvements where so required, the subdivider shall cause to be formed prior to the recording of the final plat, a lot owners' association, and shall establish articles of incorporation of the association, bylaws and covenants outlining the purpose, organization and operation of the association. Such articles of incorporation and covenants shall, among other things, provide:

a. That membership shall be mandatory for each lot purchaser and any successive buyer;

b. That common open space restrictions must be permanent, not just for a period of years;



c. That the association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities;

d. That lot owners must pay their pro rata share of the costs;

e. That the assessment levied by the association can become a lien on the property;

f. That the association must be able to adjust the assessment to meet changed needs.

In the event the lot owners association does not maintain the common open space and improvements as proposed and indicated at the time of subdivision, the town may, at its option, do or contract to have done the required maintenance and recover the costs incident thereto by means of a lien against the involved properties of the members of the lot owners association. (Ord. A-3, 5-21-1981)



## CHAPTER 6

### STANDARDS

#### SECTION:

- 11-6-1: Departmental Standards
- 11-6-2: Design Standards
- 11-6-3: Protection Strips

11-6-1: **DEPARTMENTAL STANDARDS:** Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, fire hydrants and flood control facilities shall be prepared by the planning and zoning commission, standards for water distribution and sewage disposal facilities by the Bear River district health department. All subdividers shall comply with the standards established by such departments and agencies. (Ord. A-3, 5-21-1981)

11-6-2: **DESIGN STANDARDS:** The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the planning and zoning commission and by other departments and agencies of the county or town government. Design standards shall be approved by the planning and zoning commission and shall include provisions where applicable as follows:

- A. Blocks shall not exceed eight hundred feet (800') in length.
- B. Blocks shall be wide enough to adequately accommodate two (2) tiers of lots.
- C. Dedicated walkways through the block may be required where access is necessary to a point designated by the planning and zoning commission.
- D. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.



- E. 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.
- F. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning title, if any, for the zone in which the subdivision is located and to the minimum requirements of the Utah state board of health for water supply and sewage disposal. The minimum width for any residential building lot shall not be less than that specified by the zoning title for zoned areas not less than seventy five feet (75') at the building setback line in unzoned areas. The minimum area of such lot shall be not less than that approved by the Utah state board of health, nor that required by the zoning title, one-third ( $\frac{1}{3}$ ) acre, or one-half ( $\frac{1}{2}$ ) acre, whichever area is largest. (Ordinance 2019-05 2/5/2020)
- G. Each lot shall, unless otherwise approved by the planning and zoning commission, abut on a street shown on the subdivision plat or on an existing publicly-dedicated street which has become public by right of use and which is more than eighteen feet (18') wide. Double-frontage lots shall be prohibited except where unusual conditions make other designs undesirable.
- H. Side lines of lots shall be approximately at right angles, or radical to the street lines.
- I. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels. (Ord. A-3, 5-21-1981)

**11-6-3: PROTECTION STRIPS:** Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the planning and zoning commission, retain a protection strip between the street and adjacent property; provided, that an agreement approved by the town attorney has been made by the subdivider contracting to deed to the then owners of the contiguous property a one foot (1') or larger protection strip for a consideration named in the agreement. One copy of the agreement shall be submitted to the town attorney and to the planning and zoning commission prior to the approval of the final plat. Protection strips shall not be permitted at the end of or within the boundaries of a public street or proposed street within any area intended for future public use. (Ord. A-3, 5-21-1981)