

NOTE: The City would like to renumber the code from “1...” to “R1...”

Title R16 - SUBDIVISIONS¹

Chapters:

- R16.01 General Provisions
- R16.02 ~~Procedures for Submission~~ Subdivision Processes Generally
- R16.03 Concept Plan
- R16.04 Preliminary Plat
- R16.05 Final Plat
- R16.06 Design Standards
- R16.07 Cluster Subdivisions
- R16.08 Construction Standards
- R16.09 Financial Responsibility
- R16.10 Permits and Fees
- R16.11 Penalty
- Appendix to Title 16—Standard Specifications

¹ Prior legislation: Ords. 2004-314 and 2007-339.

Chapter R16.01 - GENERAL PROVISIONS

Sections:

- R16.01.005 Title and authority.
- R16.01.010 Scope of title.
- R16.01.020 Exemptions.
- R16.01.030 Intent and purpose.
- R16.01.031 Effect of adopted master and general plans.
- R16.01.033 Enactment of ordinances, resolutions, and development agreements.
- R16.01.035 Designation of land use authority.
- R16.01.036 Temporary land use regulations.
- R16.01.037 Subdivision ordinance amendments.
- R16.01.038 Development agreements.
- R16.01.040 Definitions.

R16.01.005 Title and authority.

- A. This ordinance shall be known and referred to as the “Subdivision Ordinance of Roosevelt City, Utah” or the “Subdivision Ordinance.”
- B. The City Council of Roosevelt City adopts this Subdivision Ordinance pursuant to and with the Municipal Land Use Development and Management Act, Title 10, Chapter 9a, of the Utah State Code Annotated and such other authorities and provisions of Utah statutory and common laws that are relevant and appropriate.

R16.01.010 Scope of title.

- A. No person shall subdivide any tract of land which is located wholly or in part in the City 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 any 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 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 any lot or lots forming a part of a subdivision created and recorded prior to January 15, 1976, the effective date of the ordinance codified in this title.
- C. No lot within a subdivision created and recorded prior to the effective date of the ordinance codified in this title or approved by the Planning and Zoning Commission and City Council and recorded in the county recorder's office under the provisions of this title shall be further divided, rearranged, added to or reduced in area, nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of the Planning and Zoning Committee and the City Council. ~~Approval For rearrangement will not require preliminary and final plots, but will require sketch maps.~~

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 1-1. Formerly 16.04.010)

R16.01.020 Exemptions.

Any land divided for any purpose after the passage of this title shall be subject to the provisions and regulations herein.

(Ord. 2020-432 dated 1-21-20; Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 1-3. Formerly 16.04.030)

R16.01.030 Intent and purpose.

The purpose of these regulations and the intent of the local jurisdiction in their adoption is as follows:

- A. To provide policies, standards, requirements and procedures to regulate and control the design and improvement of all subdivisions **within Roosevelt City**;
- B. To assist in implementing the objectives, policies and programs of the **general plan**~~master plan~~ by ensuring that all proposed subdivisions, together with provisions for their design and improvement, are consistent with the **general-**~~master~~ plan and all applicable specific plans;
- C. To preserve and protect, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, and natural watercourses, fish and wildlife habitats, historical and cultural places, and scenic vistas and attractions; and to improve the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto;
- D. To preserve and protect the special environmental quality and aesthetic character of all hillside and mountainous areas; to prevent detrimental impacts on the soil mantle, vegetative cover, and other environmental factors; to reduce the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and to relate the amount of grading within a subdivision to the slope of the natural terrain;
- E. To encourage the clustering of housing developments where subdivisions are permitted in hillside and mountainous areas, in order to minimize grading, preserve the natural terrain, and enlarge the open space;
- F. To relate land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces;
- G. To provide lots of sufficient size and appropriate design for the purposes for which they are to be used;
- H. To provide streets of adequate capacity and design for the traffic that will utilize them, and to ensure maximum safety for pedestrians and users of vehicles;
- I. To ensure adequate access to each building site;
- J. To provide sidewalks, pedestrian-ways, and equestrian and hiking trails for the safety, convenience and enjoyment of residents of new developments;
- K. To provide adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for public health, safety and convenience;
- L. To provide adequate sites for public facilities needed to serve residents of new developments;
- M. To ensure that costs of providing land for streets, alleys, pedestrian-ways, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the subdivider(s);
- N. To prevent land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or hazardous geological conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety or welfare;
- O. To ensure that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience and general welfare and the physical, social and economic development of the area in conformance with the **general** ~~master~~ plan.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 2-1. Formerly 16.04.040)

R16.01.031 Effect of adopted master and general plans.

All master or general plans adopted by the City or for an area within the incorporated boundaries of the City shall serve as an advisory guide for land use decisions. Amendments to the text of this Subdivision Ordinance shall be consistent with the purposes, goals, objectives, and policies of the applicable adopted master plans or general plan of the City.

R16.01.033 Enactment of ordinances, resolutions, and development agreements.

To accomplish the purposes of this chapter, the City may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the City considers necessary or appropriate for the use and development of land within the City, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: uses; density; open spaces; structures; buildings; energy efficiency; light and air; transportation and public or alternative transportation; infrastructure; street and building orientation; width requirements; public facilities; fundamental fairness in land use regulation; and considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

R16.01.034 Guidelines and checklists.

1. The City is hereby authorized and empowered to promulgate certain guidelines and/or checklists relative to this title.
2. These materials shall be provided to any interested person upon request and upon payment of a fee if specified by the City's fee schedule.
3. These materials shall be for instructional purposes only and represent an attempt to aid those seeking to comply with the requirements of this title. In the event any conflict arises between such guidelines and this title or other regulations, resolutions, or policies of the City, said ordinances, resolutions, regulations or policies shall be deemed controlling and all questions shall be resolved in their favor.
4. Failure of an applicant(s) to follow guidelines or checklists may be cause for delay or approval.

R16.01.035 Designation of land use authority.

1. The following chart designates the Land Use Authority for subdivision and annexation approvals within the City.
2. Pursuant to §10-9a-306 of Utah State Code (as amended), the Land Use Authority shall apply the plain language of land use regulations.
3. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application.
4. A land use decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the City Council.

Type of Land Use Application	Reviewing Body	Recommending Body	Land Use Authority	Appeal Authority
Annexation	City Staff	N/A	City Council	County Boundary Commission

Temporary Land Use Regulations	N/A	N/A	City Council	District Court
Subdivision Ordinance Amendments	Zoning Administrator	Planning Commission	City Council	District Court
Development Agreement	DRC	Planning Commission	City Council	District Court
Subdivision Amendment / Vacation Of Public Right-Of-Way	DRC	Planning Commission	City Council	Board of Adjustment or Hearing Officer
Parcel Boundary Adjustment / Lot Line Adjustment	N/A	N/A	Zoning Administrator	Planning Commission
Variance / Appeals	N/A	N/A	Board of Adjustment or Hearing Officer	District Court
Residential Single Family, Two Family Or Townhome Projects:				
Pre-Application Meeting / Concept Plan	N/A	N/A	DRC	Planning Commission
Preliminary Plan / Final Plat / Minor Subdivision	City Staff	DRC	Planning Commission	Board of Adjustment or Hearing Officer
Sensitive Lands (Preliminary Plan / Final Plat)	DRC	Planning Commission	City Council	Board of Adjustment or Hearing Officer
All Other Projects:				
Pre-Application Meeting	N/A	N/A	Zoning Administrator	Planning Commission
Concept Plan	City Staff	Zoning Administrator	DRC	Planning Commission

Preliminary Plan / Final Plat	City Staff	DRC	Planning Commission	City Council
Sensitive Lands (Preliminary Plan & Final Plat)	DRC	Planning Commission	City Council	Board of Adjustment or Hearing Officer

R16.01.036 Temporary land use regulations.

1. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the City if:
 - a. The City Council makes a finding of compelling, countervailing public interest; or
 - b. The area is unregulated.
2. A temporary land use regulation under this section shall be in conformance with §10-9a-504 of Utah State Code (as amended) and may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
3. A temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
4. A temporary land use regulation may not impose an impact fee or other financial requirement on building or development.
5. Unless otherwise provided by §10-9a-504 of Utah State Code (as amended), a temporary land use regulation shall not exceed a period of one-hundred eighty (180) days, but:
 - a. May be renewed, if requested by the State of Utah's Transportation Commission for up to two (2) additional periods of one-hundred eighty (180) days by ordinance enacted before the expiration of the previous regulation. However, the renewal regulation is effective only as long as the environmental impact statement or major investment study is in progress.

R16.01.037 Subdivision ordinance amendments.

1. **Purpose.** This section sets forth the procedures for amending the provisions of this title.
2. **Authority.** The City Council may, from time to time, amend the text of this title. The provisions set forth in this section shall not apply to temporary land use regulations that the City Council may enact without a public hearing in accordance with §10-9a-504 of Utah State Code (as amended).
3. **Initiation.** Anyone may propose amendments to the text of this title as provided in this section.
4. **Procedure.** The City shall process and consider amendments to the text of this title as provided in this section.
 - a. **Application.** An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
 - i. Name and address of every person or company the applicant represents;
 - ii. Explanation of the proposed amendment and reasons supporting the request; and
 - iii. Title, chapter, and section references of the affected sections, including a draft of the proposed text.
 - b. **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application, the Zoning Administrator shall transmit the

- application to the Planning Commission for its review.
- c. **Notice.** Class B notice shall be provided pursuant to §10-9a-205 of Utah State Code (as amended).
 - d. **Planning Commission Hearing.** The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-9a-502 of Utah State Code (as amended) and shall recommend approval, approval with modifications, or denial of the proposed amendment to the City Council.
 - e. **Land Use Authority Adoption.** The Land Use Authority as outlined in **R16.01.035** of this title shall review the proposed amendment and the recommendation of the Planning Commission. The Land Use Authority may either approve, approve with modifications, or reject the proposed amendment. The Land Use Authority may also table the matter for further information or future consideration or action.
 - f. **Approval Standards.** A decision to amend the text of this title shall be consistent with Utah State Code (as amended) and, when applicable, in harmony with the current General Plan.
 - g. **Appeals.** Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the District Court as provided in §10-9a-801 of Utah State Code (as amended).
 - h. **Effect Of Approval.** No person shall deem approval of an application to amend the provisions of this title as an approval of a subdivision application or other permit. Obtaining approval of such application or permit shall be in accordance with the applicable provisions of this title.
 - i. **Effect Of Disapproval.** The Land Use Authority's denial of an application to amend the text of this title shall preclude another person from filing another application covering substantially the same subject for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application. This section shall not limit the City Council, Planning Commission, Zoning Administrator, or other authorized City Staff from initiating an amendment to the text of this title at any time.

R16.01.038 Development agreements.

A. Purpose. A development agreement may be negotiated and executed between a developer and the City to set forth the specific requirements, elements, and aspects of a development.

B. Procedure. All development agreements, upon proper execution, shall be recorded with the county recorder's office, and shall run with the land and be binding on all successors in the ownership of the affected property(ies). A development agreement shall contain, at a minimum, the following:

1. A legal description of the land subject to the development agreement.
2. The restrictions or conditions to be attached to the property including development standards and the provision of public facilities.
3. The configuration of the project as shown on the project's master plan.
4. A statement of the benefits and value the development agreement will have for the City as a whole, including but not limited to: assurances of design standards, dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-ways, or utilities.
5. The time frames for performance by parties.
6. A description of the various City approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement.
7. Provisions for enforcement of the terms and conditions of the development agreement.
8. Provisions for making amendments to the development agreement.
9. The time limitation of the agreement.
10. Such other terms which may be proposed and agreed to between the City and developer.

C. Limitations. A development agreement under this section may not:

1. Limit the City's authority in the future to enact a land use regulation or take any action allowed under §10-8-84 of Utah State Code (as amended);
2. Require the City to change the zoning designation of an area of land within the City in the future; or
3. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation under §10-9a-502 of Utah State Code (as amended), including a review and recommendation from the Planning Commission and the conducting of a public hearing.
4. The City may not require a development agreement as the only option for developing land within the City.
5. The City may not restrict the type of crop that may be grown in an area that is zoned agricultural or assessed under §59-2-5 of Utah State Code (as amended).
6. To the extent that a development agreement does not specifically address a matter of concern related to land use or development, the matter or concern shall be governed by §10-9a of Utah State Code (as amended) and the applicable land use regulations in this code.
7. The City shall disclose in writing to the applicant those rights of the applicant that the development agreement restricts.

D. Expiration. A development agreement shall be signed and notarized by all parties and recorded in the County Recorder's office within one (1) year from the date of City Council approval or is shall be considered null and void. Prior to the expiration of the one (1) year period an applicant may submit a written request to the Zoning Administrator for an extension of up to six (6) months. Approval of this extension may only be granted by the City Council.

R16.01.040 Definitions.

The following words and phrases used in this title shall have the respective meanings ~~hereinafter~~ set forth, unless a different meaning clearly appears from the context:

"Abutting or adjacent property" means property, either a lot or parcel, lying immediately adjacent to and sharing a common property line with the subject lot or parcel.

“Access” means the provision of vehicular and/or pedestrian ingress and egress to a lot or parcel, building or structure.

“Administrative land use authority” means an individual, board, or commission, appointed or employed by the City, including City staff or the City’s Planning Commission. Administrative land use authority does not include the City Council or a member of the City Council.

“Adversely affected party” means a person other than a land use applicant who owns real property adjoining the property that is the subject of a land use application or land use decision or will suffer damage in kind than, or an injury distinct from, that of the general community as a result of a land use decision.

“Affected entity” means a county, municipality, local district, special service district, specified public utility, property owner, property owners association or the Utah Department of Transportation (UDOT) if the entity’s services or facilities are likely to require expansion or significant modification because of an intended use of land; the entity has filed with the City a copy of the entity’s general plan or long-range plan; or the entity has filed with the City a request for notice during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed in this title.

“Affected owner” means the owner of real property that is a single project; the subject of a land use approval that sponsors of a referendum timely challenged in accordance with §20A-7-601(6) of Utah State Code (as amended; and determined to be legally referable under §20A-7-602.5 of Utah State Code (as amended).

“Agriculture protection area” means a geographic area created under the authority of §17-41 of Utah State Code (as amended) that is granted specific legal protections.

“Alley” means a public access way less than twenty-six (26) feet wide, which gives secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this title.

“Appeal authority” means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

“Average percent of slope” means an expression of rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a parcel or lot. A vertical rise of one hundred (100) feet apart measured on a horizontal plane is a one hundred (100) percent slope.

“Block” means the land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat.

“Building permit” means an official document or certificate issued by the City or governmental authority having jurisdiction, authorizing the construction of any building or structure. Building permit includes a tie-down permit for a structure or building that does not require a building permit, such as a mobile home, in order to be occupied.

“City attorney” means the City Attorney of Roosevelt City, Utah, or the City’s authorized representative/agent.

“City council” means the City Council, or legislative body, of Roosevelt City, Utah.

“City engineer” means the City Engineer of Roosevelt City, Utah, or the City’s authorized representative/agent.

“Complete application” means the submission of a land use application which includes all of the required information requested by the City on/in the appropriate forms, including full payment of all applicable fees as outlined in the City’s fee schedule.

“Concept plan” means a sketch or rough drawing that may be submitted to the City for informal review prior to the submission of a preliminary plan. The purpose of the concept plan is to enable an applicant(s) to discuss with relevant representatives of the City the form of the subdivision plans or plat and the objectives of applicable regulations and requirements for subdivisions within the City.

“Condominium” means the ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property.

“Conservation standards” means guidelines and specifications for soil and water conservation practices and management, enumerated in the Technical Guide prepared by the USDA Soil Conservation Service, adopted by the Soil and Water Conservation District supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities, from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

“Construction drawings” means plans prepared by a registered engineer in the State of Utah, with professional seal affixed thereto, showing all required improvements, including any proposed utilities.

“County” means the unincorporated area of Duchesne County, Utah.

“Critical infrastructure materials” means sand, gravel, or rock aggregate.

“Critical infrastructure material operations” means extraction, excavation, processing or reprocessing of critical infrastructure materials.

“Critical infrastructure materials operations, vested” means critical infrastructure material operations operating in accordance with a legal nonconforming use or a permit issued by the City that existed or was conducted or otherwise engaged in before the City prohibits, restricts, or otherwise limits the critical infrastructure material operations and January 1, 2019.

“Critical infrastructure materials protection area” means a geographic area created under §17-41 of Utah State Code (as amended) on or after May 14, 2019, that is granted specific legal protections.

“Crosswalk or walkway” means a right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.

“Culinary water authority” means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property. For the purposes of this title shall be the City.

“Design” means street alignment, grades and width, width and alignment of easements and rights-of-way for drainage, water system and sanitary sewers; and minimum lot area, width and depth. “Design” shall also include:

1. The alignment, grade and width of easements and rights-of-way for utilities;
2. The grading and general layout of lots and streets within the area;
3. Location of land to be dedicated for park and recreational purposes; and
4. Such specific requirements in the plan and configuration of the entire subdivision may be necessary or convenient to ensure conformity to or implementation of applicable master or specific plans.

“Development activity” means any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities; any change in use of a building or structure that creates additional demand and need for public facilities; or any change in the use of land that creates additional demand and need for public facilities.

“Development agreement” means a written agreement or amendment to a written agreement between the City and one or more parties that regulates or controls the use or development of a specific area of land. Development agreement does not include an improvement completion assurance.

“Developer” means any person, firm, partnership, corporation, or association who causes improvements to be constructed and uses to be changed, or land to be subdivided for themselves or others. This includes a land use applicant for subdivision approval.

“Development review committee (DRC) (City Staff)” means a committee established and created by the City Council to assure that the proposed use, activity, building or structure is consistent with the General Plan and complies with the requirements of the City’s land use (zoning) and subdivision ordinance. Committee members may include representatives from City departments and other persons as may be designated by the City Council, responsible for reviewing and coordinating applications for any land use application approval, permit or license.

“Dwelling” means any building or portion thereof designed or used exclusively as the more-or-less-permanent residence or sleeping place of one or more persons or families, but not including a tent, camper, travel trailer, hotel, motel, hospital or nursing home.

“Easement” means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on or above said lot or lots.

“Excavation” means either the removal of earth from its natural position, or the cavity resulting from the removal of earth.

“Fee schedule” means the schedule or any appendix of fees adopted periodically by resolution of the City Council setting forth various fees charged by the City.

“Final plat” means a map prepared in accordance with the provisions of this title, which is designed to be placed on record in the office of the county recorder.

“Fire authority” means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property. For the purposes of this title, means the City.

“Fire protection” means such water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provisions of this title.

“Flood hazard” means a hazard to land or improvements due to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks or watercourses.

“Flood plain” means land that is within the one hundred (100) year flood plain designated by the Federal Emergency Management Agency (FEMA); or has not been studied or designated by FEMA but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a one hundred (100) year flood plain designated by FEMA.

“Geological hazard” means a ~~hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, failure or shifting of the earth.~~ surface fault rupture, shallow groundwater, liquefaction, a landslide, a debris flow, unstable soil, a rock fall, or any other geologic condition that presents a risk to life or of substantial loss of or damage to real property. May be referred to in this title as “sensitive lands”.

“Improvement completion assurance” means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by the City to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat or development of a commercial, industrial, mixed use, or multifamily project.

“Improvement warranty” means an applicant’s unconditional warranty that the applicant’s installed and accepted landscaping or infrastructure improvement complies with the City’s written standards for design, materials, and workmanship and will not fail in any material respect as a result of poor workmanship or materials, within the improvement warranty period.

“Improvement warranty period” means a period: no later than one year after the City’s acceptance of required landscaping; or no later than one year after the City’s acceptance of required infrastructure, unless the City: 1. determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and 2. has substantial evidence, on record of prior poor performance by the applicant or that the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspect soil.

“Infrastructure improvement” means permanent infrastructure that is essential for the public health and safety or that is required for human occupation; and that an applicant must install in accordance with published installation and inspection specifications for public improvements; and whether the improvement is public or private, as a condition of recording a subdivision plat, obtaining a building permit, or development of a commercial, industrial, mixed use, condominium, or multifamily project.

~~1. “Improvement” means such street work and utilities to be installed or agreed to be installed by the subdivider on the land to be used for public or private streets, highways, alleys, pedestrian ways, equestrian or hiking or riding trails or paths, other ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, and required as a condition precedent to the approval and acceptance of the final map.¶~~

~~2. Such street work and utilities include necessary monuments, street name signs, guardrails, barricades, safety devices, fire hydrants, grading, retaining walls, storm drains and flood control channels and facilities, erosion control structures, sanitary sewers, streetlights, street trees, traffic warning devices, including traffic signals and relocation of existing traffic signal systems directly affected by other subdivision improvements, and other facilities as are required or as are determined necessary by the planning and zoning commission for the necessary, proper development of the proposed subdivision.¶~~

~~3. “Improvement” also refers to such specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities, or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of applicable master or specific plans.¶~~

“Internal lot restriction” means a platted note, platted demarcation, or platted designation that runs with the land and creates a restriction that is enclosed within the perimeter of a lot described on the plat; or designates a development condition that is enclosed within the perimeter of a lot described on the plat.

“Inundation” means ponded water or water in motion of sufficient depth to damage property, due to the presence of the water or to the deposit of silt.

“Land use applicant” means a property owner, or the property owner’s designee, who submits a land use application regarding the property owner’s land. May also be known and referred to in this title as “applicant(s)”.

“Land use application” means an application that is required by the City and submitted by a land use applicant to obtain a land use decision, and does not mean an application to enact, amend, or repeal a land use regulation. May also be known and referred to in this title as “application(s)”.

“Land use authority” means a person, board, commission, agency, or body, including the City Council, designated by the City Council to act upon a land use application; or if the City Council has not designated a person, board, commission, agency, or body, the City Council.

“Land use decision” means an administrative decision of a land use authority or appeal authority regarding a land use permit or a land use application. May also be known and referred to in this title as a “decision”.

“Land use permit” means a permit issued by the Land Use Authority.

“Land use regulation” means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land. Includes the adoption or amendment of a zoning map or the text of the zoning code and does not include a land use decision of the City Council acting as the Land Use Authority even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering

specification that does not materially increase a land use applicant's cost of development compared to the existing specification of impact a land use applicant's use of land.

"Lateral sewer" means a sewer which discharges into another sewer and has only building sewers tributary to it.

"Legislative body" means the same as "City Council".

"Local attorney" means the same as "City Attorney". ~~attorney employed by or officially representing Roosevelt City.~~

"Local building inspector" means the building inspector employed by or officially representing Roosevelt City.

"Local engineer" means the engineer employed by or officially representing Roosevelt City.

"Local health officer" means the health officer or department employed by or officially representing Roosevelt City.

"Local planner" means the planner employed by or officially representing Roosevelt City.

~~**"Lot"** means the unit into which land is divided on a subdivision plat or deed, with the intention of offering such unit for sale, lease or separate use, either as an undeveloped or developed site, regardless of how it is conveyed.~~

~~"Lot" also means parcel, plat, site, or any similar term a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the Office of the County Recorder.~~

Lot, Restricted. "Restricted lot" means a lot having an average slope of twenty-five (25) percent or more or which does not contain a building area of at least seventy-five (75) feet by one hundred (100) feet with an average slope of less than twenty-five (25) percent, such lot being prohibited, or being required to be increased in area and width, and regulated and allowed to be developed only as required by the planning and zoning commission. See also "internal lot restriction".

"Lot right-of-way" means a strip of land of not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.

Lot, Unrestricted. "Unrestricted lot" means a lot having an average slope of less than twenty-five (25) percent, or a lot having an average slope of twenty-five (25) percent or more which contains a building area of at least seventy-five (75) feet by one hundred (100) feet with an average slope of less than twenty-five (25) percent, which building area is designated as such on the subdivision plat in which the lot is located.

"Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with §10-9a-608 of Utah State Code (as amended) whether or not the lots are located in the same subdivision; and with the consent of the owners of record. Lot line adjustment does not mean a new boundary line that creates an additional lot or constitutes a subdivision. Lot line adjustment does not include a boundary line adjustment made by the Utah Department of Transportation (UDOT).

"Low impact development" means the same as that term is defined in §19-5-108.5 of Utah State Code (as amended).

"Master plan" or "General plan" means a plan labeled as "Master Plan of Roosevelt City, Utah." or "General Plan of Roosevelt City, Utah". The master plan, containing a street plan element, shall also be the master street plan until and unless a more detailed master street plan is adopted.

"Mine operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successory, assign, affiliate, subsidiary, and related parent company, that, as of January 1, 2019, owns, controls, or manages a mining use under a large mine permit issued by the Division of Oil, Gas, and Mining, and has produced commercial quantities of a mineral deposit from the mining use.

“Mining protection area” means land where a vesting mining use occurs, including each surface or subsurface land or mineral estate that a mine operator with a vested mining use owner or controls.

“Monument” means a permanent survey marker established by a licensed surveyor in the State of Utah and shown on a final plat with State plane coordinates, and/or a survey marker set in accordance with engineering specifications.

“Municipal utility easement” means an easement that is created or depicted on a plat recorded in the Office of the County Recorder and is described as a municipal utility easement granted for public use; is not a protected utility easement or a public utility easement as defined in §54-3-27 of Utah State Code (as amended); the City or the City’s affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, stormwater, or communications or data lines; is used or occupied with the consent of the City in accordance with an authorized franchise or other agreement; is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use; or is described in §10-9a-529 of Utah State Code (as amended) by a specified public utility.

“National Cooperative Soil Survey” means the soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Station and other federal and state agencies.

“Official map” means ~~the official map as adopted by Roosevelt City, Utah.~~ a map drawn by City authorities and recorded in the Office of the County Recorder that shows actual and proposed rights-of-way, centerline alignments, and setbacks for highway and other transportation facilities; provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and has been adopted as an element of the City’s General Plan.

“Off-site facilities” means improvements not on individual lots but generally within the boundaries of the subdivision which they serve, and as further outlined herein.

“Off-street parking space” means the space required to park one passenger vehicle, which space shall meet the requirements of Title 17, if any. If there are no Title 17 parking provisions, parking space dimensions and requirements shall be as determined by the Planning and Zoning Commission.

“On-site facilities” means construction or placement of the dwelling and its ~~apparent~~ improvements on each lot.

“Owner” means the holder of the fee title to property to be subdivided, whether a person, partnership, corporation, or other entity recognized by law, and his or its lessees, permittees, assignees, or successors in interest. ~~Includes the owner’s agent.~~

“Parcel” means any real property that is not a lot.

Parcel boundary adjustment means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by a deed or by a boundary line agreement in accordance with §10-9a-524 of Utah State Code (as amended), if no additional parcel is created and none of the property is identified in the agreement is a lot or the adjustment is to the boundaries of a single person’s parcels. Parcel boundary adjustment does not mean an adjustment of a parcel boundary line that creates an additional parcel or constitutes a subdivision. Parcel boundary adjustment does not include a boundary line adjustment made by the Utah Department of Transportation (UDOT).

“Parcel of land” means 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 or more individual parcels of land. If a tract or parcel of land has more than one distinct zone (if residential, commercial, etc.), each zone shall be considered as a separate tract or parcel of land.

“Pavement” means the bituminous or concrete surface of a roadway. Pavement does not include a curb or gutter.

“Pedestrian way” means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk or walkway or pedestrian way may be located within or without a street right-of-way, at grade, or grade separated from vehicular traffic.

“Permanent monument” means any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference. See “monument”.

“Person” means any individual, corporation, partnership, firm or association of individuals, however styled or designated.

“Phased subdivision” means a subdivision which is proposed to be completed in designated phases as outlined on the phased subdivision master plan.

“Phased subdivision master plan” means a document prepared for future and/or phased development that encompasses the design and general development parameters for the entire phased development project.

“Planned unit development (PUD)” means an area of land improved as a residential development in which normal restrictions of lot sizes, setbacks, densities, and other criteria may be modified or varied by the planning and zoning commission in return for development conformance to an approved plan for the total parcel. The approval may be given upon evidence of the provisions of open spaces, public facilities, access, planning aesthetics, and other considerations deemed important by the planning and zoning commission.

“Planning and zoning commission” means the Planning and Zoning Commission of Roosevelt City, Utah. May also be referred to as “Planning Commission” or “Commission”.

Plan, Sketch. “Sketch plan” means the sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of these regulations, to evaluate feasibility and design characteristics at an early stage in the planning. See “concept plan”.

“Plat” means an instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

“Plot plan” means a scaled and/or dimensional drawing of the land showing the proposed development within the boundaries of the subject tract, or within a lot.

“Potential geologic hazard area” means an area that is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area’s potential for geologic hazard; or has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area. May also be referred to in this title as “sensitive lands”.

“Preliminary plat” means a drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, and meeting the preliminary plat requirements of this title.

“Protection strip” means a strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by property owners abutting the subdivision.

“Public hearing” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

“Public meeting” means a meeting that is required to be open to the public under Open Public Meetings Act, §52-4 of Utah State Code (as amended).

“Record of survey map” means a map of a survey of land prepared in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

“Residential roadway” means a public local residential road that:

1. Will serve primarily to provide access to adjacent primarily residential areas and property;
2. Is designed to accommodate minimal traffic volumes or vehicular traffic;
3. Is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
4. Has a posted speed limit of twenty-five (25) miles per hour or less;
5. Does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
6. Cannot have a primary access, but can have a secondary access and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
7. Primarily serves traffic within a neighborhood or limited residential areas and is not necessarily continuous through several residential areas.

“Residential street” means a public or private residential roadway that:

1. Currently serves or is projected to serve an area designated primarily for single-family residential uses;
2. Requires at least two (2) off-site parking spaces for each single-family residential property abutting the roadway; and
3. Has or is projected to have, on average, traffic of no more than one thousand (1,000) trips per day, based on findings contained in:
 - a. A traffic impact study;
 - b. The City’s General Plan under §10-9a-401 of Utah State Code (as amended);
 - c. An adopted phased subdivision master plan; or
 - d. A written plan or report on current or projected traffic usage.

“Sanitary sewer authority” means the department, agency, or public entity with the responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems. For the purposes of the title means the City.

“Sensitive lands” means the same as “geologic hazards” and “potential geological hazard areas” definitions.

“Sidewalk” means that portion of a right-of-way between the curbline and the adjacent property intended for the use of pedestrians.

“State” means any department, division, or agency of the State of Utah.

“Street” means:▪

1. Street, Collector. “Collector street” means a street existing or proposed, of considerable continuity, which is the main means of access to the major street system.
2. Street, Cul-de-Sac. “Cul-de-sac street” means a street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround. For purposes of these regulations, the length of a cul-de-sac street shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, which terminates within the turnaround.
3. Street, Frontage, on Private Road. A minor street or road which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.
4. Street, Half. “Half street” means a street parallel and contiguous to a property line and of lesser right-of-way width than will eventually be required; the additional needed right-of-way width to be obtained in the future from the abutting property owner.

5. Street, Major. “Major street” means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master plan as a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

6. Street, Minor. “Minor street” means a street, existing or proposed, which is supplementary to a collector street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood or give access to abutting properties.

7. Street, Private, or Road, Private. “Private street” or “private road” means a right-of-way approved by the planning and zoning commission and city council, permanently reserved for use by the lot owners; not less than twenty-six (26) feet in width, and improved and maintained as required by the planning and zoning commission and city council.

8. Street, Public. “Public street” means 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 (26) feet wide which has been accepted by the public, and which affords the principal access to abutting properties.

9. “Street right-of-way” means that portion of land dedicated to public use for street and utility purposes.

10. Street, Stub. “Stub street” means a street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later, with an adjacent connecting street system.

“Structure” means anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes “building.” Does not refer to agricultural usage (including barns, etc.).

“Subdivider” means any person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or others. *May also be known or referred to in this title as a “land use applicant”.*

~~**“Subdivision”** means the division of any tract, lot or parcel of land. The word “subdivision” and any derivative thereof shall have reference to the term “subdivision” as herein defined.~~

~~Subdivision, Cluster. “Cluster subdivision” means a subdivision of land in which the lots have area less than the minimum lot area of the zone in which the subdivision is located, but which complies with the cluster subdivision provisions of Title 17 and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.~~

“Subdivision” means:

1. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
2. except as provided herein, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivision does not include:

1. a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
2. a boundary line agreement recorded with the county recorder’s office between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
3. a recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to a parcel;

4. a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;
5. a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels; does not confer any land use approvals; and has not been approved by the land use authority;
6. a parcel boundary adjustment;
7. a lot line adjustment;
8. a road, street, or highway dedication plat;
9. a deed or easement for a road, street, or highway purpose; or
10. any other division of land authorized by law.

“Subdivision amendment” means an amendment to a recorded subdivision in accordance with §10-9a-608 of Utah State Code (as amended) that:

1. vacates all or a portion of the subdivision;
2. alters the outside boundary of the subdivision;
3. changes the number of lots within the subdivision;
4. alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
5. alters a common area or other common amenity within the subdivision.

“Subdivision, cluster” or “Cluster subdivision” means a subdivision of land in which the lots have area less than the minimum lot area of the zone in which the subdivision is located, but which complies with the cluster subdivision provisions of Title 17 and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

“Suspect soil” means soil that has a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential, bedrock units with high shrink or swell susceptibility, or gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features. See “sensitive lands”.

Tract. See “Parcel of land.”

“Vicinity plan” means a generalized map prepared to show the location of a proposed land development in relation to the environment, showing commonly recognizable landmarks or community facilities which will serve or influence it.

“Zoning administrator” means the City Council or their designated agent who is charged to carry out the administrative responsibilities of this ordinance, ensuring all procedures and other provisions are consistently and equitably applied.

“Zoning ordinance” means the zoning ordinance of Roosevelt City, Utah, codified as Title 17 of this code.

(Ord. 2011-367 § 1 (part): Ord. dated 1-15-76 § 3-1. Formerly 16.04.050)

Chapter **R16.02 - PROCEDURES FOR** **SUBMISSIONS** SUBDIVISION PROCESSES GENERALLY

Sections:

- R16.02.001** Conformity to these regulations.
- R16.02.002 General responsibilities.
- R16.02.003 General application requirements.
- R16.02.004 Abandoned applications.
- R16.02.005 Applicant notice required; Waiver of requirements.
- R16.02.010** Pre-application, pre-application meeting.
- R16.02.020** Development Review Committee (DRC) creation, review, and appeals.
- ~~16.02.020~~ Concept plan.
- ~~16.02.030~~ Preliminary plat and engineering report.
- ~~16.02.040~~ Final plat.
- ~~16.02.050~~ Conformity to these regulations.
- ~~R16.02.060~~ Planning and zoning commission action Failure to act.
- ~~16.02.070~~ City council action.
- R16.02.080** Street and other public land dedication.

R16.02.001 Conformity to these regulations.

Concept plans, preliminary plats and final plats shall all conform to the requirements and specifications of these regulations, and shall be submitted in the manner prescribed by this Chapter.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 4-5. Formerly 16.08.050)

R16.02.002 General responsibilities.

1. An applicant shall prepare a concept plan, preliminary plan, and final plat consistent with the standards contained herein and shall pay for the design, review, construction, and inspection of the improvements required.
2. The applicant shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the applicant has obtained the necessary approvals as described in this title.
3. The applicant is responsible to obtain and be familiar with all applicable subdivision ordinances, construction regulations, and all other rules and related standards of the City.
4. The City shall process said plans and plats in accordance with the regulations set forth herein.
5. The Land Use Authority shall review submitted plans and plats for design, conformance to the applicable requirements of the General Plan, land use and other adopted ordinances, and shall process the plans and plats as provided for in this title.
6. Plans and/or plats of proposed subdivisions may be referred by the Zoning Administrator or Land Use Authority to the City's various departments and staff, special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comments. The Zoning Administrator shall be responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plans and plats to.

7. Unless designated as the Land Use Authority, the Planning Commission shall act as an advisory agency to the Land Use Authority. The Planning Commission shall be charged with making investigations, reports, and recommendations on proposed subdivisions as to their conformance with the City's General Plan, the land use ordinance, and other pertinent rules, regulations, and standards of the City. After determining that a referred plan or plat complies with applicable requirements, the Planning Commission shall recommend approval, approval with conditions, or denial of the plan or plat to the Land Use Authority. Failure of the Planning Commission to render an official recommendation shall be deemed a recommendation of approval.
8. The Land Use Authority as outlined in **R16.01.035** of this title shall have final jurisdiction in the approval of subdivision plans and plats.

R16.02.003 General application requirements.

The Land Use Authority shall review and approve submitted applications for land use and development as provided in this title. The following general requirements shall apply to an application required by this title.

1. **Application Forms.** Submitted applications shall be on forms provided by the Zoning Administrator, and with the required documentation outlined on such application in quantities as reasonably required by the Zoning Administrator for each particular type of land use application. Applicants shall submit all applications to the Zoning Administrator for review to ensure compliance with the requirements as outlined in this title.
2. **City Initiated Applications.** The Zoning Administrator, Planning Commission, or City Council may initiate any action under this title without an application. Notice, hearing, and other procedural requirements of this title shall apply to an application initiated by the City.
3. **Accurate Information.** All applications, accompanying documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this title shall be accurate and complete.
4. **Determination Of A Complete Application.** After receipt of an application the Zoning Administrator shall determine whether the application is complete. If the application is not complete, the Zoning Administrator shall notify the applicant in writing and identify the deficiencies by specifying the required information, and shall advise the applicant that the City will take no further action on the request until the submission of a complete application.
5. **Fees.** The applicant shall pay the City fees as outlined in the City's fee schedule as adopted and amended from time to time by the City Council upon the filing of an application. Application fees shall be in amounts reasonably determined to defray actual costs incurred by the City to review applications and their accompanying documents including plans and specifications, act upon the application, and conduct subsequent inspections to ensure compliance with City regulations. The Zoning Administrator shall return any application as incomplete if the application has not been submitted with the required fee. Fees shall be non-refundable, except as provided in this title. Applications initiated by the City shall not require fees.
6. **Validity.** The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
7. **Extensions Of Time.** Unless otherwise prohibited or outlined in this title, upon written request for good cause shown, the Land Use Authority may without any notice or hearing, grant extension of any time limit imposed by this title on such application, its approval, or the applicant, provided that the Zoning Administrator receives such a request or initiates an extension prior to the date of expiration. The total period of time granted by any such extension or extensions shall not exceed half the length of time of the original time period.

R16.02.004 Abandoned applications.

1. Any complete application for a subdivision, including all fees paid, that has been filed with the

City shall be allowed to comply with the subdivision regulations in effect at the time that the complete application was filed. However, in the event the applicant does not move forward with the subdivision application within three (3) months of the application date, the application may be deemed to have been abandoned by the applicant and the Zoning Administrator may reject the application in writing and return the application and associated documents to the applicant.

2. If reviews have been performed by the City, no refund of fees shall be issued to the applicant.
3. The applicant of an abandoned application may reapply to the City for subdivision approval at a later date in time, but shall be required to complete a new application, including the payment of fees as outlined in the City's fee schedule.
4. The reapplication, once accepted by the City, shall be subject to the provisions of the subdivision ordinance in effect at the time the complete application was filed.

R16.02.005 Applicant notice required; Waiver of requirements.

When required, for each land use application required by this title, the City shall:

1. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
2. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting; and
3. Notify the applicant of any final action on a pending application.
4. If the City fails to comply with the requirements of this section, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements has been met.

R16.02.010 Pre-application, pre-application meeting.

1. Subdividers shall submit a pre-application form to the city Zoning Administrator and request a pre-application meeting with the Zoning Administrator to discuss the plans on an informal basis. The Zoning Administrator may choose to waive the requirement of a pre-application meeting at the subdivider's request. The city Zoning Administrator shall provide any helpful suggestions or cautions to help the subdivider understand what must be done to have the subdivision accepted by the Planning and Zoning Commission and approved by the City Council. The city Zoning Administrator shall provide copies of all relevant specifications and ordinances regulations related to building a subdivision the subdivider upon their request.
2. If the proposed development is a residential single family, two family, or townhome development, applicant(s) shall not be required to attend a pre-application meeting. However, an applicant(s) may request a pre-application meeting / concept plan review to be conducted by the City pursuant to §10-9a-604.1 of Utah State Code (as amended). The applicant(s) request shall be submitted to the City along with any applicable applications or materials that are ordinarily required by the title along with any applicable fees as outlined in the City's fee schedule.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 4-1. Formerly 16.08.010)

R16.02.020 Development Review Committee (DRC) creation, review, and appeals.

A. In order to facilitate the process of concept plan consideration and approval, there is hereby created a Development Review Committee (DRC), composed of the Zoning Administrator and other members as appointed from time to time by the City Council.

B. Any person aggrieved by, or affected by, any decision of the Zoning Administrator or DRC may appeal the decision to the Planning and Zoning Commission. Any appeal from a decision by the Planning Commission is made to the City Appeals Authority, as provided in Chapter 17.03. (Ord. 2011-367 § 1 (part))

~~16.02.020 Concept plan.~~

~~Subdividers shall submit a concept plan to the city zoning administrator prior to the submission of a preliminary plat. The concept plan is intended to enable the subdivider and the planning and zoning commission to have an informal preliminary review of the site plan for general scope and conditions which might affect the plan. The concept plan shall include the elements listed in Chapter 16.03.~~

~~For large areas where the development is anticipated over an extended period of years, the concept plan shall show the area for which preliminary plat approval will be requested for the first stage of development and also show a concept map of the entire property and its environs. The concept map will be a guide to the planning and zoning commission and subdivider, but will have no official standing or approval. It shall be amended or modified from time to time by the subdivider as deemed appropriate, after concept plan or preliminary plat approval stages of development by the planning and zoning commission. (Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 4-2. Formerly 16.08.020)~~

~~16.02.030 Preliminary plat and engineering report.~~

~~Subdividers shall submit required preliminary plat and engineering report materials and supporting documents of a proposed subdivision to the planning and zoning commission for approval prior to the subdivision of a final plat. Submission requirements and time required for review and notification are included in Chapter 16.04.~~

~~Approval of the preliminary plat and engineering report shall be good for one year. Thereafter, approval of the preliminary plat and engineering report will have expired unless a final plat has been submitted to the planning and zoning commission or a mutually agreed upon extension has been granted by the planning and zoning commission.~~

~~Whenever a final plat is submitted for less than the entire area covered by the preliminary plat, approval of the preliminary plat for the remaining unplatted area shall be automatically extended for an additional one year. When a subdivision is completed in phases, after each phase is completed the preliminary time limit is extended an additional year. (Ord. 2011-367 § 1 (part); Ord. 76-60 § 1; Ord. dated 1-15-76 § 4-3. Formerly 16.08.030)~~

~~16.02.040 Final plat.~~

~~The final plat submission shall conform to the approved preliminary plat. (Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 4-4. Formerly 16.08.040)~~

~~16.02.050 Conformity to these regulations.~~

~~Concept plans, preliminary plat and engineering report, and final plat shall all conform to the requirements and specifications of these regulations, and shall be submitted in the manner prescribed. (Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 4-5. Formerly 16.08.050)~~

~~R16.02.060 Planning and zoning commission action~~ Failure to act.

Failure by the Planning and Zoning Commission to act by recommending to the City Council the approval, conditional approval, or disapproval of a preliminary or final plat application and engineering report within thirty (30) days of the receipt of such plat application, or another mutually agreed upon period of time shall be deemed a favorable approval by the Planning and Zoning Commission.

Failure by the planning and zoning commission to act by recommending to the City Council on the issuance of an approval, conditional approval, or disapproval of a preliminary or final plat application within thirty (30) days of the receipt of such plat application, or another mutually agreed upon period of time, shall be deemed a favorable approval by the planning and zoning commission.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 4-6. Formerly 16.08.060)

~~16.02.070 City council action.~~

~~After approval or conditional approval of the preliminary plat and engineering report by the planning and zoning commission, the subdivider or his agent shall appear at the next regularly scheduled meeting of the city council to request review of the preliminary plat. The city council shall act on the application within thirty (30) days of such request.~~

~~After approval or conditional approval of the final plat by the planning and zoning commission, the subdivider or his agent shall appear at the next regularly scheduled meeting of the city council to request review of the final plat. The city council shall act on the application within thirty (30) days of such request. (Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 4-7. Formerly 16.08.070)~~

R16.02.080 Street and other public land dedication.

Acceptance of dedication of proposed public lands or streets, or street rights-of-way, in an approved plat can be made only by the **Land Use Authority**~~City Council~~. Plat approval cannot be deemed as acceptance of dedication, unless it is specifically stated on the plat that it is a dedication to the **City**.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 4-8. Formerly 16.08.080)

Chapter R16.03 - CONCEPT PLAN

Sections:

R16.03.010 Procedures and requirements for submission.

R16.03.020 Scale and additional information.

~~16.03.030 Development review committee.~~

R16.03.010 Procedures and requirements for submission.

A. Subdividers wishing to construct a new development in the City shall make application for concept plan review with the City and pay the required fee as outlined in the City's adopted fee schedule. The concept plan application shall be submitted to the Zoning Administrator for review by the Development Review Committee (DRC) prior to the submission of a preliminary plat application..

B. The concept plan is intended to enable the subdivider and relevant City staff to have an informal preliminary review of the site plan with the general scope of the proposed development and site or development conditions which might affect the proposed plan and subsequent plats. The following types of large scale developments are required to make application for concept plan review:

1. All planned unit developments.
2. Planned subdivisions consisting of two acres or more, or as determined by the Zoning Administrator.
3. Project plans with ten (10) multiple-family units, commercial/industrial developments with two acres or more, or as determined by the Zoning Administrator.

C. Developments not specifically outlined above, may be exempted from concept plan review upon request by the subdivider and review/determination by the Zoning Administrator.

D. The subdivider shall submit three (3) copies of a concept plan, plus one electronic file copy, to the ~~planning and zoning commission through the~~ Zoning Administrator for review and discussion on the site plan and general scope and conditions by the Development Review Committee (DRC).

E. The concept plan shall cover the following items:

1. ~~A~~-A map showing the general location of the subdivision and the property boundaries of the subdivision area, and true north;
2. ~~B~~-Topographic contours from available data, such as USGS maps;
3. ~~C~~-A lot and street layout indicating general scaled dimensions of lots to the nearest foot;
4. ~~D~~-Type of water system proposed; also, documentation of water rights, and of historic water use;
5. E. Type of sewer system proposed;
6. ~~F~~-A vicinity map showing significant natural and manmade features on the site and within one-half mile of any portion of it;
7. ~~G~~-Acreage of the entire tract;
8. ~~H~~-A map showing soil types and their boundaries, as shown on Soil Survey Maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, and also a table of interpretations for the soil types shown on the soil map prepared by the Soil Conservation Service. (Requests for these maps and tables are made to the local soil conservation district; the subdivision does not need to be in a soil conservation district to obtain the map and table, or have them prepared.);
9. ~~I~~-A written statement ~~in~~of sufficient detail that the intent of the subdivider is made clear to those persons who review the proposals including information on phased development and associated timelines.

F. Upon receipt of an application for conceptual plan review the Zoning Administrator shall distribute copies of the application to the DRC for its review. Within ten (10) business days the DRC shall review the application and

provide written comments to the subdivider. At the discretion of the DRC or at the request of the subdivider a meeting may be held to discuss the details of the conceptual plan.

G. The concept plan will act as a guide for subsequent preliminary and final plat submittals and will have no official standing or approval. Once concept plan recommendations have been received from the DRC, the subdivider may apply for preliminary plat approval consistent with the submitted concept plan and recommendations of the DRC.

H. In the event a conceptual plan is substantially modified by the subdivider as evidenced by the submittal of the preliminary plat application that is inconsistent with the reviewed conceptual plan the Zoning Administrator may deny the acceptance of the preliminary plat application and require the subdivider to resubmit for concept plan review.

I. If preliminary plat approval for any portion of a reviewed concept plan has not been obtained within one (1) year from the date on which the concept plan was reviewed by the DRC, the resubmittal of the concept plan may be required by the Zoning Administrator.

(Ord. 2011-367 § 1 (part): Ord. dated 1-15-76 § 5-1. Formerly 16.08.020 and 16.12.010)

R16.03.020 Scale and additional information.

The scale of the concept plan will be the same as the scale of the orthographic maps on which they will be made. The plan generally shall include true north points, name of the subdivision, name of the county, USGS township, range, section and quarter section; block and lot numbers. In the case of large subdivisions requiring more than one sheet at such a scale, an area plan showing the total area on a single sheet at an appropriate scale shall also be submitted. The name, address and telephone number of the subdivider shall be placed on the concept plan.

(Ord. 2011-367 § 1 (part): Ord. dated 1-15-76 § 5-2. Formerly 16.12.020)

~~16.03.030 Development review committee.~~

~~A. In order to facilitate the process of plan consideration and approval, thereby created a development review committee (DRC), composed of the zoning administrator and other members as appointed by the city council.~~

~~B. Any person, partnership, firm or corporation wishing to construct developments in the city shall first make an application for a DRC meeting with the city and pay the required fee.~~

~~C. The following are types of large scale developments that are required to make application to the planning and zoning commission and are required to attend a DRC meeting.~~

~~1. All planned unit developments.~~

~~2. Planned subdivisions consisting of two acres or more, or as determined by staff.~~

~~3. Project plans with ten (10) multiple family units, commercial/industrial developments with two acres or more, or as determined by staff.~~

~~D. Developments that are not large scale, as classified above, may be reviewed and approved by the DRC.~~

~~E. Any person aggrieved by, or affected by, any decision of the DRC may appeal the decision to the planning and zoning commission. Any appeal from a decision by the planning commission is made to the city appeals authority, as provided in Chapter 17.03. (Ord. 2011 367 § 1 (part))~~

Chapter R16.04 - PRELIMINARY PLAT

Sections:

R16.04.010 Submission requirements procedure.

~~16.04.020 Plat requirements.~~

R16.04.030 Drawing requirements.

R16.04.040 Supporting documents required.

R16.04.050 Summary statement of proposal.

R16.04.055 Agriculture, industrial, critical infrastructure, and mining protection areas; required plat notations.

R16.04.060 Review procedures—Preliminary plat.

R16.04.070 Planning and zoning approval.

R16.04.080 City Council approval.

R16.04.090 Appeal of preliminary plan application decision.

R16.04.010 Submission requirements procedure.

Copies of all required materials outlined in this Chapter shall be officially submitted to the Zoning Administrator by the subdivider, or authorized representative. The zoning administrator will set a date when the planning and zoning commission will review the preliminary plan and engineering report. (Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 6-1. Formerly 16.16.010)

~~16.04.020 Plat requirements.~~

A. One (1) copy of an application for approval (see Section 16.02.030) of a preliminary plat application and all required supporting documents as outlined below.

B. A minimum of ten (10) black on white or blue on white prints of the preliminary plat, plus one electronic file copy.

- ~~1. One additional print is required when the property being subdivided abuts a state highway.~~
- ~~2. When a proposed subdivision is adjacent to the corporate limits of an adjacent county or municipality, an additional print shall be furnished for each such county or municipality.~~

~~C. A receipt shall be issued to the subdivider for the preliminary plat and engineering report application submission when it has been determined that the submission includes all the requirements set forth in these regulations. At this same time a plan checking fee will shall be paid to the City by the subdivider. The date of the Planning and Zoning Commission meeting to review the plans shall be specified on the receipt.~~

~~F. One copy will be provided for the State Division of Health.~~

~~G. Prior to the meeting of the planning and zoning commission the preliminary plat will be checked by the city planner and he will send his findings with the preliminary plat to the planning and zoning commission.~~

~~H. Prior to the meeting of the planning and zoning commission the engineering report will be checked by the city engineer and he will send his recommendations to the planning and zoning commission.~~

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 6-2. Formerly 16.16.010 and 16.16.020)

R16.04.030 Drawing requirements.

The accuracy of location of alignments, boundaries and monuments shall be certified by a registered land surveyor licensed to do such work in the state of Utah. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plat shall not be submitted as part of the preliminary plat submission:

- A. A traverse map of the monumented perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one part in ten thousand (10,000). Survey tie into the state grid or other permanent marker established by the county surveyor is required, if practical;
- B. Lot and street layout;
- C. Dimensions of all lots to nearest foot (which may be scaled values);
- D. Total acreage of entire proposed subdivision;
- E. Lots and blocks numbered consecutively;
- F. Location and identification of all existing and proposed public and private easements;
- G. Existing and proposed street names;
- H. Street profiles to show proposed grades;
- I. The plat shall be drawn to a scale not less than one inch equals one hundred (100) feet, and shall indicate the basis of bearings, true north point, name of subdivision, name of municipality, township, range, section and quarter section, block and lot number of the property under consideration;
- J. Abutting property lines and respective owners' names;
- K. General location in the subdivision area of trees over six inches in diameter, measured at four and one-half feet above the ground. In cases of heavily wooded areas, indicate the outline of the wooded area and location of trees which are to remain. It is the intent of this requirement to determine the approximate location of trees for design evaluation rather than to require unnecessary surveying of exact tree location;
- L. An affidavit that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make application for the land proposed to be subdivided;
- M. Sites, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses;
- N. Sites, if any, for multifamily dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single-family dwellings;
- O. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 6-3. Formerly 16.16.030)

R16.04.040 Supporting documents required.

The following shall accompany and be a part of the **preliminary plat application** submission:

- A. A map at a suitable scale showing the following:
 - 1. Proposed future street layout in dashed line for any portion or parcel of the plan which is not being subdivided at the present time;
 - 2. Watercourses and proposed stormwater drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas or swamps. (Note: detailed design of drainage structures not required for preliminary plat.);
 - 3. Approximate boundaries of areas subject to inundation or stormwater overflows of an intensity estimated to occur with a return frequency of once every one hundred (100) years;

4. Existing buildings, other easements, telephone lines, gas lines, power lines, and other features located on the subdivision and within two hundred (200) feet of its boundaries;

5. A composite of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures;

B. Geologic maps and investigation reports regarding area suitability for the proposed development;

C. Soil type maps and tables of soil type interpretations prepared as part of the sketch plan submission, based on the National Cooperative Soils Survey, U.S. Department of Agriculture, Soil Conservation Service, provided by Soil Conservation District;

D. A letter from each utility company involved, addressed to the **Planning and Zoning Commission**, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements.

E. Other documents which may have been suggested by the DRC during concept plan review, including but not limited to: traffic studies, title reports, etc.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 6-4. Formerly 16.16.040)

R16.04.050 Summary statement of proposal.

A summary statement to be submitted **with the preliminary plat application** shall include:

A. Total development area, and number of proposed dwelling units;

B. Total number of square feet in nonresidential floor space;

C. Total number of off-street parking spaces, including those associated with a single-family residential development;

D. Estimated number of gallons per day of water system requirements where distribution system is proposed;

E. Estimated number of gallons per day of sewage to be treated, where central sewage treatment facility is proposed;

F. Estimated construction cost and proposed method of financing of the streets and related facilities; water distribution system; sewage collection system; storm drainage facilities; and such other utilities as may be necessary;

G. Survey notes of subdivision perimeter survey and copies of all monument records.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 6-5. Formerly 16.16.050)

R16.04.055 Agriculture, industrial, critical infrastructure, and mining protection areas; required plat notations.

1. **Agricultural Protection Areas.** For any new subdivision development located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:

a. "Agriculture Protection Area. This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses

and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.”

2. **Industrial Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000’) of the boundary of an industrial protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - a. “Industrial Protection Area. This property is located in the vicinity of an established industrial protection area in which normal industrial uses and activities have been afforded the highest priority use status. It can be anticipated that such industrial uses and activities may now or in the future be conducted on property included in the industrial protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal industrial uses and activities.”
3. **Critical Infrastructure Materials Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000’) of the boundary of a critical infrastructure materials protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - a. “Critical Infrastructure Materials Protection Area. This property is located in the vicinity of an established critical infrastructure materials protection area in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal critical infrastructure materials operations.”
4. **Mining Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000’) on the boundary of a mining protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - a. “Mining Protection Area. This property is located within the vicinity of an established mining protection area in which normal mining uses and activities may now or in the future be conducted on property included in the mining protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from the normal mining uses and activities.”

R16.04.060 Review procedures—Preliminary plat.

A. When a preliminary plat ~~application and engineering report~~ has been officially submitted and received by the ~~Zoning Administrator~~ ~~who~~ upon determining a complete application the Zoning Administrator ~~will~~ shall forward the application to all reviewing parties including but not limited to ~~it~~ to the City Engineer, Fire Marshal, County Health Department, and other applicable entities for their comments. ~~At the time of submission the zoning administrator shall determine the date that the planning and zoning commission will review the preliminary plat and engineering report.~~

B. The ~~z~~Zoning ~~a~~Administrator shall ~~also immediately upon receipt of the complete submission~~ distribute copies of prints of the ~~plan provided by the subdivider~~ preliminary plat application to any utility or special district or irrigation company ~~that may be impacted by the proposed development~~.

C. Failure of any of the above agencies to respond to the ~~p~~Planning and ~~z~~Zoning ~~e~~Commission with comments concerning the subdivision within ~~twenty-five (25) ten (10) business days~~ of receipt of the preliminary plat application shall be deemed to be an approval of such preliminary plat application by such agency.

D. Within ten (10) business days of submission, the DRC shall review the submitted preliminary plan and check compliance of applicable sections of the City's General Plan, Master Transportation Plan, subdivision and land use ordinances, and other appropriate regulations and standards. The DRC shall make a recommendation to the Land Use Authority regarding the submitted preliminary plan, specifying any inadequacy in the information submitted or noncompliance with City regulations. The Zoning Administrator shall be responsible for compiling all review comments into a staff report which shall be transmitted with the preliminary plan application to the Recommending Body/Land Use Authority as outlined in R16.01.035.

E. When identified as the Recommending Body, the Planning Commission at their next regularly scheduled meeting, shall review the staff report and preliminary plan submittal and determine compliance with the City's General Plan, subdivision and zoning ordinances, and other regulations of the City in a public meeting, and shall recommend approval, approval with modifications or denial of the submitted preliminary plan application to the Land Use Authority.

F. In the instance of a residential single family, two family, or townhome project(s), the City shall not require more than four (4) review cycles which shall be conducted pursuant to the requirements of §10-9a-604.2 of Utah State Code (as amended).

G. The Land Use Authority shall then consider the application for preliminary plan approval, including the recommendations of the Planning Commission, at its next available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modifications only those preliminary plans which it finds to be developed in accordance with the intent, standards, and criteria specified in this title.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 6-6. Formerly 16.16.060)

R16.04.070 Planning and ~~z~~Zoning Commission approval.

A. The ~~p~~Planning and ~~z~~Zoning ~~e~~Commission shall approve only those preliminary plats applications which they ~~commission finds~~ to be developed in accordance with the intent, standards and criteria specified in this ~~title~~code.

B. The ~~p~~Planning and ~~z~~Zoning ~~e~~Commission shall determine from a review of the preliminary plat whether the soil, slope, vegetation, and the drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earth-moving operations in the construction of the subdivision or otherwise entail an erosion hazard, and if so, the ~~p~~Planning and ~~z~~Zoning ~~e~~Commission shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a person trained and qualified in such matters, as is determined by the ~~p~~Planning and ~~z~~Zoning ~~e~~Commission or by the U.S. Conservation Service, using the county conservation standards.

C. The Planning and Zoning Commission shall review the preliminary plat submittal and determine compliance with the standards and criteria set forth by the City, including but not limited to: the land use ordinance, general plan, master street plan, and City standards, specifications and design criteria. The Planning and Zoning Commission shall make findings specifying any inadequacy in the application, noncompliance with City regulations, questionable or undesirable design or engineering, and the need for any additional information. The Planning Commission may review all relevant information pertaining to the proposed development, including fire protection, sufficient supply of culinary and secondary water to the proposed subdivision, sanitary/sewer service, traffic considerations, and the potential for flooding. The Planning Commission may recommend to the City Council approval, approval with conditions, or if the project does not meet City ordinances, sanitary/sewer or culinary water requirements, denial of an application for preliminary plat.

C. Within thirty (30) days after the receipt of the preliminary plat application and engineering report by the Zoning Administrator, the Planning and Zoning Commission shall recommend approval, disapproval, or approval with conditions, or denial of the preliminary plat application, and shall notify the subdivider in writing of such action, or The Planning and Zoning Commission may postpone action at the request of the subdivider to allow the subdivider time to provide additional material or additional information needed by the Planning and Zoning Commission, to then determine the appropriate action recommendation.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 6-7. Formerly 16.16.070)

R16.04.080 City Council approval.

A. When indicated as the Land Use Authority, the City Council shall act on the application within thirty (30) days of such request after receiving the recommendation of the Planning Commission.

B. Approval of the preliminary plat application by the City Council shall not constitute a final acceptance of the subdivision by the City. Approval of the preliminary plat shall not relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meeting all City standards and requirements.

C. After preliminary plat approval has been granted, the subdivider may apply for final plat approval. If the subdivider has not applied for approval of the final plat within one (1) year of the date of preliminary plat approval, the preliminary plat shall be null and void.

1. The subdivider can re-apply for preliminary subdivision approval.
2. This time period may be extended up to one (1) year for good cause shown if the subdivider petitions the Planning Commission in writing for an extension at least thirty (30) days prior to the original expiration date. Only one (1) extension of one (1) year may be granted by the Planning Commission.

D. For phased developments, the subdivider may apply for final plat approval for each phase separately. Preliminary plat approval for the subsequent phases of the subdivision shall expire two (2) years from the date of the previous phase's final plat recordation.

R16.04.090 Appeal of preliminary plan application decision.

1. Any person(s) aggrieved by a decision of the Land Use Authority concerning a preliminary plan application may appeal the decision to the Appeal Authority outlined in R16.01.035.

Chapter R16.05 - FINAL PLAT

Sections:

R16.05.010	Submission requirements. Phased development required.
R16.05.020	Phase development. Submission requirements.
R16.05.030	Plat requirements.
R16.05.040	Drawing requirements.
R16.05.050	Monuments.
R16.05.060	Survey certification.
R16.05.070	Supporting documents.
R16.05.080	Summary statement of proposal.
R16.05.090	Review procedures—Final plat.
R16.05.100	Planning and zoning commission review.
R16.05.110	City council.
R16.05.120	Recording final plat.
R16.05.130	Minor subdivisions Resubdivision procedure.
R16.05.140	Subdivision amendments, property boundary adjustments, and boundary line agreements

R16.05.010 Phased development required.

A. The final platting of subdivisions containing more than twenty-five (25) lots shall be done in phases, except as provided in subsection C of this section. Each phase shall consist of that number of lots which can be completely developed with off-site improvements prior to the City issuing permits for on-site improvements within a two-year period, or no less than ten (10) lots. Off-site improvements are construed to be those improvements required by this title. On-site improvements shall be construed to mean the construction or placement of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvement will be continuous, and all of the said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinafter specified. City Council can reject phases smaller than ten (10) lots to discourage patch work subdividing.

B. When the off-site improvements have been one hundred percent (100%) completed within the boundaries of the recorded plat and approved by the City Engineer, and the on-site improvements are seventy percent (70%) completed, the subdivider may submit the next phase of the proposed development in accordance with the rules and regulations of this title. This shall apply to all phases of the original subdivision, regardless of land ownership.

C. A final plat including more than twenty-five (25) lots will be accepted only upon the submission of qualified evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the off-site improvements for all lots in such final plat will be completed prior to the City issuing permits for on-site improvements, which will be completed on at least seventy (70) percent of the lots within four (4) years of such approval.

(Ord. 2015-393 § 1(A); Ord. 2011-367 § 1 (part); Ord. 76-60 § 2; Ord. dated 1-15-76 § 7-2. Formerly 16.20.020)

~~R16.05.020~~ Submission requirements.

~~A. Copies of all required material shall be officially submitted to the zoning administrator by the subdivider or his authorized representative.¶~~

~~B. Final plat applications shall be submitted for approval within twelve (12) months of the date a preliminary plat application has been approved by the planning and zoning commission. No final plat applications submission can be~~

accepted which has exceeded this time lapse period, unless an extension of time has been granted pursuant to 16.04.080. ~~by the planning and zoning commission upon written request of the subdivider.~~ Any final plat application submitted for which preliminary plat approval has been given in excess of twelve (12) months previously and for which no time extension has been granted shall be considered by the planning and zoning commission as a new preliminary plat be considered and processed as a new preliminary plat application. ~~The final plat shall also contain the refinements required in Section 16.05.020.~~

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 7-1. Formerly 16.20.010)

16.05.020 Phase development.

~~A. The final platting of subdivisions containing more than twenty-five (25) lots shall be done in phases, except as provided in subsection C of this section. Each phase shall consist of that number of lots which can be completely developed with off-site improvements prior to the city issuing permits for on-site improvements within a two-year period, or no less than ten (10) lots. Off-site improvements are construed to be those improvements required by this title. On-site improvements shall be construed to mean the construction or placement of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvement will be continuous, and all of the said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinafter specified. City council can reject phases smaller than ten (10) lots to discourage patch work subdividing.~~

~~B. When the off-site improvements have been one hundred (100) percent completed within the boundaries of the recorded plat and approved by the local engineer, and the on-site improvements are seventy (70) percent completed, the subdivider may submit the next phase of the proposed development in accordance with the rules and regulations of this title. This shall apply to all phases of the original subdivision, regardless of land ownership.~~

~~C. A final plat including more than twenty-five (25) lots will be accepted only upon the submission of qualified evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the off-site improvements for all lots in such final plat will be completed prior to the city issuing permits for on-site improvements, which will be completed on at least seventy (70) percent of the lots within four years of such approval. (Ord. 2015-393 § 1(A); Ord. 2011-367 § 1 (part); Ord. 76-60 § 2; Ord. dated 1-15-76 § 7-2. Formerly 16.20.020)~~

R16.05.030 Plat Application requirements.

A. Subdividers shall submit the required final plat application and other documents and materials outlined below to the Zoning Administrator.

~~BA.~~ The final plat submission shall conform in all major respects to the preliminary plat as previously reviewed and approved by the ~~P~~planning and ~~Z~~zoning ~~C~~commission and ~~C~~city ~~C~~council and shall incorporate all modifications required in its review. The ~~Land Use Authority~~city council may, however, approve a final plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the preliminary plat review and approval.

~~CB.~~ A final plat shall be submitted in phases, except as provided in Section R16.05.020.

~~DC.~~ One (1) copy of a final plat application ~~from Section 16.02.030~~ shall be submitted for review of final plat and including all required supporting documents listed in this Chaptershall be submitted.

- ~~1. D. The~~One (1) original final plat drawing; and
2. One electronic file copy; and
3. ~~E~~eight (8) black on white or blue on white prints of the final plat shall be submitted.

E. A receipt shall be issued to the subdivider or his authorized representative for the final plat application submission when it has been determined by the Zoning Administrator that the submission includes all the requirements set forth in these regulations.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 7-3. Formerly 16.20.030)

R16.05.040 Drawing requirements.

The final plat drawing shall have the following standards:

A. The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work in the state of Utah. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.

B. The plat shall be delineated in permanent ink on waterproof tracing cloth or mylar, to dimensions established by the county recorder.

C. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with lot dimensions. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

D. If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

E. All blocks and all lots within each block shall be consecutively numbered.

F. On curved boundaries and all curves in the plat, sufficient data shall be given to enable the reestablishment of the curves on the ground. This curve data shall include the following for circular curves:

1. Radius of curve;
2. Central angle;
3. Tangent;
4. Arc length;
5. Notation of non-tangent curves.

G. Excepted parcels (i.e., parks, playgrounds, schools or other properties not included in a subdivision) shall be marked "Not included in this subdivision" and the boundary completely indicated by bearings and distances.

H. All streets, walkways and alleys shall be designated as such and streets shall be named; bearings and dimensions must be given.

I. All easements shall be designated as such and bearings and dimensions given.

J. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys, or as excepted parcels.

K. All dimensions of irregularly shaped lots shall be indicated in each lot.

L. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

M. Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat; provided that all owners join in the dedication and acknowledgement.

N. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.

O. The information on the plat shall include:

1. Name of subdivision, astronomic north arrow and basis thereof, and date;
2. Name and address of owner or owners of record;
3. Total acreage of subdivision; total number of lots;
4. Township, range, section (and quarter section if portion);
5. Graphic scale;
6. Local engineer;
7. Planning and zoning commission approval certificate;
8. City council approval certificate;
9. Any additional information required by local ordinance or state law.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 7-4. Formerly 16.20.040)

R16.05.050 Monuments.

- A. Permanent reference monuments shall be set on the external boundary of the subdivision.
- B. Block and lot monuments shall be set.
- C. At least one second order benchmark shall be set (where practical to tie in) within every subdivision or subsequent filing prior to submission of the final plat for approval.

(Ord. 2011-367 § 1 (part); amended during 1996 codification; Ord. dated 1-15-76 § 7-5. Formerly 16.20.050)

R16.05.060 Survey certification.

The surveyor making a plat shall certify on the plat that it conforms to these regulations and to all applicable state laws and that the monuments described in it have been placed as described.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 7-6. Formerly 16.20.060)

R16.05.070 Supporting documents.

The following documents shall be submitted with the final plat drawing and be considered a part of the submission.

Drawings showing layout, profile, and detail design of:

- A. All utilities, easements, plus statements from utility companies (water, sewer, electric, gas, telephone, etc.) as applicable, that service will be provided to the development;
- B. Plan, profile and typical cross-section drawings of the roads, bridges, culverts, and other drainage structures;
- C. Grading and drainage plan. Both proposed grading and drainage elevation shall be given at fifty (50) foot stationing. Also included will be existing and proposed ground elevations;
- D. Erosion control plan when required, to be submitted as a result of preliminary plan review;
- ~~E. The above drawings shall be prepared as required in Section 16.04.070(B);~~

EF. An exact copy of a certificate of a title insurance company or attorney which shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the county which shall affect the property covered by such plats. If the opinion of title discloses any of the above, then at the option of the **City Council** the holders or owners of such mortgages, judgments, liens, easements, contracts or agreements shall be required to join in and approve the application before the plat shall be acted upon by the **Planning and Zoning Commission and or City Council**;

FG. Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the **Planning and Zoning Commission** must be submitted;

GH. Where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the public agency receiving the dedication, agreeing to such dedication and stating how applicable improvement standards will be met;

HI. When a new street will intersect with a state highway, a copy of the state highway permit shall be submitted.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 7-7. Formerly 16.20.070)

R16.05.080 Summary statement of proposal.

A summary statement submitted shall include the following:

- A. Total development area, and number of proposed dwelling units;
- B. Total number of square feet of nonresidential floor space;
- C. Total number of off-street parking spaces, excluding those associated with single-family residential development;
- D. Estimated total number of gallons per day of water system requirements where a distribution system is proposed;
- E. Estimated total number of gallons per day of sewage to be treated;
- F. Estimated construction cost and proposed method of financing streets and related facilities, water distribution system, sewage collection system, floodplain protection, storm drainage facilities, and such other facilities as may be needed. If improvements are not to be completed prior to approval of the final plat, the cost estimates included in this statement shall be identical to those included in the improvement agreement;
- G. Copies of deed restrictions, trust agreements, and homeowners' association articles and bylaws, including those required by the **City Council**, to govern the future use of each lot and any common land with regard to the future construction of water or sewer systems, resubdivision, and other potential changes which might significantly alter the subdivision as approved by the city council with regard to the criteria and standards of these regulations;
- H. Monument record;
- I. ~~The Roosevelt~~ City shall have the right of first refusal on any or all water rights at a price to be set by governing irrigation companies.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 7-8. Formerly 16.20.080)

R16.05.090 Review procedures—final plat.

~~When an application for final plat has been received by the Zoning Administrator it shall be acted upon at a Planning and Zoning Commission meeting scheduled for subdivision review within thirty (30) days of submission or another mutually agreed upon period of time.~~

- A. The Zoning Administrator shall, upon receipt of a complete final plat submission, distribute copies of the plan to the DRC and other agencies as in the opinion of the Zoning Administrator may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the public.
- B. Within ten (10) business days of submission, the DRC shall review the submitted final plat and check compliance of applicable sections of the City's General Plan, Master Transportation Plan, subdivision and land use ordinances, and other appropriate regulations and standards. The DRC shall make a recommendation to the Land Use Authority regarding the submitted final plat, specifying any inadequacy in the information submitted or noncompliance with City regulations. The Zoning Administrator shall be responsible for compiling all review comments into a staff report which shall be transmitted with the final plat application to the Recommending Body and Land Use Authority as outlined in R16.01.035.
- C. In the instance of a residential single family, two family, or townhome project(s), the City shall not require more than four (4) review cycles which shall be conducted pursuant to the requirements of §10-9a-604.2 of Utah State Code (as amended).
- D. When identified as the Recommending Body, the Planning Commission at their next regularly scheduled meeting, shall review the staff report and final plat submittal and determine compliance with the City's General Plan, subdivision and zoning ordinances, and other regulations of the City in a public meeting, and shall recommend approval, approval with modifications or denial of the submitted preliminary plan application to the Land Use Authority.
- E. The Land Use Authority shall then consider the application for final plat approval, including the recommendations of the Planning Commission, at its next available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modifications only those final plats which it finds to be developed in accordance with the intent, standards, and criteria specified in this title.

(Ord. 2011-367 § 1 (part): Ord. dated 1-15-76 § 7-9. Formerly 16.20.090)

R16.05.100 Planning and Zoning Commission review.

A. When an application for final plat has been received by the Zoning Administrator it shall be acted upon within thirty (30) days of submission or another mutually agreed upon period of time.

A. The Planning and Zoning Commission shall review the final plat application at a regularly scheduled public meeting. If the final plat and all supplementary data complies with the applicable requirements of these regulations and the requirements of the approved preliminary plat, the Planning and Zoning Commission shall when acting as the Land Use Authority, approve, approve with modifications, or deny the final plat.

B. When serving as a recommending body to the Land Use Authority the Planning Commission shall endorse on the plat as follows: "Reviewed and recommended to be approved (or reviewed and recommended to be conditionally approved as noted) by the Roosevelt City Planning and Zoning Commission," and date.¶

~~B.~~ Within five (5) days after review of the final plat at the public meeting, the Planning and Zoning Commission shall send written notification of its review to the City Council. Required modification to the final plat, if any, shall be noted on three (3) prints of the plat; one (1) copy to be transmitted to the City Council, one (1) to be retained in the Planning and Zoning Commission files, and one (1) to be transmitted to the subdivider.

C. The only basis for rejection of a final plat application shall be its nonconformity to adopted rules, regulations and ordinances currently in force and affecting the land and its development, or its lack of conformance with the approved preliminary plat.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 7-10. Formerly 16.20.100)

R16.05.110 City Council review.

A. ~~When serving as the Land Use Authority, the~~ City Council shall review the final plat application within thirty (30) days of receipt of transmittal from the Planning and Zoning Commission at a regularly scheduled public meeting. If the City Council determines that the final plat submission complies with the applicable requirements of these regulations, they shall endorse on the plat as follows:

- Reviewed and approved (or conditionally, as noted) by the Roosevelt City Council of Roosevelt City State of Utah.
- Date: _____.

B. The subdivider shall provide an adequate number of the approved plats or prints marked for modification, together with the official notification of the action, to be distributed by the ~~City council~~ as follows:

1. One (1) copy to Planning and Zoning Commission files;
2. One (1) copy to City Council files;
3. One (1) copy to subdivider;
4. One (1) copy to City Engineer and surveyor of subdivider;
5. One (1) copy to multi county planning district office;
6. One (1) copy to each utility company serving the subdivision.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 7-11. Formerly 16.20.110)

R16.05.120 Recording final plat.

A. The ~~City council~~ shall record the final plat with the county clerk and recorder within five working days of approval of the final plat by the City Council which shall occur following the completion of off-site improvements; the subdivider shall pay the expense of such recording.

B. The county clerk and recorder shall furnish the subdivider with a receipt, upon filing of the final plat.

C. If the final plat is not recorded within one (1) year from the date of approval or construction of the required landscaping and infrastructure has not commenced, such approval shall be null and void. This time period may be extended by the City Council for up to one (1) additional six (6) month period for good cause shown. The subdivider must petition in writing for an extension thirty (30) days prior to the expiration of the original one (1) year.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 7-12. Formerly 16.20.120)

~~16.05.130 Resubdivision procedure.~~

~~A. Resubdivision of land or changes to a recorded plat shall be considered a subdivision and it shall comply with these regulations, [Utah State Code 10-9a-608](#) and with the following exceptions:~~

- ~~1. Lot lines may be revised from those shown on the recorded plat, provided that in making such changes:~~

~~a. No lot or parcel of land shall be created or sold that is less than the minimum requirements for area or dimension as established by these regulations or other applicable regulations or ordinances;~~

~~b. Drainage easements or right-of-way reserved for drainage shall not be changed, unless supported by complete engineering data and required approvals.¶~~

~~c. Street locations and street rights-of-way shall not be changed, and¶~~

~~d. The plat shall not be altered in any way which will adversely affect the character of the plat filed.¶~~

~~2. If it is discovered that there is a minor survey or drafting error in a recorded final plat, the subdivider shall be required to file the final plat with an affidavit witnessed by two land surveyors, concerning the change which shall be approved by the planning and zoning commission and the city council. If, however, the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these regulations, then the corrected plat shall require full approval procedures and the recording of a corrected plat.¶~~

~~3. A copy of all final plat revisions shall be submitted to the planning and zoning commission and the city council for review.¶~~

~~B. Where the resubdivision complies with the appropriate requirements of these regulations, a record plat indicating the resubdivision shall be submitted to the planning and zoning commission and the city council for their endorsements, prior to the filing of such plat with the county clerk and recorder. Such plats shall specifically indicate the revisions being made compared with the previously recorded plat. (Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 7-13. Formerly 16.20.130)~~

R16.05.130 Minor subdivisions.

A. Purpose. In an effort to reduce the expense and time of development, minor subdivisions may be considered and approved as outlined in this chapter and §10-9a-605 of Utah State Code (as amended). This section shall not be construed to modify or reduce the requirements for standards for lots, infrastructure, subdivisions, or any other requirement or standard outlined in this code. The sole purpose of this section is to provide for a more expedient approval for minor subdivisions.

B. Minor subdivision requirements.

1. In the case of a minor subdivision, preliminary plan approval is not required. The general review process outlined for final plat approval in this title shall be followed.
2. To be considered as a minor subdivision and exempt from platting requirements outlined in this title, the proposed subdivision shall meet the following requirements:
 - a. The proposed subdivision shall contain three (3) lots or less;
 - b. The proposed subdivision shall be located in a zoned area;
 - c. The proposed subdivision shall not be part of an existing, previously platted subdivision;
 - d. The proposed subdivision shall not be traversed by the mapped lines of a proposed street as shown in the City's General Plan or Master Transportation Plan, unless the City has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes that the City's ordinances require;
 - e. Each of the lots in the proposed minor subdivision meet all applicable land use and zoning requirements including meeting the required frontage, width, and area requirements, or the applicant can demonstrate that a variance has been granted from such requirements.

C. Application required. An application for a minor subdivision is required to be filed with the City.

1. Pre-application Meeting Required.

- a. Prior to submitting an application to the City., a pre-application meeting shall be required with the Zoning Administrator to determine whether the proposed subdivision meets the

requirements of a minor subdivision.

- b. If the proposed minor subdivision is a residential single family, two family, or townhouse project, the applicant(s) may request the City review a conceptual plan as part of the pre-application meeting.
2. **Application.** A minor subdivision application shall be completed and signed by the owner(s) as identified on the property assessment rolls of the County, or by an authorized agent of the owner(s) of the land proposed to be subdivided. The minor subdivision application shall be accompanied by applicable fees as outlined in the City's fee schedule.
3. The Zoning Administrator shall determine and find that the minor subdivision application is complete and contains all of the information required by this chapter before commencing the review process. The lack of any information required by this chapter shall be cause for the Zoning Administrator to find the minor subdivision application is incomplete.
4. The Zoning Administrator's determination of an incomplete application shall prohibit the City from considering any material, items, or other information related to the proposed subdivision. The Zoning Administrator shall notify the applicant(s), in writing of the required information lacking from the minor subdivision application. The Zoning Administrator shall allow thirty (30) calendar days from the date of notification of an incomplete application for the applicant(s) to provide the required information to the City.. If the application remains incomplete after thirty (30) calendar days from the date of notification as required herein, the Zoning Administrator shall return the entire incomplete application to the applicant(s).

R16.05.140 Subdivision amendments, property boundary adjustments, and boundary line agreements.

A. Amendments to recorded plats; Vacation of public street.

1. The Land Use Authority as outlined in [R16.01.035](#) may, considered any proposed vacation, alteration, or amendment of a recorded subdivision plat, any portion of the recorded subdivision plat, or any road or lot contained in a recorded subdivision plat by following and complying with all of the requirements for amending a subdivision, or vacating a public street as identified in [§10-9a-608](#), [§10-9a-609](#), and [§10-9a-609.5](#) of Utah State Code (as amended).
2. Applicant(s) shall submit a complete application, including the fee as required as indicated in the City's fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.
3. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in [§10-9a-608](#), [§10-9a-609](#), and [§10-9a-609.5](#) of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal and shall prohibit the Recommending Body and Land Use Authority as outlined in [R16.01.035](#) from considering any material, items, or other information related to the proposed subdivision amendment or vacation of the public right-of-way. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
4. An aggrieved party may appeal the decision of the Land Use Authority concerning a subdivision plat amendment or vacation of public right-of-way to the Appeal Authority outlined in [R16.01.035](#).

B. Property boundary adjustments; Boundary line agreements.

1. Property boundary adjustments including parcel boundary adjustments, lot line adjustments, and boundary line agreements shall follow the process identified in [§10-9a-523](#) and [§10-9a-524](#) of Utah State Code (as amended).
2. When subject to review by the Land Use Authority outlined in [R16.01.035](#), applicant(s) shall submit a complete application including the fee as required in the City's fee schedule to the Zoning Administrator on

a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.

3. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §10-9a-523 and §10-9a-524 of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal and shall prohibit the Land Use Authority from considering any material, items, or other information related to the application. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
4. The City may withhold approval of a subsequent land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the City determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the City's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.
5. An aggrieved party may appeal the decision of the Land Use Authority regarding property boundary adjustments to the Appeal Authority outlined in R16.01.035.

Chapter R16.06 - DESIGN STANDARDS

Sections:

R16.06.010	Design standards.
R16.06.020	General standards.
R16.06.030	Lots.
R16.06.040	Streets and street requirements.
R16.06.050	Street names.
R16.06.060	Curvature and alignment.
R16.06.070	Frontage on major highways.
R16.06.080	Roadbed construction standards.
R16.06.090	Road grades.
R16.06.100	Sidewalks, curbs and gutters.
R16.06.110	Block standards.
R16.06.120	Lot size standards.
R16.06.130	Easement standards.
R16.06.140	Utilities to be underground.
R16.06.150	Alleys.
R16.06.160	Sanitary sewage disposal requirements.
R16.06.170	Sanitary sewer mains, laterals and connections.
R16.06.180	Test procedures.
R16.06.190	Water supply.
R16.06.200	Storm drainage and floodplains.
R16.06.210	Outdoor lighting standards.

R16.06.010 Design standards.

All subdivisions ~~shall~~**must** comply with the standards set forth in this ~~C~~**h**apter.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-1. Formerly 16.24.010)

R16.06.020 General standards.

A. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.

B. Land subject to hazardous conditions such as slides, mudflows, rockfalls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-2. Formerly 16.24.020)

R16.06.030 Lots.

A. No single lot shall be divided by a municipal or county boundary line.

B. A lot shall not be divided by a road, alley, or other lot.

C. Wedge-Shaped Lots. No wedge-shaped lot shall be less than fifty (50) feet in width at the front property line, or the lot frontage required by Title 17, whichever is larger.

D. Lot Lines. Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be shown.

E. Front on Public Street. All residential lots in subdivisions shall front ~~on a public street, unless otherwise approved by the City, or on a private street or court approved by the planning and zoning commission and the governing body, except as may be approved for planned unit developments, cluster subdivisions, or other special dwellings.~~ on a public street, unless otherwise approved by the City, or on a private street or court approved by the planning and zoning commission and the governing body, except as may be approved for planned unit developments, cluster subdivisions, or other special dwellings.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-3. Formerly 16.24.030)

R16.06.040 Streets and street requirements.

A. Street Plan. The street or highway layout shall conform to the general plan and official map adopted by the ~~City planning and zoning commission and governing body.~~ City planning and zoning commission and governing body.

B. Through Traffic. Minor streets shall be laid out to discourage through traffic.

C. Stub Streets. Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivisions. Not more than six lots shall front on a stub street, except where a temporary cul-de-sac turnaround is provided. Temporary cul-de-sacs are required to be completed to city standards minus concrete work.

D. Intersections. Intersections of minor streets with major streets shall be kept to the minimum.

E. Right-of-Way Width. Streets shall have the following minimum right-of-way widths:

1. Principal arterial: federal and state standards;

2. Minor arterial: federal and state standards;

3. Major collector: minimum of eighty (80) feet;

4. Minor collector: minimum of sixty-six (66) feet;

5. Major street: a minimum of eighty (80) feet or as required by state and federal standards, or as recommended by the Planning and Zoning Commission and approved by the City Council ~~planning and zoning commission;~~

6. Minor street and frontage road: fifty-six (56) feet;

7. Private street or road: as ~~required~~ recommended by the ~~P~~lanning and Zoning ~~C~~ommission and required by the City Council, but not less than twenty-six (26) feet.

F. Roadway Width. Streets shall have the following roadway widths (face of curb to face of curb):

1. Principal arterial: federal and state standards;

2. Minor arterial: federal and state standards;

3. Major collector: minimum of forty-four (44) feet or as required by state standards;

4. Minor collector: minimum of thirty-four (32~~4~~) feet or as required by state standards;

5. Major street: minimum of fifty-six (56) feet, or as required by state and federal standards;

6. Collector street: forty-four (44) feet;

7. Minor street or frontage road: thirty-four (32~~4~~) feet;

8. Ten (10) foot shoulders shall be provided where there are no curbs installed;

9. Private street or road: twenty-six (26) feet.

G. Half-Streets. None are permitted, except if required to complete a half-street already existing, or if recommended by the Planning and Zoning Commission and approved by the ~~planning and zoning commission and the City Council governing body~~.

H. Dead-End Streets. Dead-end streets, including stub streets, shall be permitted or recommended by the Planning and Zoning Commission and required by the City Council ~~planning and zoning commission~~ only to provide future access to adjoining property, except for dead-end street systems in cluster subdivisions, planned unit developments, condominium developments, or similar special projects.

I. Cul-de-Sac Streets. Permanent cul-de-sac streets serving no more than twenty (20) lots, and not more than four hundred fifty (450) feet long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of fifty (50) feet radius or more, and the outside curb or pavement edge radius shall be forty (40) feet or more. Cul-de-sac streets intended to be only temporary must also satisfy the above requirements.

J. Number of Streets at Intersection. No more than four streets shall enter an intersection.

K. Angle of Street Intersections. Streets shall intersect at ninety (90) degrees. Other angles may be designed only with the recommendation of the Planning and Zoning Commission and approval of the City Council ~~planning commission~~.

L. Centerlines of Intersecting Streets. Two subordinate streets meeting a through street from opposite sides shall meet at the same point, or their centerlines shall be offset at least two hundred (200) feet.

M. The developer shall be required to install all street signage in the subdivision, according to the approved city streets master plan.

(Ord. 2015-393 § 1(B); Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-4. Formerly 16.24.040)

R16.06.050 Street names.

Streets shall have the names of existing streets which are in alignment. There shall be no duplication of street names within the area. All street names shall be recommended by the Planning and Zoning Commission and approved by the City Council ~~planning and zoning commission~~.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-5. Formerly 16.24.050)

R16.06.060 Curvature and alignment.

A. Horizontal Curves. To ensure adequate sight distances, when street roadway lines deflect more than five degrees, connection shall be made by horizontal curves. The minimum centerlines radii for minor streets shall be one hundred fifty (150) feet and of all other streets shall be three hundred (300) feet. On collector and major streets a minimum tangent of one hundred (100) feet shall be required between a curve and street intersection; a minimum tangent of one hundred (100) feet shall be required between reverse curves.

B. Vertical Curves. Vertical curves shall be used at all changes of grades exceeding one percent and shall be designed to provide minimum sight distances of two hundred (200) feet for minor streets and three hundred (300) feet for all other streets, except that vertical curves for major streets shall be as determined by the current specifications of the American Association of State Highway Officials.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-6. Formerly 16.24.060)

R16.06.070 Frontage on major highways.

Where a residential subdivision abuts a major highway, frontage roads may be required.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-7. Formerly 16.24.070)

R16.06.080 Roadbed construction standards.

A. Roadbed Grading and Paving Width. Minimum roadbed grading and paving for minor, collector and major streets, local access roads, collectors and arterials shall be established by the ~~City Council local governing body~~. (See Roosevelt City Standard Specifications, set out in the appendix to this title.) Reduction of such roadway grading and paving may be approved by the ~~City Council local planning and zoning commission and governing body~~ for one-way streets, mountain subdivisions, or other justifiable design or topographical reasons. Ten (10) foot shoulders shall be provided where curbs are not installed.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-8. Formerly 16.24.080)

R16.06.090 Road grades.

All road and street grades shall be designed as follows:

A. Major and collector roads or streets: limited to a maximum grade of eight percent (8%). Sustained grades shall be limited to five percent (5%).

B. Minor roads or streets: limited to a maximum grade of ten percent (10%) ~~percent~~. Sustained grades shall be limited to seven percent (7%).

C. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of six percent (6%). The cul-de-sac shall terminate with a grade of not to exceed three percent (3%) for the last one hundred feet (100') ~~feet~~ of traveled surface. The cul-de-sac shall be limited to a maximum length of four hundred fifty feet (450') ~~feet~~ and have adequate easement for drainage.

D. Street intersections: have a vertical alignment such that the grade shall not exceed three percent (3%) for a minimum distance of fifty feet (50') ~~feet~~ each way from the centerline of the intersection.

E. Maximum grades: approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred feet (600') ~~feet~~.

F. All changes in vertical alignment: made by vertical curves with minimum length of two hundred feet (200') ~~feet~~, for minor streets and three hundred feet (300') ~~feet~~ for major streets. (See Section 16.06.060(B).)

G. Horizontal alignment: limited to a maximum ~~to maximum~~ of thirteen and one-half (13.5) degree curve.

H. Roads in mountainous terrain: be designed at less than maximum allowable in order that they can be safely negotiated and that snow can be removed during winter.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-9. Formerly 16.24.090)

R16.06.100 Sidewalks, curbs and gutters.

Sidewalks, curbs and gutters shall be provided on both sides of all public streets, including cul-de-sac streets. Curb, gutter and street will be required to be completed at the time of conditional acceptance and sidewalk will be required to be completed prior to final acceptance. The City Council may grant an exception for any, or all of the above improvements based on the subdivision's geographical location or site conditions.

(Ord. 2015-393 § 1(C); Ord. 2011-367 § 1 (part); Ord. 82137 § 1; Ord. dated 1-15-76 § 8-10. Formerly 16.24.100)

R16.06.110 Block standards.

Block lengths shall not exceed one thousand ~~feet~~ (1,000') ~~feet~~ in length and in total design shall provide for convenient access and circulation for emergency vehicles.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-11. Formerly 16.24.110)

R16.06.120 Lot size standards.

Where no zoning regulations are in effect, density standards or minimum lot size requirements may be ~~recommended to the City Council~~ specified by the ~~P~~lanning and ~~Z~~oning ~~C~~ommission, based on interpretations made from the Cooperative Soil Survey, U.S. Department of Agriculture, Soil Conservation Service, and other procedures and available information. All lots shall conform to area requirements of any existing zoning ordinance.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-13. Formerly 16.24.130)

R16.06.130 Easement standards.

A. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of fifteen ~~feet~~ (15') ~~feet~~ apportioned equally in abutting properties.

B. Where front-line easements are required, a minimum of fifteen ~~feet~~ (15') ~~feet~~ shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen ~~feet~~ (15') ~~feet~~ in width, extending throughout the peripheral area of the development, if required by the ~~P~~lanning and ~~Z~~oning ~~C~~ommission.

C. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special ~~guying~~ easements ~~for guy anchors~~ at corners may be required. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

(Ord. 2015-393 § 1(D); Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-14. Formerly 16.24.140)

R16.06.140 Utilities to be underground.

Unless the ~~P~~lanning and ~~Z~~oning ~~C~~ommission and ~~City Council governing body~~ determine, upon application by the subdivider, supported by recommendation of the ~~City Engineer~~ local engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-15. Formerly 16.24.150)

R16.06.150 Alleys.

The ~~P~~lanning and ~~Z~~oning ~~C~~ommission may ~~recommend approval to the City Council~~ service access to the interior of blocks in certain instances, in which case such alleys must be indicated on the plan and plat.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-16. Formerly 16.24.160)

R16.06.160 Sanitary sewage disposal requirements.

A. Sanitary Sewerage System Required. Except as otherwise provided below, the subdivider shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system

shall meet the minimum standards and requirements of the local health officer, the State Division of Environmental Health, and this title.

B. Costs of Modification of Existing Sewer System to be Borne by Subdivider. In the event that a proposed subdivision or development shall cause, in the opinion of the ~~P~~lanning and ~~Z~~oning ~~C~~ommission and/or the ~~City Council governing body~~, an overload or any service problem relative to the then existing sewer system, the subdivider shall be required, at the option of the ~~City Council governing body~~, to bear, in part or in total, the cost of such modifications as the ~~City Council governing body~~ shall require in order to service said proposed subdivision or development. In the event the ~~City Council governing body~~ shall require part or all of said costs of modifications, the subdivider shall be required to execute a written agreement with ~~City Roosevelt City Corporation~~, and offer such other assurance as the ~~City Council governing body~~ may require guaranteeing that the subdivider will bear all costs of modifications required by the ~~City Council governing body~~ as a condition of final plat approval.

C. Costs of Main Sewer Line Extensions to be Borne by Subdivider. Whenever a subdivider or developer of real property proposes to use the ~~C~~eity's sewer system in a subdivision or development which is not contiguous to the existing boundaries of service of the existing ~~city sewer~~ system, the subdivider or developer must furnish rights-of-way from the proposed property to be developed to the then existing ~~city sewer~~ system, and pay any and all costs for said rights-of-way, and for the construction, installation, and all associated costs of main line extensions from the existing ~~city sewer~~ system to the proposed property to be developed, all of which must be done to the entire satisfaction and written approval of the ~~C~~eity.

D. Developed properties located within three hundred ~~feet~~ (300') ~~feet~~ of a new subdivision sewer system shall be required to be connected to the new system within one (1) year of system installation, unless the property owner signs a waiver of protest for any future special improvement district or other ~~C~~eity-sponsored program to install a sewer system which would provide the ability for connection.

(Ord. 2011-367 § 1 (part); Ord. 82-146 § 1; Ord. 81-116 § 1; Ord. dated 1-15-76 § 8-17. Formerly 16.24.170)

R16.06.170 Sanitary sewer mains, laterals and connections.

Where local, county and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the ~~P~~lanning and ~~Z~~oning ~~C~~ommission may require the installation of capping of sanitary sewer mains and house connections by the subdivider in addition to the installation of temporary individual on-lot sanitary disposal systems by the subdivider or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed the subdivider shall either install such facilities, or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-18. Formerly 16.24.180)

R16.06.180 Test procedures.

Test procedures shall be conducted in accordance with U.S. Public Health Service Publication Number 526, 1963 Edition, and other local and State Department of Health requirements.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-19. Formerly 16.24.190)

R16.06.190 Water supply.

A. Public Water System Required. Except as otherwise provided below, the subdivider shall provide, or have provided, a piped public water supply to the property line of every lot in any subdivision the smallest lot of which is less than five acres in area. The water system shall meet the minimum health standards and requirements of the State

Division of Environmental Health, the local health officer, and this title, and, wherever the subdivision is located near forested or grassy or brushy lands, the State Section of Forestry and Fire Control.

B. Cost of Modification of Existing Water System to Be Borne by Subdivider. In the event that a proposed subdivision or development shall cause, ~~in the opinion of the Planning and Zoning Commission~~ and/or the ~~City Council governing body~~, an overload or any service problems relative to the existing water system, the subdivider shall be required, at the option of the ~~City Council governing body~~, to bear, in part or in total, the cost of such modifications as the ~~City Council governing body~~ shall require in order to service said proposed subdivision. In the event the ~~City Council governing body~~ shall require part or all of said costs of modifications, the subdivider shall be required to execute a written agreement with ~~the City Roosevelt City Corporation~~, and offer such other assurance as the ~~City Council governing body~~ may require, guaranteeing that the subdivider will bear all cost of modifications required by the ~~City Council governing body~~ as a condition of final plat approval.

C. Cost of Main Water Line Extensions to Be Borne by Subdivider. Whenever a subdivider or developer of real property proposes to use the ~~City's~~ water system in a subdivision or development which is not contiguous to the existing boundaries of service of the existing ~~city~~ water system, the subdivider or developer must furnish rights-of-way from the proposed property to be developed to the then existing ~~city~~ water system, and pay any and all costs for said rights-of-way, and for the construction, installation, and all associated costs of main line extensions from the existing ~~city~~ water system to the proposed property to be developed, all of which must be done to the entire satisfaction and written approval of the ~~City~~.

(Ord. 2011-367 § 1 (part); Ord. 81-116 § 2; Ord. dated 1-15-76 § 8-20. Formerly 16.24.200)

R16.06.200 Storm drainage and floodplains.

A. Drainage System. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the state of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections ~~or phases~~, a general drainage plan for the entire area shall be presented with the first section, and appropriate development stages for the drainage system for each section indicated.

B. Design. The drainage and floodplain systems shall be designed to:

1. Permit the unimpeded flow of natural watercourses;
2. Ensure adequate drainage of all low points;
3. Ensure applications of the following regulations regarding development in designated floodplains:
 - a. Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a one hundred (100) year storm.
 - b. Building construction may occur in that portion of the designated floodway where the return frequency is between a one hundred (100) year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.
 - c. Where floodway velocities are generally determined to be under five feet per second and maximum flood depth will not exceed three feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
 - d. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, uncased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.

e. Recreational coach, or mobile home parks and similar uses shall not be permitted in any designated floodway.

f. Any contemplated floodplain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping and filling operations in a designated floodway constitute an encroachment and must be recommended by the Planning and Zoning Commission and approved by the City Council planning commission, before accomplishment.

C. Drainage System Plans.

1. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to an “upstream” from the subdivision itself, as well as its effects on lands downstream.
2. All proposed surface-drainage structures shall be indicated on the plans.
3. All appropriate designs, details and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 8-21. Formerly 16.24.210)

R16.06.210 Outdoor lighting standards.

A. The developer shall be required to install all outdoor street lighting in the subdivision, following the requirements of this section and the City Engineer’s recommendations.

B. Down Lighting. To protect the views of the night sky, all outside lighting shall be down lighting so that lighting does not trespass to adjoining properties. All exterior lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be shielded or hooded so that no light is allowed to spill or trespass onto adjacent properties.

C. Fully Shielded Fixtures. All outdoor lighting, emitting more than two thousand (2,000) initial lumens, shall be full cutoff fixtures fully shielded with fixtures installed and aimed in such a way so that no light is emitted above the horizontal. For luminaires under one thousand eight hundred (1,800) lumens the bulb must be frosted glass or installed behind a translucent cover. Shielding may be accomplished by:

1. Full cutoff fixtures;
2. Design;
3. Shielding;
4. Visors;
5. Louvers;
6. Other devices.

D. Spotlights. Spotlights shall be aimed or directed toward the ground and no light shall be aimed at neighboring property, or create direct glare for motorists.

E. Searchlights, Floodlights, Etc. Searchlights, floodlights, laser source lights, strobe or flashing lights, illusion lights, or any similar high intensity light shall not be permitted except in emergencies by public safety personnel or at their direction.

F. Up Lighting. Up lighting (light pollution) is prohibited unless the light is shielded in a manner that confines the light to the surface of a building facade or other object of illumination, without spill light.

G. Sports Facility Lighting. All sports lighting shall be fully shielded, or be designed or provided with sharp, cutoff capability, so as to minimize up light, spill light, and glare.

H. Residential Lighting. All exterior luminaires on porches, garages, and entryways shall be fully shielded to prevent glare onto adjacent property or public rights-of-way and light pollution into the night sky. Luminaires shall be directed at walkways or entries and shall not be directed upward.

I. Exempt Lighting. The following lighting shall be exempt from the provisions of this section:

1. Holiday lighting, as long as it does not create a hazard or nuisance from glare.
2. Traffic control signals and devices.
3. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
4. Temporary lighting, used for a period not to exceed thirty (30) days in any one year period for festivals, celebrations, or other public activities.
5. Security lighting controlled by a motion sensor switch that remains on for no longer than ten (10) minutes after activation, but shall in all cases be shielded and directed to the areas where such lighting is required.
6. Temporary construction lighting used for a period not to exceed thirty (30) days in any one-year period.

J. Prohibited Lighting. The following lighting shall be prohibited:

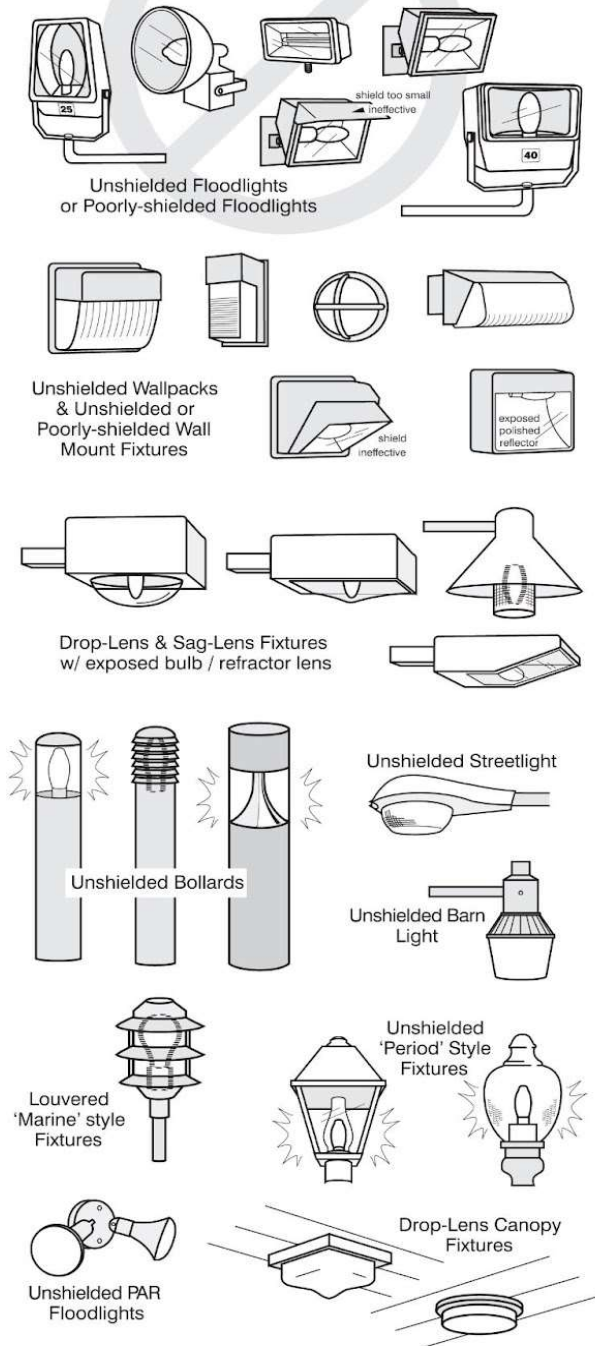
1. Unshielded Lighting. Unshielded lighting for any purpose is prohibited.
2. Flashing, Blinking, Intermittent Lights. Flashing, blinking, intermittent lights or other lights that move or give the impression of movement, are prohibited. Holiday lighting is permitted.
3. Building-Mounted Lights Under Most Conditions. Spotlights may not be affixed to buildings for the purpose of lighting parking lots or sales display lot areas. Fully shielded fixtures may be attached to buildings to light walkways and parking lot spaces adjacent to buildings.
4. Laser Lighting. All laser lighting is prohibited.
5. Searchlights. All searchlights are prohibited.
6. Neon. All neon lighting must be shielded.

(Ord. 2011-367 § 1 (part); Ord. 2007-330. Formerly 16.24.045)

Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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(Photo courtesy of International Dark-Sky Association)

Chapter R16.07 - CLUSTER SUBDIVISIONS

Sections:

- R16.07.010 Design standards.
- R16.07.020 Provisions for common open space.
- R16.07.030 Guarantee of improvements.
- R16.07.040 Continuation of common open space.
- R16.07.050 Maintenance of common open space.

R16.07.010 Design standards.

A. The design of the preliminary ~~plat~~ and final plats of ~~the a cluster~~ subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning regulations, elements of the master plan that have been adopted, and design standards recommended by the ~~p~~Planning and ~~Z~~zoning ~~C~~ommission and approved by the ~~Ce~~ity ~~C~~ouncil.

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. 2011-367 § 1 (part): Ord. dated 1-15-76 § 9-1(1). Formerly 16.28.010)

R16.07.020 Provisions for common open space.

A. The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. The subdivider shall also explain the intended use of the open space and provide detailed provisions as to how the improvements ~~thereon~~ are to be financed and the area maintained. A cluster subdivision must meet the requirements of Title 17, must assure proper use, construction and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future owners of the subdivision, surrounding residents, and the general public.

B. The ~~P~~planning and ~~Z~~zoning ~~C~~ommission 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 re-use of property if the open space is not maintained in the manner agreed upon or is abandoned by owners.

(Ord. 2011-367 § 1 (part): Ord. dated 1-15-76 § 9-1(2). Formerly 16.28.020)

R16.07.030 Guarantee of improvements.

As assurance of completion of common open space improvements the subdivider ~~will~~may be required to file with, and in a manner satisfactory to, the ~~Ce~~ity ~~C~~ouncil a surety or cash bond guaranteeing such completion. ~~Assurances shall be consistent with the requirements outlined in Chapter 16.09. within two years of such filing. 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. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the planning and zoning commission shall recommend that the bonds therefor shall be released. If the bonds are not released, refusal to release and reason therefor shall be given the subdivider, in writing.~~

(Ord. 2011-367 § 1 (part): Ord. dated 1-15-76 § 9-1(3). Formerly 16.28.030)

R16.07.040 Continuation of common open space.

As assurance of continuation of common open space use in accordance with the plans approved by the ~~P~~planning and ~~Z~~zoning ~~C~~ommission, the subdivider shall grant to an association of lot owners or to the ~~City~~local jurisdiction

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 the right of access, but will provide that the common open space shall remain open.

(Ord. 2011-367 § 1 (part): Ord. dated 1-15-76 § 9-1(4). Formerly 16.28.040)

R16.07.050 Maintenance of common open space.

A. As assurance of maintenance of the common open space and other improvements so required, the subdivider shall cause to be formed, prior to the recording of the final plat, a lot owners' association (or homeowners' association) and shall establish articles of incorporation, bylaws and covenants outlining the purpose, organization and operation of the association.

B. Such articles of incorporation and covenants shall, among other things, provide:

1. That membership shall be mandatory for each lot purchaser and any successive buyer;
2. That common open space restrictions must be permanent, not just for a period of years;
3. That the association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
4. That lot owners must pay their pro rata share of the costs;
5. That the assessment levied by the association shall become a lien against the property;
6. That the association must be able to adjust the assessment to meet changed needs.

C. In the event the lot owners' or homeowners' association does not maintain the common open space and improvements as proposed and indicated at the time of subdivision, the ~~City~~ local jurisdiction 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 said association.

(Ord. 2011-367 § 1 (part): Ord. dated 1-15-76 § 9-1(5). Formerly 16.28.050)

Chapter R16.08 - CONSTRUCTION STANDARDS

Sections:

R16.08.010 Supplemental regulations.

R16.08.020 Amendments to supplemental regulations.

R16.08.010 Supplemental regulations.

Construction standards, including drawings, tables, charts, references and other regulations adopted by the City Council by resolution, shall constitute subdivision regulations supplementing this Title, and are set out in the appendix to this Title.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 10-1. Formerly 16.32.010)

R16.08.020 Amendments to supplemental regulations.

Before implementing an amendment to adopted specifications for public improvements that apply to a subdivision or a development the City Council shall:

A. Hold a public hearing;

B. Mail notice thirty (30) days or more before the date of the public hearing to each person who has submitted a land use application for which the land use authority has not issued a land use decision, and each person who makes a written request to receive a copy of the notice to allow each person who receives a notice to provide public comment in writing before the public hearing or in person during the public hearing.

Chapter R16.09 - FINANCIAL RESPONSIBILITY

Sections:

R16.09.010 Guarantee.
R16.09.020 Performance bonds.
R16.09.030 Collateral as security.
R16.09.040 Default.
R16.09.050 Phased development.
R16.09.051 Application and review fees.
R16.09.060 Guarantee for ~~two~~ one years.
R16.09.070 Acceptance and release of surety.

R16.09.010 Guarantee.

In lieu of actual installation of the improvements required by this Title, and before the recordation of a final plat approved by the City Council, the subdivider may guarantee the installation thereof by one, or a combination of one or more, of the methods specified below, in an equal amount plus ~~fifteen~~ ~~ten~~ (15) percent to the cost of the improvements as ~~estimated by the local engineer~~ determined by the City Engineer. The guarantee employed shall be approved as to method and form by the City Council and by the ~~local attorney~~ City Attorney. The City Council is authorized to prescribe by administrative rule or regulation forms and procedures to ensure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with the requirements of this Title.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 11-1. Formerly 16.36.010)

R16.09.020 Performance bonds.

The subdivider may furnish and file with the ~~recorder of the city council~~ City a corporate surety bond in an amount equal to the cost of the required improvements as estimated by the ~~City Engineer local engineer~~ plus ~~ten~~ ~~fifteen~~ (10) percent, to assure the actual construction of such improvements within a period of ~~one (1) two~~ years immediately following the approval of the final plat ~~and subdivision~~ by the City Council, which bond shall be approved by the City Council and the ~~City Attorney local attorney~~.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 11-2. Formerly 16.36.020)

R16.09.030 Collateral as security.

When approved by the City Council, the subdivider may provide other forms of collateral as security in an amount equal to the cost of improvements required as estimated by the ~~City Engineer local engineer~~ plus ~~fifteen~~ ~~ten~~ (10) percent for the installation of said improvements within ~~one (1) two~~ years from the approval of the final plat ~~and subdivision~~.

(Ord. 2011-367 § 1 (part); Ord. 82-138 § 1(11-3). Formerly 16.36.030)

R16.09.040 Default.

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within ~~one~~ ~~two~~ years from date of approval of the final plat, the City Council may declare the bond or collateral forfeited, and may install or cause the required improvements to be installed, using the proceeds from the collection of the bond to defray the expenses thereof.

(Ord. 2011-367 § 1 (part): amended during 1996 codification; Ord. dated 1-15-76 § 11-4. Formerly 16.36.040)

R16.09.050 Phased development.

Whenever the subdivider shall develop a subdivision in portions, such development shall be in orderly manner and in such way that the required improvements will be continuous and all said improvements will be made available for full, effective and practical use thereof by lessee or grantee of any of the subdivided lands within the time hereinbefore specified.

(Ord. 2011-367 § 1 (part): Ord. dated 1-15-76 § 11-5. Formerly 16.36.050)

R16.09.051 Application and review fees.

Subdivision application and review fees may be charged to applicants. Such fees shall be established by the City Council and be in amounts needed to defray cost to the public. At the City's discretion the subdivider or contractor shall pay an approved independent engineering firm to inspect and review improvements.

(Ord. 2016-399 § 1(B))

R16.09.060 Guarantee for two years.

The subdivider shall warrant and guarantee that the improvements provided for herein, and every part thereof, will remain in good condition for a period of ~~two~~ (1) years after the completion of the subdivision, and agree to make all repairs to and maintain the improvements and every part thereof in good condition during that ~~two-year~~ period at no cost to the City. If the City determines for good cause that a one year (1) period would be inadequate to protect the public health, safety, and welfare, and has substantial evidence on record of prior poor performance by the subdivider or that the area upon which the improvements are constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspect soil, the warrant and guarantee shall be extended to a period of two (2) years. It is further agreed and understood that identifying necessity for repairs and maintenance of the work rests with the City Engineer ~~local engineer~~, whose decision upon the matter shall be final and binding upon the subdivider, and the guarantee stipulated by this section shall extend to and include but shall not be limited to the entire street, subgrade, base, and surface and all pipes, joints, valves, backfill and compacting as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be, affected by the construction operations. Whenever, in the judgement of the City Engineer ~~local engineer~~, said work shall be in need of repairs, maintenance or rebuilding, ~~he~~ the City Engineer shall cause a written notice to be served to the subdivider, and thereupon the subdivider shall undertake and complete such repairs, maintenance or rebuilding, ~~and~~ Upon the subdivider's failure to do so within ten (10) days from the date of the service of such written notice, the City Council shall have such repairs made, and the cost of such repairs shall be paid by the subdivider.

(Ord. 2016-399 1(A); Ord. 2011-367 § 1 (part): Ord. dated 1-15-76 § 11-6. Formerly 16.36.060)

R16.09.070 Acceptance and release of surety.

A. Conditional acceptance of all the improvements shall be in writing from the City Council, after written recommendation of approval has been received from the City Engineer ~~local engineer~~.

B. Final inspection by the City Engineer ~~local engineer~~ shall be made ~~two years~~ after all work has been completed and before release of the improvement bond or collateral. All defects noted by the City Engineer shall be corrected before acceptance by the City Council.

C. Final acceptance shall be in writing by the City Council, after written recommendation of approval is received from the ~~local engineer~~ City Engineer.

(Ord. 2011-367 § 1 (part): amended during 1996 codification; Ord. dated 1-15-76 § 11-7. Formerly 16.36.070)

Chapter R16.10 - PERMITS AND FEES

Sections:

R16.10.010 Granting of permit.

R16.10.020 Fees.

R16.10.010 Granting of permit.

From the effective date of the ordinance codified in this Title, the building inspector shall not grant a permit, nor shall any officer of the City 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 or of the subdivision regulations, or on a lot in a subdivision created by judicial decree, until a subdivision plat thereof has been recorded or approved as required by this Title. Any license or permit issued in conflict with such provisions shall be null and void.

(Ord. 2011-367 § 1 (part); Ord. dated 1-15-76 § 12-1. Formerly 16.40.010)

R16.10.020 Fees.

A. At the time of filing the conceptual plan, preliminary or final plat applications a nonrefundable plan checking fee must be submitted, payable to Roosevelt City Corporation, in accordance with the currently applicable fee schedule as adopted by resolution of the City Council.

B. All fees and costs associated with final plat inspection and approval by the Roosevelt City's Engineer assigned this duty shall be remitted to the City Treasurer prior to the final plat approval by the City Council governing body.

(Ord. 2011-367 § 1 (part); Ord. 82-145 §§ 1, 2; Ord. dated 1-15-76 § 12-2. Formerly 16.40.020)

Chapter R16.11 - PENALTY; ENFORCEMENT

Sections:

R16.11.010 *Violation of title—Penalty.

R16.11.020 Erroneous approval not a waiver of requirements.

R16.11.030 Enforcement

R16.11.040 Severability

R16.11.010 Violation of title—Penalty.

Any violation of the provisions of this ~~¶~~Title shall be a misdemeanor. Any person violating provisions of this ~~¶~~Title shall, upon conviction thereof, be punished by a fine not exceeding two hundred ninety-nine dollars (\$299.00) or imprisonment in the county jail for three months, or by both fine and imprisonment ~~as allowed under current Utah~~ State Code 10-3-703.

(Ord. 2011-367 §§ 1 (part), 4; Ord. dated 1-15-76 Ch. 13. Formerly 16.44.010)

R16.11.020 Erroneous approval not a waiver of requirements.

1. Should a plat, by inadvertence, be approved which shows on its face, or in any documents attached thereto or which are deemed to be a part thereof, that the subdivision does not comply in one (1) or more respects with the requirements of this title or with the requirements of approved subdivision standards and specifications relating to the quality, size, type, grade, distance, or dimension, and no variation or exception thereto has been approved by the Land Use Authority, such plat approval shall not be deemed a waiver of such requirements, but on the contrary such requirements shall remain in full force and effect. Any discrepancy between the preliminary plan and the final plat which may not be noticed in inspection of the final plat and which is not approved by City Staff and Land Use Authority shall be the responsibility of the subdivider, and approval of the final plat in such case shall not be deemed a waiver of the requirements of this title or any standards or specifications approved in connection herewith.
2. The failure of any preliminary plan or final plat to meet any and all of the requirements enumerated in this title or as imposed by the Land Use Authority, shall, as provided herein, cause any approval by the Land Use Authority to be suspended. Such a suspension shall be issued by the Zoning Administrator immediately upon discovery of an applicable error or omission. The matter shall then be referred to the Land Use Authority as soon as is practicable, unless otherwise correctable within thirty (30) days from the date of the suspension. The Land Use Authority shall review the matter and either issue a correcting requirement or refer it to the appropriate body for action.

R16.11.030 Enforcement.

1. The City Council, Planning Commission, City Staff and other such departments and agencies of the City, State or County which are specified under the provisions of this title are hereby designated as authorized agencies who are charged with the enforcement of the provisions of this title.
2. Failure of such boards, commissions, staff, departments and agencies to pursue appropriate legal remedies shall not legalize any violation of such provisions.

R16.11.040 Severability.

If any section, provision, sentence, or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this title which shall remain in full force and effect.

Appendix to Title 16 - STANDARD SPECIFICATIONS

(Reserved)