

THE CITY OF WOODS CROSS, UTAH

ORDINANCE NO. 612

AN ORDINANCE OF THE CITY OF WOODS CROSS, UTAH AMENDING TITLE 11 ("NON-RESIDENTIAL SUBDIVISIONS") AND ADOPTING TITLE 11B ("RESIDENTIAL SUBDIVISIONS") OF THE WOODS CROSS CITY CODE

RECITALS

A. The City is authorized by law to enact ordinances, resolutions and rules, and to enter into other forms of land use controls and development agreements necessary and appropriate for the use and development of land within the City.

B. In its 2023 General Session the Utah State Legislature adopted SB-174 dealing with subdivisions and imposing requirements governing the approval process for subdivisions with single family homes, two family homes and townhomes. The deadline for cities to adopt ordinances in compliance with SV-174 is February 1, 2024.

C. The City staff has prepared amendments to Title 11 of the Woods Cross Code governing non-residential subdivision approvals in the City. The amendments to Title 11 amend only Sections 11-01-010 and 11-01-020 of Title 11 and govern all subdivisions in the City other than "residential subdivisions" for single-family homes, two-family homes and townhomes.

D. The City staff has prepared a new Title 11B of the Woods Cross Code that will govern "residential subdivisions" governing subdivisions for the development of single-family homes, two-family homes and townhomes.

E. The amendments to Title 11 and the new Title 11B have been presented to the Planning Commission, who held a public hearing on January 9, 2024; following the public hearing, the Planning Commission made its recommendation that the City Council approve the amended Title 11 and the new Title 11B.

F. The City Council held a public hearing during its regularly scheduled meeting January 16, 2024, the purpose of which was to hear and consider public comment, including written comments, if any.

F. After consideration of the Planning Commission recommendation, public comments received at public hearings and in writing (if any), and review of the proposed amendments to Title 11 and adoption of a new Title 11B, the City Council now deems it reasonable and appropriate, and in the best interests of the City, its residents, property owners and businesses to adopt the amendments and new Title recommended by the Planning Commission.

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Passed and adopted this 16th day of January 2024.

THE CITY OF WOODS CROSS, UTAH

By: *Ryan Westergard*
RYAN WESTERGARD, MAYOR

Voting:

Julie Checketts	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	
Wallace Larrabee	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	
Matt Terry	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	
Jessica Kelemen	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	
Gary Sharp	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	
Ryan Westergard	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	[tie vote only]

Attest:

Annette S. Hanson
Annette S. Hanson
City Recorder

Seal:



RECORDED in the office of the City Recorder this 16th day of January 2024

EXHIBIT "A"

AMENDMENTS TO TITLE 11 WOODS CROSS CITY CODE

TITLE 11 – NON-RESIDENTIAL

SUBDIVISIONS

CHAPTER 11-01:	GENERAL PROVISIONS
CHAPTER 11-03:	SKETCH PLAT
CHAPTER 11-06:	PRELIMINARY PLAT
CHAPTER 11-09:	FINAL PLAT
CHAPTER 11-12:	GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS
CHAPTER 11-15:	REQUIREMENTS FOR PUD AND NON-RESIDENTIAL SUBDIVISIONS
CHAPTER 11-18:	PUBLIC IMPROVEMENTS
CHAPTER 11-21:	DEVELOPMENT FEES

CHAPTER 11-01: GENERAL PROVISIONS

11-01-010.	Short Title.
11-01-020.	Purpose.
11-01-030.	Interpretation.
11-01-040.	Severability.
11-01-050.	Definitions.
11-01-060.	General Considerations.
11-01-070.	General Responsibilities.
11-01-080.	Compliance Required.
11-01-090.	Required Certificates, Permits and Reviews.
11-01-100.	Penalties.
11-01-110.	Amendments.
11-01-120.	Variances.
11-01-130.	Appeals.

11-01-010. Short Title.

This Title shall be known as the "Woods Cross City Subdivision Ordinance" or as the "Land Development Code." This Title shall also be known as Title 11 of the Revised Ordinances of Woods Cross, Utah, 1979. It may be cited and pleaded under any of the above-stated designations. This Title shall apply to all development in the City other than for single-family homes, two-family homes and townhomes. Regulations governing development of single family homes, two family homes and townhomes are found in Title 11B.

11-01-020. Purpose.

The purpose of this Title, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

- (a) To promote and protect the public health, safety and general welfare.
- (b) To regulate future growth and development within the City in accordance with the General Plan and to promote the efficient and orderly growth of the City.
- (c) To provide procedures, specifications and standards for the physical development of subdivisions of land and construction of buildings and improvements thereon within the City including, but

not limited to, the construction and installation of roads, streets, curbs, gutters, sidewalks, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public

TITLE 11B - RESIDENTIAL

SUBDIVISIONS

<u>CHAPTER 11B-01:</u>	<u>GENERAL PROVISIONS</u>
<u>CHAPTER 11B-03:</u>	<u>RESERVED</u>
<u>CHAPTER 11B-06:</u>	<u>PRELIMINARY PLAT</u>
<u>CHAPTER 11B-09:</u>	<u>FINAL PLAT</u>
<u>CHAPTER 11B-12:</u>	<u>GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS</u>
<u>CHAPTER 11B-15:</u>	<u>REQUIREMENTS FOR RESIDENTIAL PUD SUBDIVISIONS</u>
<u>CHAPTER 11B-18:</u>	<u>PUBLIC IMPROVEMENTS</u>
<u>CHAPTER 11B-21:</u>	<u>DEVELOPMENT FEES</u>

CHAPTER 11B-01: GENERAL PROVISIONS

<u>11B-01-010.</u>	<u>Short Title.</u>
<u>11B-01-020.</u>	<u>Purpose.</u>
<u>11B-01-030.</u>	<u>Interpretation.</u>
<u>11B-01-040.</u>	<u>Severability.</u>
<u>11B-01-050.</u>	<u>Definitions.</u>
<u>11B-01-060.</u>	<u>General Considerations.</u>
<u>11B-01-070.</u>	<u>General Responsibilities.</u>
<u>11B-01-080.</u>	<u>Compliance Required.</u>
<u>11B-01-090.</u>	<u>Complete Application; Review Cycles.</u>
<u>11B-01-100.</u>	<u>Penalties.</u>
<u>11B-01-110.</u>	<u>Amendments.</u>
<u>11B-01-120.</u>	<u>Variances.</u>
<u>11B-01-130.</u>	<u>Appeals.</u>

11B-01-010. Short Title.

This Title shall be known as the "Woods Cross City Residential Subdivision Ordinance" or as the "Residential Land Development Code." This Title shall also be known as Title 11B of the Revised Ordinances of Woods Cross, Utah, 1979, as amended. It may be cited and pleaded under any of the above-stated designations. Title 11B shall apply only to subdivision applications for single-family dwellings, two-family dwellings or townhomes. All other subdivision applications shall be governed by Title 11.

11B-01-020. Purpose.

The purpose of this Title, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

- (a) To promote and protect public health, safety and general welfare.
- (b) To regulate future growth and development within the City in accordance with the General Plan and to promote the efficient and orderly growth of the City.
- (c) To provide procedures, specifications and standards for the physical development of subdivisions of land and construction of buildings and improvements thereon within the City including, but not limited to, the construction and installation of roads, streets, curbs, gutters, sidewalks, drainage

systems, water and sewer systems, design standards for public facilities and utilities, access to public rights-of-way, dedication of land and streets, granting easements or rights-of-way and to establish fees and other charges for the authorizing of a subdivision and for the development of land and improvements thereon.

(d) To provide for adequate light, air, and privacy, to secure safety from fire, flood and other dangers, and to prevent overcrowding of the land and undue congestion of population.

(e) To provide for harmonious and coordinated development of the City, and to assure sites suitable for building purposes and human habitation.

11B-01-030. Interpretation.

In their interpretation and application, the provisions of this Title shall be considered as minimum requirements for the purposes set forth. Where the provisions of this Title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this Title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

11B-01-040. Severability.

If any section, clause or provision of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

11B-01-050. Definitions.

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive. The following terms as used in this Title shall have the respective meanings hereinafter set forth.

- (a) "Administrative Land Use Authority" means: (1) the Planning Commission of Woods Cross who shall act as the approval authority for preliminary plat; and (2) the Development Review Committee who shall act as the approval authority for final plat and the final plat.
- (b) "Alley" means a public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- (c) "Appeal" means an appeal of a final decision on a subdivision application of the Development Review Committee. In the event of such an appeal, the procedure outlined in Section 130, below will be followed.
- (d) "Applicant" means the owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have a written authorization from the owner.
- (e) "Block" means the land surrounded by streets and other rights-of-way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the City Council.
- (f) "Bond Agreement" means an agreement to install improvements secured by a stand-by letter of credit, or an escrow agreement with funds on deposit in a federally insured financial institution, or a cash bond deposited with the City, in an amount equal to the City Engineer's estimate. All bond

agreements shall be on forms approved by the City Council wherever a bond is required pursuant to this Ordinance.

- (g) “Building” means a structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.
- (h) “Capital Project” means an organized undertaking which provides, or is intended to provide, the City with a capital asset. “Capital Asset” is defined according to generally accepted accounting principles.
- (i) “City” means Woods Cross City.
- (j) “City Council” means the City Council of Woods Cross City.
- (k) “City Engineer” means a professional registered engineer designated by the City.
- (l) “Collector Street” See Streets.
- (m) “Community Development Department” means that department of the City authorized by the City to oversee Planning, Zoning and Building Inspection within the City.
- (n) “Community Development Director” means the person appointed by the City to perform the duties and responsibilities of Community Development Director, as defined by City ordinances and resolutions.
- (o) “Construction Plans” means the maps or drawings accompanying a preliminary or final subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City as a condition of the approval of the final plat.
- (p) “Condominium” means property conforming to the definition set forth in Sections 56-8-3 of the Utah Code Ann. (1953) as amended. A condominium is also a “subdivision” subject to these regulations and the Condominium Ownership Act of the State of Utah.
- (q) “Condominium Subdivision” See Subdivision.
- (r) “Cul-de-sac” See Streets.
- (s) “Developer” means, as the case may be, (1) an applicant or applicant's agent for subdivision approval, (2) an applicant for a building permit or another permit to be issued by the City, or (3) the owner of any right, title, or interest in real property for which subdivision approval or site plan approval is sought.
- (t) “Development Review Committee” means the administrative land use authority whose purpose is to receive, review, consider the final plat, and if all requirements and standards are met, issue final plat approval. The committee is comprised of members representing the following City departments and City's fire service agency: Community Development; Engineering and Public Works; and also includes the Fire Marshall (or designee) of the South Davis Fire Service area. These individuals are to provide their respective department's/agency's expertise in the technical and policy requirements and standards regarding development applications subject to the development review provisions of this Title and other city ordinances.

- (u) "Development Standards" means the written specifications for improvements in a subdivision that will be maintained by the City after their installation by the Developer. "Development Standards" also include the current version of the Uniform Fire Code as approved by the State of Utah.
- (v) "Easement" means authorization by a property owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the owner's property. An easement may be for use under, on the surface, or above the owner's property.
- (w) "Family" means one (1) person living alone or two (2) or more persons related by blood, marriage or adoption, according to the laws of the State of Utah; or a group not to exceed three (3) unrelated persons living together in a dwelling. Each unrelated person owning or operating a motor vehicle shall have a lawfully located off-street parking space; such group to be distinguished from a group occupying a boarding house, club, fraternity or hotel.
- (x) "Consolidated Fee Schedule" means the schedule, or any appendix of fees adopted periodically by resolution or ordinance of the City Council setting forth various fees charged by the City.
- (y) "Final Plat" See Plat, Final.
- (z) "Flag Lot" means a lot that has been approved by the City with access provided to the bulk of the lot by means of a narrow corridor.
- (aa)"Flood, One Hundred Year" means a flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- (bb)"Flood, Ten Year" means a flood having a ten percent (10%) chance of being equaled or exceeded in any given year.
- (cc)"Flood Plain, One Hundred Year" means that area adjacent to a drainage channel which may be inundated by a one hundred (100) year flood as designated on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.
- (dd)"Freeway" See Streets.
- (ee)"Frontage" means the length of any one property line of a lot or parcel, which property line shall abut an improved public street, but shall not include that length of any property line of a lot or parcel which abuts the end of a dead-end street or stubbed street right-of-way.
- (ff) "General Plan" means the comprehensive, long-range General Plan for proposed future development of land in the City, as provided in Chapter 9 of Title 10 of the *Utah Code Ann.*, 1953, as amended.
- (gg)"Geotechnical Report" means the compilation of information relating to; groundwater, soil, geological features and other components that affect the design and construction of structures, streets, and other infrastructure.
- (hh)"Lot" means a parcel or tract of land within a subdivision and abutting a public street, which is or may be occupied by one building and the accessory buildings or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.
- (ii) "Lot Right-of-Way" means an easement reserved by the lot owner as a private access to serve interior lots not otherwise located on a street.

- (jj) “Master Street Plan” means that portion of the General Plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, which have been approved by the Planning Commission and City Council as provided in Chapter 9a of Title 10 of the *Utah Code Ann.*, 1953, as amended.
- (kk) “Monument” means a permanent survey marker shown on the final plat in accordance with the City Engineer's specifications and referenced to Davis County survey monuments.
- (ll) “Natural Drainage Course” means any natural watercourse which is open continuously for flow of water in a definite direction or course.
- (mm) “Owner” means the owner in fee simple of real property as shown in the records of the Davis County Recorder's Office and includes the plural as well as the singular, and may mean a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi-public corporation, other entities authorized by the State of Utah, or any combination of any of the foregoing.
- (nn) “Parcel of Land” means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same owner.
- (oo) “Park Strip” means the strip of land located within the public right of way between the sidewalk and the curb and gutter.
- (pp) “Person” means individuals, bodies politic, corporations, partnerships, associations, trusts, companies and other legal entities.
- (qq) “Planned Unit Development” means development designed pursuant to Chapter 16 of Title 12 of the Revised Ordinances of Woods Cross, Utah, 1979 and Chapter 11-15 of this Title and means an integrated design for development of residential, commercial, or industrial uses, or combination of such uses, in which one or more of the regulations, other than use regulations, of the Zone in which the development is to be situated, is waived or varied to allow flexibility and initiative in site design and building design and location in accordance with an approved plan and the general requirements specified in this Title. A planned unit development may be: (1) the development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and/or aesthetic uses; (2) the conservation or development of desirable amenities not otherwise possible under the otherwise applicable development standards; and (3) the creation of areas for multiple use that are of benefit to the neighborhood.
- (rr) “Planning Commission” means the Woods Cross City Planning Commission.
- (ss) “Plat” means a map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.
- (tt) “Plat, Final or Final Plat” means a map of a subdivision, required of all subdivisions, , which is prepared so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being in conformity with the ordinances of the City and Title 10, Chapter 9a, Part 6 of the *Utah Code Ann.*, 1953, as amended.
- (uu) “Plat, Preliminary or Preliminary Plat” means the initial formal plat of a proposed land division or subdivision showing all information and features required by the provisions of this Title.

(vv) "Protection Strip" means a strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements. A protection strip is not permitted at the end of a dedicated public right-of-way.

(ww) "Public Improvements" means streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, subsurface drains, and other similar facilities which are required to be dedicated to the City or other public entities in connection with subdivision, conditional use, or site plan approval.

(xx) "Public Way" means any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.

(yy) "Review Cycle" There shall be no more than four (4) total review cycles. A single review cycle shall be considered complete when:

- Complete Application is submitted to the Administrative Land Use Authority;
- The Administrative Land Use Authority Review is complete;
- The Applicant Response to Review is complete; and
- The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.

Review Cycle, Exceptions.

- Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.
- Additional Time for Review. If the Applicant does not submit a revised plan within twenty (20) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.
- Other Land Use Applications. The Review Cycle as defined in this Title applies only to single- family, two family and townhome, subdivision land use applications.

(zz) "Secondary Water System" means any system which is designed and intended to provide, transport and store water used for watering crops, lawns, shrubberies, flowers and other non-culinary uses.

(aaa) "Sidewalk" means a passageway for pedestrians, excluding motor vehicles.

(bbb) "Street" means a thoroughfare which has been dedicated to the City and accepted by the City Council, which the City has acquired by prescriptive right, deed or by dedication, or a thoroughfare which has been abandoned or made public by use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

(ccc) "Street, Freeway" means a street with fully controlled access designed to link major destination points. A freeway is designed for high-speed traffic with a minimum of four travel lanes.

- (ddd) “Street, Major Arterial” means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated in the Master Street 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.
- (eee) “Street, Minor Arterial” means a similar street to major arterial, but considered to be of slightly less significance because of lower anticipated volume, narrower width, or service to a smaller geographic area.
- (fff) “Street, Collector” means a street, existing or proposed, which is the main means of access to the arterial street system.
- (ggg) “Street, Local” means a minor street which provides access to abutting properties and protection from through traffic.
- (hhh) “Street, Private” means a thoroughfare within a subdivision which has been reserved by dedication unto the developer or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the City and maintained by the developer or other private agency.
- (iii) “Street, Cul-de-Sac” means a minor terminal street provided with a turn-around.
- (jjj) “Subdivision” means any land that is divided, re-subdivided or proposed to be divided into two or more residential lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, of offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. “Subdivision” includes (a) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument; and (b) divisions of land for all residential uses. “Subdivision” does not include parcels which do not meet the minimum area and/or frontage requirements of the City’s Zoning Ordinance and are solely acquired as additions to existing lots or parcels. No building permits for any main structure shall be issued by the City on such “addition” parcels because of their non-compliance with the ordinances of the City.
- (kkk) “Utilities” means culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, sub-drains, electric power, natural gas, cable television and telecommunication transmission lines, including underground conduits and junction boxes.
- (lll) “Water and Sewer Improvement Districts” means the water and sewer improvement districts that have jurisdiction over the land proposed for a subdivision.
- (mmm) “Zoning Ordinance” means the City’s Planning and Zoning Ordinance as presently adopted and as amended hereafter by the City Council.

11B-01-060. General Considerations.

(a) The General Plan shall guide the use and future development of all land within the corporate boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, the Zoning Ordinance, and other applicable ordinances.

(b) Trees, native land cover, natural watercourses, and topography shall be preserved where possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the Zoning Ordinance. The design of new subdivisions shall consider, and relate to existing street widths, alignments and names.

(c) Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with General Plan standards, this Title, and other applicable ordinances. This Title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of a subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the developer may be required to dedicate, grant easements over, or otherwise reserve land for: schools, parks, playgrounds, public ways, utility easements, and other public purposes.

11B-01-070. General Responsibilities.

(a) The developer shall prepare plats consistent with the standards contained herein and shall pay for the design, construction and inspection of the required public improvements. The City shall process and review said plans and plats in accordance with the regulations set forth herein. The developer shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until developer has obtained the necessary approvals as outlined herein.

(b) The City Community Development Director shall review the plans and plats for design; for conformity to the General Plan and to the Zoning Ordinance; for the environmental quality of the subdivision design; for compliance with this Chapter; and shall process the subdivision plats and reports as provided for in this Title.

(c) Plats and/or plans of proposed subdivisions may be referred by the Community Development Director to any City departments and 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 comment. The Community Development Director is responsible for coordinating any comments received from public and private entities and shall decide to which agencies to refer proposed subdivision plats and plans.

(d) The City Engineer shall review for compliance the engineering plans and specifications for the City required improvements for the subdivision and whether the proposed City required improvements are consistent with this Title and other applicable ordinances and shall be responsible for inspecting the City required improvements. Street layout and overall circulation shall be coordinated with transportation planning by the City Planner.

(e) The City Public Works Department shall review and make comments on the engineering plans and specifications for the City required improvements to the City Engineer and the City Planner. The Public Works Director may assist the City Engineer in performing inspections.

(f) The Planning Commission shall act as the administrative land use authority that receives, reviews, considers and issues its approval of preliminary plat subdivisions. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the General Plan and Zoning Ordinance, and other pertinent ordinances, regulations, documents, standards and requirements. After reviewing the preliminary plat and determining that it meets all the applicable preliminary requirements and standards, the Planning Commission may approve, approve with conditions, or disapprove of the preliminary plat to the Development Review Committee.

(g) The City Attorney shall verify that the bond provided by the developer is acceptable, that the developer dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report(s) submitted by the developer, and may review matters of title such as easements and restrictive covenants.

11B-01-080. Compliance Required.

(a) It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the City except in compliance with this Title. No plat of any subdivision shall be recorded until it has been submitted and approved as herein. A plat shall not be approved if such plat is in conflict with any provision or portion of the General Plan, Master Street Plan, Zoning Ordinance, this Title, or any other state law or City ordinance.

(b) Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this Title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein set forth. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities and services are fully provided and operational.

(c) All lots, plots or tracts of land located within a subdivision shall be subject to this Title whether the tract is owned by the developer or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.

(d) A building permit shall not be issued for any lot in a subdivision until sufficient fire protection is provided, including hard surfacing of all streets to provide access for fire protection apparatus. Necessary water lines and hydrants must be installed and approved by the City in accordance with Section 11-12-050 of this Title prior to the issuance of any building permits. No permits shall be issued for any parcel which has not been properly subdivided.

11B-01-090. Complete Application; Review Cycles.

- (a) Complete Application. The determination of whether an application is complete shall be made by the Director of Community Development. An application shall not be considered complete, and the first review cycle shall not begin unless and until the Applicant has submitted the following items:
- (1) A completed Preliminary Subdivision Plat Application as provided by the City.
 - (2) Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
 - (3) A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - (4) Current Davis County ownership plat depicting property proposed for subdivision and all contiguous property around land proposed to be subdivided.
 - (5) A recent Title Report covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
 - (6) Will serve letters from all irrigation and sewer providers.
 - (7) A digital copy of the preliminary plat as outlined in the Public Works Standards.

- (8) A digital copy of the preliminary improvement plans to include at a minimum the following:
 - i. Grading and drainage plan.
 - a. Storm Drain calculations
 - b. Low Impact Design (LID) analysis and Water Quality Report
 - ii. Utility plan.
 - (9) Payment of fees as stated in the City's current adopted Consolidated Fee Schedule
- (b) Review Cycle. There shall be no more than four (4) total review cycles. The first review cycle will be performed by the Planning Commission; the remaining review cycles will be performed by the Development Review Committee. A single review cycle shall be considered complete when:
- (1) A complete Application is submitted to the Administrative Land Use Authority;
 - (2) The Administrative Land Use Authority Review is complete;
 - (3) The Applicant Response to Review is complete; and
 - (4) The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.
- (c) Review Cycle, Exceptions.
- (1) Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.
 - (2) Additional Time for Review. If the Applicant does not submit a revised plan within twenty (20) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.
 - (3) Other Land Use Applications. The Review Cycle as defined in this Title applies only to single family, two family and townhome, subdivision land use applications.

11B-01-100. Penalties.

It shall be a Class "C" misdemeanor for any person to fail to comply with the provisions of this Title. In addition to any criminal prosecution, the City may pursue any other legal remedy to ensure compliance with this Title including, but not limited to, injunctive relief.

11B-01-110. Amendments.

This Subdivision ordinance may be amended from time to time by the City Council after receiving a recommendation from the Planning Commission. All proposed changes and amendments shall be proposed by or submitted to the Planning Commission for its recommendation; which, within thirty (30) days shall be forwarded to the City Council for its consideration. Prior to forwarding a recommendation to the City Council, the Planning Commission shall hold a public hearing on the proposed amendment. At least ten (10) days' notice of the time and place of such hearing shall be published in the manner required by law. Failure of the Planning Commission to submit a recommendation within the prescribed time shall be deemed approval by the Planning Commission of the proposed change or amendment.

After receiving the Planning Commission's recommendation, the City Council shall hold a public hearing on the proposed amendment. At least ten (10) days' notice of the time and place of such hearing shall be published as required by law. After holding the hearing, the City Council may uphold, overrule, or modify the recommendation of the Planning Commission by a majority vote of its members.

11B-01-120. Variances.

Where the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions where strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the developer, the City Council after receiving a recommendation from the Planning Commission may vary such requirements and require such conditions as will secure, insofar as practicable, the objectives of the requirement varied. Any variance authorized shall be entered in the minutes of the City Council.

11B-01-130. Appeals.

(a) Appeals of decisions on an applicant's plat application shall be filed with the City Recorder and heard by a three-person panel comprised of one licensed engineer designated by the City, one licensed engineer designated by the land use applicant, and one licensed engineer agreed upon by the two earlier designated engineers. Unless otherwise agreed in writing, the hearing of the appeal panel shall commence within 10-business days of receiving a request from the applicant.

No panel member shall have an ownership interest in the application in question. The applicant shall pay 50% of the total cost of the panel and the City's appeal fee. The City shall pay the remaining 50%. The panel's decision is final. Any further appeal of the panel's decision must be filed with the district court within 30 days of the date of the panel's decision.

An appeal of any issue that is not related to approval of a subdivision (e.g., City standards, regulations, etc.) shall follow the procedures and requirements for appeals under Title 11.

EXHIBIT "B"
NEW TITLE 11B
WOODS CROSS CITY CODE

CHAPTER 11B-06: PRELIMINARY PLAT

11B-06-010. Preliminary Plat - Purpose.

11B-06-020. Application and Fees.

11B-06-030. Plat Preparation and Required Information.

11B-06-040. Review and Approval by the Planning Commission.

11B-06-050. Effective Period of Preliminary Plat Approval.

11B-06-060. Zoning Regulations.

11B-06-070. Phasing.

The purpose of the preliminary plat is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall in all respects, be in compliance with the provisions of this Title and any other applicable City Ordinances.

11B-06-020. Application and Fees.

The developer shall file an application for preliminary plat approval with the City Community Development Department on a form prescribed by the City, with One (1) digital copy in PDF format on a flash drive or emailed to the Community Development Department. At the same time, the developer shall pay to the City the application fee for the subdivision as set forth in the Consolidated Fee Schedule.

11B-06-030. Preliminary Plat Preparation and Required Information.

Each sheet of the preliminary plat shall be drawn to scale not smaller than one hundred (100) feet to the inch, and shall contain the name of the subdivision, sheet number, and north arrow. In addition to the requirements of Section 11B-1-090, the preliminary plat shall include the following:

(a) The location of the subdivision in relationship to an adjoining larger tract of property of which it is a part. The submittal shall include a sketch of the prospective future street system of the unplatted portion of the property, and the street system of the part submitted shall be considered in light of adjustments and connections with the future street system of the surrounding area and in accordance with the City's General Plan.

(b) A vicinity map of the proposed subdivision, drawn at a scale of five hundred (500) feet to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets.

(c) The names and addresses of the developer, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.

(d) A contour map at intervals of at least two (2) feet, showing all unusual topographic features with verification by a qualified engineer or land surveyor. All elevations shall be based on NAVD 88 datum.

(e) Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a land surveyor, registered to practice in the State of Utah.

(f) The boundary lines of the tract to be subdivided, with all dimensions shown.

(g) Existing sanitary sewers, storm drains, subdrains, culinary and secondary water-supply mains and culverts and other utilities within the tract or within one hundred (100) feet thereof.

(h) The location, widths, and other dimensions of proposed streets, alleys, easements,

parks, and other open spaces and lots with the size of each lot in square footage and proper labeling of spaces to be dedicated to the public.

(i) The location, principal dimension, and names of all existing or recorded streets, alleys, and easements, both within the proposed subdivision and within one hundred (100) feet of the boundary thereof, showing whether recorded or claimed by usage; the location and dimensions to the nearest existing bench mark or monument, and section line; the location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography.

(j) The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within two hundred (200) feet thereof, and all known wells or springs (consult Utah State Engineer's Office), and location of the one hundred (100) year flood plain as determined by the Federal Emergency Management Agency (FEMA).

(k) Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.

(l) Boundary lines of adjacent tracts of unsubdivided land within one hundred (100) feet of the tract proposed for subdivision, showing ownership and property monuments.

(m) Location of proposed street lighting in the subdivision.

(n) Location of landscaping and/or park strip tree planting.

(o) The developer shall provide the following documents with the application:

(1) Copies of any agreements with adjacent property owners relevant to the proposed subdivision.

(2) A comprehensive geo-technical and soils report prepared by a qualified geotechnical engineer. At a minimum the report shall include the following:

- (i) Boring Plan.
- (ii) Computer generated soil boring logs with soil classification in accordance with the Unified Soil Classification System (USCS).
- (iii) Exploration procedures.
- (iv) Results of laboratory testing.
- (v) Subsurface conditions encountered.
- (vi) Depth to stabilized groundwater.
- (vii) Regional and site geology.
- (viii) Applicable geologic hazards including liquefaction a lateral spread potential.
- (ix) Mitigation of problematic soil conditions encountered.
- (x) Seismic site classification and ground motions in accordance with the current IBC.
- (xi) Foundation type and depth.
- (xii) Allowable bearing capacity and settlement of foundations.
- (xiii) Fill placement and compaction.
- (xiv) Earthwork and sub-grade preparation.

(3) A copy of a preliminary title report evidencing satisfactory proof of ownership.

(4) A statement that all utilities & services will be available for the subdivision.

(5) A traffic report prepared by a qualified traffic engineer for all subdivisions with access to a collector or arterial street.

(6) A written narrative outlining how the developer proposes to accommodate drainage for a 10-year, 1 hour storm event and overflow for a 100 year storm event.

(7) A written statement that the developer shall comply with all city ordinances and regulations and other applicable federal and state laws and regulations and shall provide evidence of such compliance if requested by the City.

11B-06-040. Review and Approval by the Commission.

The Planning Commission shall review the submitted preliminary plat within 15-business days of receipt of a complete application and determine compliance with the standards and criteria set forth in this Ordinance and all other ordinances of Woods Cross City, including but not limited to the Zoning Ordinance, General Plan, Development Standards, and applicable building codes. The Planning Commission may approve, approve subject to modification and/or conditions, or disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, noncompliance with City regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist in the evaluation of the preliminary plat. The Planning Commission may review all relevant information pertaining to the proposed development including but not limited to the following: fire protection; sufficient supply of culinary and secondary water to the proposed subdivision; sewer service; traffic considerations; potential for flooding; burden on the school district; etc.

- 1) Once a complete application is received by the City, the application will be scheduled to be presented to the Planning Commission for the initial 15-business day review and action.
- 2) If the Planning Commission denies preliminary plat approval, no further review of the proposed subdivision shall be made by the Planning Commission, and a new preliminary plat shall be required to re-initiate the subdivision process.

- (a) The developer shall be notified in writing of the action taken by, and the findings of, the Planning Commission regarding the submitted preliminary plat. The granting of a preliminary plat approval by the Planning Commission shall not constitute a final acceptance of the subdivision. Nor shall approval of the preliminary plat relieve the developer of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards and requirements.

11B-06-050. Effective Period of Preliminary Approval.

The approval of a preliminary plat shall be effective for a period of six (6) months at the end of which time final approval of the subdivision must have been obtained from the Development Review Committee, although the plat need not yet be signed and filed with the Davis County Recorder. This time period may be extended an additional six (6) months for good cause shown if the developer petitions the Planning Commission for an extension prior to the expiration date. However, only one extension may be granted. Any plat not receiving preliminary approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new preliminary plat for approval subject to all then existing zoning and subdivision regulations. Preliminary approval of any undeveloped phases of a

phased subdivision shall become null and void should more than two (2) years elapse between the date of conditional acceptance by the City of the off-site improvements of the last completed phase by the City and the application for final approval of a subsequent phase.

11B-06-060. Zoning Regulations.

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of preliminary plat approval.

11B-06-070. Phasing.

Subdivisions containing more than thirty (30) lots may be done in phases. Each phase shall consist of that number of lots that can be completely developed with both off-site and on-site improvements within the two (2) year period provided for improvements under Section 11-09-110 of this Title. Off-site improvements are construed to be those improvements required by the Woods Cross City Development Standards. On-site improvements shall be construed to mean the construction 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 improvements 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 lessee or grantees of any of the lands subdivided within the time hereinafter specified. Phases shall be designed to minimize the dead-ending of streets and waterlines. Phasing shall be done in such a manner as to provide sufficient traffic circulation in each of the phases. The City Council shall not approve the final plat of a phase in a phased subdivision where one of two previously approved phases has not been conditionally accepted by the City Council.

CHAPTER 11B-09: FINAL PLAT

11B-09-010. Final Plat - Purpose.

11B-09-020. Filing Deadline, Application and Fees.

11B-09-030. Final Plat - Preparation and Required Information.

11B-09-040. Construction Plans - Preparation and Required Information.

11B-09-050. Review by the City Engineer.

11B-09-060. Reserved.

11B-09-070. Review by the City Attorney.

11B-09-080. Reserved.

11B-09-090. Signing and Recording of Final Subdivision Plat.

11B-09-100. Expiration of Final Approval.

11B-09-110. Security for Public Improvements.

11B-09-120. Acceptance of Off-Site Improvements.

11B-09-130. Special Exception for Sidewalk.

11B-09-140. Issuance of Building Permits and Certificates of Occupancy.

11B-09-010. Final Plat - Purpose.

The purpose of the final plat is to provide formal review and approval of the proposed subdivision by the Development Review Committee before a subdivision plat is recorded in the office of the Davis County Recorder. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Title. The final plat and construction plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.

11B-09-020. Filing Deadline, Application and Fees.

The developer shall file an application for final plat approval with the City Community Development Department on a form prescribed by the City, with One (1) digital copy in PDF format on a flash drive or emailed to the Community Development Department. At the same time, the developer shall pay to the City the application fee for the subdivision as set forth in the Consolidated Fee Schedule.

11B-09-030. Final Plat - Preparation and Required Information.

(a) The final plat shall be presented consistent with Davis County subdivision regulations. The plat shall be drawn in a manner following standard drafting protocol. All lines, dimensions, and markings shall be made on the tracing linen, mylar, or comparable material, with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred (100) feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable. The final plat shall include the following:

(1) The subdivision name and the general location of the subdivision in bold letters at the top of the sheet, a north arrow, scale of the drawing, and date.

(2) Signatures by all required and authorized parties with appropriate notary acknowledgments.

(3) An accurate and complete survey. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of one (1) foot in twenty thousand (20,000) feet.

(4) Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.

(5) All survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall show the calculated Davis County coordinates. Lot and boundary closure shall be calculated to the nearest 100th of a foot.

(6) Delineation of lots, blocks, and parcels offered for dedication for any purpose with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.

(7) Right-of-way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of non-conformity of such existing streets shall be accurately shown.

(8) Consecutively numbered lots and/or blocks under a definite system approved by the Planning Commission in its preliminary review. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.

(9) Streets numbered in accordance with and in conformity with the adopted street numbering system adopted by the City. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the City. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.

(10) Clearly labeled and identified easements. The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown.

(11) All stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the developer under the direction of the City Engineer. The following required monuments shall be shown on the final plat:

(i) The location of all monuments placed in making the survey, including a statement as to what, if any, points were re-set by ties;

(ii) All right-of-way monuments at angle points and intersections as approved by the City Engineer.

(12) The name of the surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgments, notes and

descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:

(i) Registered land surveyor's "Certificate of Survey";

(ii) Owners' dedication certificate;

(iii) Notary public's acknowledgment for each signature on the plat;

(iv) A correct mete and bounds description of all property included within the subdivision;

(v) Blocks formatted with appropriate language for signature of the Planning Commission, City Engineer, City Attorney, Mayor and an attestation by the City Recorder) and a block for the Davis County Recorder shall be provided in the lower right corner;

(vi) Blocks formatted with appropriate language for utility companies if required.

(vii) A note stating "Many areas in Woods Cross have ground water problems due to a seasonally high (fluctuating) water table. Approval of this plat does not constitute representation by the City that building at any specified elevation will solve ground water problems. Solution of these problems is the sole responsibility of the permit applicant and property owner."

(viii) Such other affidavits, certificates, acknowledgments, endorsements and notary seals as are required by law, by this Title, or by the City Attorney.

(b) The following documents shall be submitted with the final plat:

(1) A current title report to be reviewed by the City Attorney. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property, and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.

(2) When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the developer shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas.

11B-09-040. Construction Plans - Preparation and Required Information.

The developer shall prepare and submit construction plans in accordance with the requirements and standards set forth in Chapter 8 of this Title.

11B-09-050. Reserved.

11B-09-060. Reserved

11B-09-070. Review by the City Attorney.

The City Attorney shall review the final plat, the signed subdivision improvements agreement, the current title report and the security for insuring completion of the improvements to verify compliance with the City's dedication and bonding requirements. The City Attorney may also review public easements, protective covenants and other documents where applicable. Upon approval of the items specified in this Section, the City Attorney shall sign the plat in the appropriate signature block and forward the plat to the City Administrator.

11B-09-080. Review by the Development Review Committee

The Development Review Committee shall review the final plat and construction plans and determine compliance with all standards and criteria set forth in this Ordinance and all other applicable ordinances of the City and the State of Utah. The City Engineer shall sign the final plat if the Development Review Committee finds that the subdivision and the construction plans fully complies with this Ordinance and the Development Standards, that the survey description is correct, and that all easements are correctly described and located. The Development Review Committee shall complete a review of the plat within twenty 20-business days per review cycle after it is submitted for review. If the final plat complies, the City Engineer shall sign the plat in the appropriate signature block. If the final plat or the construction plans do not comply, they shall be returned to the developer with comment.

If the Development Review Committee determines that the final plat is in conformity with the requirements of this Title, other applicable ordinances, and any reasonable conditions, that all fees have been paid as required, and that the City is satisfied with the final plat of the subdivision, it may approve the final plat. If the Development Review Committee determines that the final plat is not in conformity with this Title or other applicable ordinances, or any reasonable conditions imposed, it may disapprove the final plat specifying the reasons for such disapproval. No final plat shall have any force or effect unless the same has been approved by the Development Review Committee, City Engineer, City Attorney, and signed by the Mayor and City Recorder.

11B-09-090. Signing and Recording of Final Subdivision Plat.

(a) Signing of Plat. The Mayor shall endorse approval of the plat after the Bond Agreement outlined in Section 11B-09-110 has been approved by the Development Review Committee, and all the conditions of the resolution pertaining to the plat have been satisfied.

(b) Recording of Plat:

(1) The following fees in the amount established by the City Council by resolution as shown in the Consolidated Fee Schedule shall be paid to the City prior to recording the plat.

(i) A fee for street identification signs and for each traffic control device.

(ii) A fee for recording the final plat.

(iii) Any other fees or bonds required by the City.

(2) The City shall record the final plat in the office of the Davis County Recorder after the fees required in Subsection (1) above are received by the City and after the developer has complied with all other City requirements for recording.

(3) Three (3) copies of the final plat and one (1) copy of all other legal documents required to be recorded shall be submitted to the Community Development Director with all

recording data contained therein prior to the issuance of any building permits for lots in the subdivision.

11B-09-100. Expiration of Final Approval.

If the final plat is not recorded within six (6) months from the date of Development Review Committee final approval, such approval shall be null and void. This time period may be extended by the Development Review Committee for up to an additional six (6) month period for good cause shown. The developer must petition in writing for an extension prior to the expiration of the original six (6) months. No extension will be granted if it is determined that it will be detrimental to the City. If any of the fees charged as a condition of subdivision approval have increased, the City may require that the bond estimate be recalculated, and that the developer pay any applicable fee increases as a condition of granting an extension.

11B-09-110. Security for Public Improvements.

The applicant shall comply with Section 11-09-110 for Security for Public Improvements

11B-09-120. Acceptance of Off-Site Improvements.

The applicant shall comply with Section 11-09-120 for Acceptance of Off-Site Improvements

11B-09-130. Special Exception for Sidewalk.

The applicant shall comply with Section 11-09-130 for Special Exception for Sidewalk

11B-09-140. Issuance of Building Permits and Certificates of Occupancy.

The applicant shall comply with Section 11-09-140 for Building Permits and Certificates of Occupancy

CHAPTER 11B-12: GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

11B-12-010. Subdivision Layout.

11B-12-020. Lots.

11B-12-030. Streets and Related Improvements.

11B-12-035. Subsurface Water

11B-12-040. Drainage.

11B-12-050. Utilities.

11B-12-060. Landscaping.

11B-12-070. Orderly Development Required.

11B-12-080. Irrigation Ditches.

11B-12-090. Residential Subdivision Access.

11B-12-100. Reimbursement Agreements.

11B-12-010. Subdivision Layout, Etc.

The applicant shall comply with Sections 11-12-010 through 11-12-100 for General Requirements for All Subdivisions.

11B-12-020. Lots.

The applicant shall comply with Sections 11-12-010 through 11-12-100 for General Requirements for All Subdivisions.

11B-12-030. Streets and Related Improvements.

The applicant shall comply with Sections 11-12-010 through 11-12-100 for General Requirements for All Subdivisions.

11B-12-035. Subsurface water

The applicant shall comply with Sections 11-12-010 through 11-12-100 for General Requirements for All Subdivisions.

11B-12-040. Drainage.

The applicant shall comply with Sections 11-12-010 through 11-12-100 for General Requirements for All Subdivisions.

11B-12-050. Utilities.

The applicant shall comply with Sections 11-12-010 through 11-12-100 for General Requirements for All Subdivisions.

11B-12-060. Landscaping.

The applicant shall comply with Sections 11-12-010 through 11-12-100 for General Requirements for All Subdivisions.

11B-12-070. Orderly Development Required.

The applicant shall comply with Sections 11-12-010 through 11-12-100 for General Requirements for All Subdivisions.

11B-12-080. Irrigation Ditches.

The applicant shall comply with Sections 11-12-010 through 11-12-100 for General Requirements for All Subdivisions.

11B-12-090. Residential Subdivision Access.

The applicant shall comply with Sections 11-12-010 through 11-12-100 for General Requirements for All Subdivisions.

11B-12-100. Reimbursement Agreements.

The applicant shall comply with Sections 11-12-010 through 11-12-100 for General Requirements for All Subdivisions.

CHAPTER 11B-15: REQUIREMENTS FOR RESIDENTIAL PUD SUBDIVISIONS

11B-15-010. Planned Unit Developments.

11B-15-010. Planned Unit Developments.

(a) Design Standards. The design of the preliminary and final plats of the project in relation to streets, blocks, lots, common open spaces, and other design factors shall be in harmony with the intent of the Woods Cross General Plan that has been adopted by the City Council, and design standards recommended by the Planning Commission and approved by the City Council. Streets shall be so designed as to take advantage of open space vistas and create drives with a rural or open space character.

(b) Provisions for Common Open Space. The developer of a cluster subdivision or PUD shall submit plans of landscaping and improvements for the common open space. The developer shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A project must meet the requirements of the Zoning Ordinance, 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 residents of the project, surrounding residents, and the general public.

The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.

(c) Guarantee of Common Open Space Improvements. As assurance of completion of common open space improvements, the developer at the request of the City Council, shall be required to file with the City Council an acceptable bond, or other agreement, in a form satisfactory to the City Attorney guaranteeing such completion within two (2) years after such filing. Upon completion of the improvements for which a bond or other agreement has been filed, the developer shall call for inspection by the City Engineer, such inspection to be made within fourteen (14) days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds or security therefor shall be released. If the bonds or security are not released, refusal to release and reasons therefor shall be given to the developer in writing.

(d) Continuation of Common Open Space. As assurance of continuation of common open space use in accordance with the plans approved by the Planning Commission, the developer shall grant to the City an "Open Space Easement" on and over the common open space prior to the recording to the final plat, which easement will not give the general public the right of access, but will provide that the common open space remains open.

(e) Maintenance of the Common Open Space. In order to ensure maintenance of the common open space and other improvements where so required, the developer, prior to the recording of the final plat, shall cause to be incorporated under the laws of the State of Utah, a home or property owners' association. By proper covenants running with the land and through the articles of incorporation and by-laws of the association it shall among other things, be provided:

(1) That the membership in the association shall be mandatory for each lot or dwelling unit purchaser, their guarantees, successors, and assigns.

(2) That the common open space restrictions shall be permanent and not just for a period of years.

(3) That the association be responsible for maintaining liability insurance, paying general property taxes, and maintaining recreational and other facilities.

(4) That all lot, unit, or home owners shall pay their pro rata share of the cost of upkeep, maintenance, and operation.

(5) That any assessment levied by the association may become a lien on the real property of any lot, unit, or homeowner which may be foreclosed, and the property sold.

CHAPTER 11B-18: PUBLIC IMPROVEMENTS

- 11B-18-010. Design Standards.**
- 11B-18-020. Construction Plans.**
- 11B-18-030. Standards for Construction Plans.**
- 11B-18-040. Contractors.**
- 11B-18-050. Preconstruction Meetings.**
- 11B-18-060. Inspection.**
- 11B-18-070. Requests for Inspection.**
- 11B-18-080. Correcting Defective Work.**

11B-18-010. Design Standards.

The applicant shall comply with Section 11-18-010 through 080 for Requirements for Public Improvements.

11B-18-020. Construction Plans.

The applicant shall comply with Section 11-18-010 through 080 for Requirements for Public Improvements.

11B-18-030. Standards for Construction Plans.

The applicant shall comply with Section 11-18-010 through 080 for Requirements for Public Improvements

11B-18-040. Contractors.

The applicant shall comply with Section 11-18-010 through 080 for Requirements for Public Improvements.

11B-18-050. Preconstruction Meetings.

The applicant shall comply with Section 11-18-010 through 080 for Requirements for Public Improvements.

11B-18-060. Inspection.

The applicant shall comply with Section 11-18-010 through 080 for Requirements for Public Improvements.

11B-18-070. Requests for Inspection.

The applicant shall comply with Section 11-18-010 through 080 for Requirements for Public Improvements.

11B-18-080. Correcting Defective Work.

The applicant shall comply with Section 11-18-010 through 080 for Requirements for Public Improvements.

CHAPTER 11B-21: IMPACT FEES

11B-21-010. General.

11B-21-020. Water System.

11B-21-030. Storm Drainage System.

11B-21-040. Parks.

11B-21-060. Periodic Review.

11B-21-070. Accounting.

11B-21-080. Challenges.

11B-21-010. General.

The applicant shall comply with Sections 11-21-010 through 080 for Impact Fees.

11B-21-020. Water System.

The applicant shall comply with Sections 11-21-010 through 080 for Impact Fees.

11B-21-030. Storm Drainage System.

The applicant shall comply with Sections 11-21-010 through 080 for Impact Fees.

11B-21-040. Parks.

The applicant shall comply with Sections 11-21-010 through 080 for Impact Fees.

11B-21-060. Periodic Review.

The applicant shall comply with Sections 11-21-010 through 080 for Impact Fees.

11B-21-070. Accounting.

The applicant shall comply with Sections 11-21-010 through 080 for Impact Fees.

11B-21-080. Challenges.

The applicant shall comply with Sections 11-21-010 through 080 for Impact Fees.