



ORDINANCE NO. O-24-09

**AN ORDINANCE AMENDING GARLAND CITY SUBDIVISION ORDINANCE TITLE 10 TO COMPLY WITH
STATE-MANDATED REVISIONS TO MUNICIPALITY'S ADMINISTRATION AND PROCESSING OF
PRELIMINARY AND FINAL PLATS, COMMONLY REFERRED TO AS SB174 SUBDIVISION ORDINANCE
CHANGES**

WHEREAS, the Garland City Planning and Zoning Commission has recommended that the proposed changes to the City's Subdivision Ordinance, which comply with recently enacted state law, referred to as SB174; and

WHEREAS, public hearings were held on October 8, 2024 and November 6, 2024 to receive public input and comment regarding the proposed amendment to the City's Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Garland, Utah, as follows:

Section 1. That Garland City Code be amended and to now include the following:

- 1) Revisions to the City's Subdivision Ordinance Title 10 as shown on Attachment 1.

The provisions of this ordinance shall take effect upon passage, signature of the mayor and after being posted or published as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF GARLAND, UTAH, THIS 6th DAY OF NOVEMBER 2024.

CITY OF GARLAND

By: 
Linda Bourne, Mayor

ATTEST: Sharlet Anderson
Sharlet Anderson, Recorder



Voting by the City Council

	"YES"	"NO"
Jeanette Atkinson	☒	☐
Sharla Nelson	☒	☐
Josh Munns	☒	☐
Tena Allen	☒	☐
John Losee	☐	☐ Absent
Linda Bourne (if tied)	☐	☐

Attachment 1
(TITLE 10: Subdivision Ordinance)

Garland City Subdivision Ordinance (REV 2024)

Chapter 10-7. GENERAL PROVISIONS

- A. **Short Title:** This Ordinance shall be known and may be cited as the Garland City Subdivision Ordinance and may be identified within this document as "the Ordinance", "this Ordinance" or "Subdivision Ordinance."
- B. **Purpose:** The Garland City Subdivision Ordinance is established to promote the purposes of Section 10-9a of State Code to provide for the orderly division of lands, and to secure the provision of necessary infrastructure and services in an efficient and economical manner for existing and future residents.
- C. **Scope:** No person shall subdivide any tract of land which is located wholly or in part within the corporate limits of the city, except in compliance with this title. 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 and other local regulations. This title shall not apply to lots legally created prior to the adoption of the ordinance codified herein, unless they are further subdivided after the creation of this title.
- i. A "subdivision" is as defined in section 10-1(F) below.
 - ii. Building permits will not be issued on parcels which have been created in violation of this title. Furthermore, those improvements which are required to be in place prior to the issuance of building permits must be completed before such issuance.
 - iii. Any land divided for any purpose into two (2) or more parts after the adoption of this title shall be subject to the provisions and regulations herein, except for the bona fide divisions for partitions of commercial land for commercial purposes; and industrial land for industrial purposes, as defined herein.
 - iv. All lots, plots or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the subdivider or a subsequent purchaser, transferrer or holder of the land
- D. **Authority:** This Ordinance is enacted and authorized under the provisions of Title 10, Chapter 9a, Utah Code Annotated, 1953, as amended.
- E. **Jurisdiction, Definition and Applicability:**
- i. Upon its adoption by the Garland City Council, this Ordinance shall govern and apply to the subdivision and platting of all lands within the corporate limits of the City.
- F. **Subdivision Defined.** Subdivision Approval Required for all Development Approvals and Building Permits: For the purposes of this Ordinance, and as provided by the laws of the State of Utah, a subdivision shall be, and shall mean:
- i. Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of and for the purpose, whether

immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. No person shall subdivide any land, nor shall any building permit be issued by the City for any lot or parcel of land, which is located wholly or in part within the corporate limits of the City, except in compliance with this Ordinance, and all applicable Local, State and Federal laws.

- ii. Any subdivision filed or recorded, without the approvals required by this Ordinance, is void.
- iii. Any owner, or agent of the owner, of any land located in a subdivision, as defined herein, who transfers or sells any land located within the subdivision before such subdivision has been approved and recorded, consistent with the requirements of this Ordinance, is guilty of a violation of this Ordinance, and State law, for each lot or parcel transferred or sold.
- iv. The description by metes and bounds, or other instrument used in the process of selling or transferring of any lot or parcel of land, does not exempt the transaction from a violation of this Ordinance and the laws of the State of Utah, or from the penalties as provided by this Ordinance and the laws of the State of Utah.
- v. There may be instances where a single lot subdivision is required, if no other mechanism is available to accomplish the coordination required for new or additional development in the City.

G. Subdivision Not to Include: For the purposes of this Ordinance "subdivision" does not include:

- i. 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 un-subdivided agricultural land, if neither the resulting combined parcel, nor the parcel remaining from the division or partition violates an applicable zoning ordinance.
- ii. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if no new lot is created, no remnant of land is created or remains, and the adjustment does not result in a violation of any applicable zoning requirements.
- iii. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or the joining of a subdivided parcel of property to another parcel of property that has not been subdivided, so as to subject the un-subdivided parcel to the subdivision ordinance of the City.

H. Vesting. Subject to verification of a complete application as found herein:

- i. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the city's zoning map and applicable land use ordinances in effect when a complete application is submitted and all fees have been paid, unless:

- a. the governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
 - b. in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
- ii. The city shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
 - a. 180 days have passed since the proceedings were initiated; and
 - b. the proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.
- iii. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
- iv. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding, with reasonable diligence, to implement the approval in accordance with the requirements of the approval and city ordinances and standards.
- v. The city shall not impose on a holder of an issued land use permit a requirement that is not expressed:
 - a. in the land use permit or in documents on which the land use permit is based; or
 - b. in the city's ordinances.
- vi. The city will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
 - a. in the building permit or in documents on which the building permit is based; or
 - b. in the city's ordinances.
- vii. The city is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.
- viii. False information provided by the applicant could void vesting.
- ix. Applications are not transferable.
- I. Fees and Charges: The City Council shall establish all necessary fees and charges payable for subdivision applications, public notices, planning and engineering review, and inspection services of this Ordinance by Resolution. Such fees and charges may be amended from time to time, as considered necessary, by Resolution of the City Council. The applicant(s) for subdivision approval shall pay all costs that may be incurred by the City to review the Subdivision Application materials for conformity to the requirements of this Ordinance, other applicable City Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering practices. Such costs shall include those necessary for the provision of planning and engineering services, provided by a professional planner, licensed engineer and attorney services for review of required documents. All subdivision costs, including reviews and construction inspections, shall be the responsibility of the applicant/developer.

- J. Exactions: The City may impose an exaction or exactions on proposed land use development if:
 - i. an essential nexus exists between a legitimate governmental interest and each exaction; and
 - ii. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
- K. Impact Fees: Impact fees be assessed according to current rates as adopted by City Council through resolution, pursuant to Utah State Code 11-36a rules and procedures.
- L. Violation: Any violation of this title shall be a class C misdemeanor.
- M. Enforcement:
 - i. Any City Staff designated and authorized by the City are responsible for the enforcement of this Ordinance. Failure of the City Staff to enforce any provision or seek remedies to a violation of this Ordinance shall not legalize any such violation.
 - ii. In addition to any criminal prosecution, the city may pursue any other legal remedy to ensure compliance with this chapter. Such actions may include, but are not limited to:
 - a. Injunctions, mandamus, abatement, or any other appropriate action;
 - b. Proceedings to prevent, enjoin, abate, or remove the unlawful use, building, or act;
 - c. The withholding of permits or approvals.
 - iii. Administrative Actions.
 - a. Permit Issuance. The department shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this title, including the payment of required fees. No officer of the city shall grant any permit or license for the use of any building, structure or land when such land is part of a subdivision which has not been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void.
 - b. Special Developments. In cases where the city has approved a special development (e.g. PRUD, Cluster Development, Business Park, or other planned development) with specific design criteria or special development requirements, the city may take action to enforce such design criteria or special development requirements. If the city determines, in its discretion, that: (i) a special development is not proceeding according to the plans approved by the city or according to the language of the documents approved with the special development: or (ii) a proposed building is not consistent with said plans or documents, the city may take any or all of the following actions:
 - i. Withhold approval of the building permit until either;
 - (i) The architectural review committee of the special development certifies that the proposed building meets the design criteria or special development requirements of the project; or

- (ii) The city determines that the proposed building meets the design criteria or special development requirements of the project.
 - ii. Require the applicant or developer to submit specific plans, specifications, and details of construction sufficient to allow the city to analyze compliance with the approved design criteria and special development requirements of the project.
- N. Licenses and Permits: From the effective date of this Ordinance, no license or permit, including the issuance of a building permit for the construction, alteration, or modification of any building or structure, shall be issued by the City unless such permit or license complies with the requirements and provisions of this Ordinance, including a determination that the lot or parcel, proposed for the license or permit, is a legal lot created pursuant to the provisions of this Ordinance, or subsequent Subdivision Ordinances, or is a legal lot of record. Any license or permit issued in conflict with the provisions and requirements of this Ordinance shall be void.
- O. Appeal of City Actions:
 - i. Appeals of decisions on an applicant's preliminary or final 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.
 - a. No panel member shall have an ownership interest in the application in question.
 - b. 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%.
 - c. 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.
 - ii. 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 4.

Chapter 10-8. CONCEPT PLAN REVIEW

- A. **Concept Plan:** The Concept Plan Review is an opportunity for an applicant to obtain additional understanding of the City's applicable subdivision requirements, ordinance and process information as it pertains to a specific proposal. This is an optional review that may be requested by an applicant.
- i. The Concept Plan is a discussion document only, designed to allow for a review of project designs as they relate to the existing natural environment and the compatibility with surrounding property uses and potential uses, the identification of application procedures, requirements and standards, the compatibility of the proposed project with the elements of the General Plan, the City's Code, development standards and other items that may be considered in the subdivision approval process once a formal subdivision application is received by the City.
 - ii. A Concept Plan Application shall not constitute an application for subdivision approval and is in no way binding on the City or the applicant. Any discussion with or comments from the Development Review Committee (DRC) shall not be considered as any indication of subdivision approval, either actual or implied by the City.
 - iii. The Concept Plan procedures are described in the APPENDIX: Concept Plan Review Procedures
- B. **Application Contents:**
- i. An application for a Concept Plan, on forms provided by the City, must be completed and submitted to the City Clerk.
 - ii. Application fees must be paid in full.
 - iii. Applicant must provide a Concept Plan and all related documents and drawings, as found in the check list provided with the application, with the completed application.
 - a. Concept Plan should include a conceptual layout of proposed lots including minimum development requirements in the Zoning District, provided by Title 9 the City's Zoning Ordinance, in which the subject subdivision is located. The conceptual layout of streets, accounting for adjacent development and master planned streets, must be provided.
 - b. A letter of explanation should be included which briefly describes the proposal and it may include any questions the Applicant has for City Staff.

Chapter 10-9. PRELIMINARY SUBDIVISION APPLICATION AND APPROVAL

A. Intent:

- i. It is the intent of this Ordinance that Preliminary Subdivision Application approval is a formal action by the Planning Commission, following the receipt of the Development Review Committee (DRC) recommendation.
- ii. It is the intent of this Ordinance that all items applicable to a Preliminary Subdivision Application be fully addressed by the Applicant, the City, and all other applicable reviewing agencies prior to any action by the Planning Commission.
- iii. For the purposes of this Ordinance, the procedures and requirements for the consideration of Preliminary Subdivision Applications are provided to allow for the consideration of all items in relation to the subdivision of land. The DRC shall identify and address all items applicable to a Preliminary Subdivision Application prior to providing a recommendation to the Planning Commission.
- iv. It is intended that the DRC shall provide both a general compatibility and design analysis and technical evaluation of the construction elements of a subdivision in preparing recommendation to the Planning Commission. Conformance with the City's zoning and development standards shall be confirmed.
- v. It is intended that the Planning Commission shall identify and address all items applicable to a Preliminary Subdivision Application, including special consideration of DRC recommendations, prior to approving, approving with conditions, or denying a Preliminary Subdivision Application.

B. Complete Application: A complete application is required to be filed with the City before a Review Cycle commences. The determination of whether an application is complete is made by the City Clerk (or designee). 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:

- i. A completed application as provided by the City.
- ii. Payment of all applicable fees.
- iii. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
- iv. A recent Title Report (within the last six months) covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
- v. Current Box Elder County ownership plat depicting property proposed for subdivision and all contiguous property around land proposed to be subdivided.
- vi. Property Survey and Existing Conditions Drawing
- vii. A digital copy of the preliminary plat.
- viii. A digital copy of the preliminary plans to include at a minimum the following:
 - a. Grading and drainage plan.
 - b. Utility plan.
 - c. Storm Drain calculations.
 - d. Phasing Plan (if applicable)

- e. Preliminary Site Plan
- f. Preliminary Landscape Plan
- g. Fencing Plan
- h. Preliminary Water Report
- i. Preliminary Wastewater Report
- j. Preliminary Storm Drain Report
- k. Low Impact Design (LID) analysis and Water Quality Report, if applicable
- l. Will serve letters from all affected entities (if applicable)
- ix. Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.

C. Preliminary Subdivision Submittal Contents: All Preliminary Subdivision Applications, filed with the City are required to provide the following information:

- i. **Application.** A Preliminary Subdivision Application form, provided by the City, shall be completed and signed by the owner(s) as identified on the property assessment rolls of Box Elder County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Preliminary Subdivision Application shall be accompanied by the application fees, those items found on the check list provided with the application, and listed below:
- ii. **Property Survey.** A survey of the property including boundaries, easements, encroachments, and existing conditions shall be submitted. This can be an ALTA survey.
- iii. **Preliminary Subdivision Plat.** A preliminary plat, prepared by a licensed land surveyor, or engineer, shall be provided. The preliminary subdivision plat shall be prepared in permanent ink and all sheets shall be numbered.
- iv. The preliminary subdivision plat shall show the following:
 - a. A layout plan of the proposed subdivision, at a scale generally of no more than 1" = 100' (or as recommended by the City Planner and/or City Engineer).
 - b. The proposed name of the subdivision and the section, City, range, principal median, and County of its location shall be located at the top and center of the preliminary plat.
 - c. A title block, placed on the lower right-hand corner of the plat showing:
 - i. Name and address of owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
 - ii. Date of preparation of the preliminary subdivision plat, and all revision dates.
 - d. North arrow, graphic and written scale, and basis of bearings used.
 - e. All proposed lots, rights-of-way, and easements created by the proposed subdivision and their bearings, lengths, widths, name, number, or purpose. Each proposed lot shall identify required setback lines (the buildable area) including front, side, and rear as required by the Zoning District in which the proposed subdivision is located.

- f. A vicinity map of the site at a minimum scale of 1" = 1000' (or as recommended by City Planner and/or City Engineer).
- g. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument.
- h. The location of the property with respect to surrounding property and roads, and the names of all adjoining property owners of record.
- i. The legal description of the entire subdivision site boundary.
- j. Existing site contours at intervals of no greater than ten feet (major) and two feet (minor), unless otherwise approved by the City Engineer, overlaid with the proposed subdivision layout. Slope calculations, according to the requirements of this title, shall also be provided.
- k. Plans or written statements regarding the width and type of proposed pavement, location, size and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed utilities, proposed stormwater drainage facilities and other proposed improvements, such as sidewalks, planting and parks, and any grading of individual lots.
- l. The location, widths, and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography, and buildings within or immediately adjacent to the tract to be subdivided.
- m. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation.
- v. **Other Drawings and Documents.** Additional drawings that may be required for review in conjunction with the preliminary plat are the following:
 - a. Site Plan, for non-residential and multi-family projects.
 - b. Preliminary Landscape Plans, for non-residential and multi-family projects.
Required for single family homes when there is an HOA that has common open space.
 - c. Fencing Exhibit, when applicable
 - d. It shall be the responsibility of the applicant to provide the necessary information, materials and/or reports with the preliminary plat as required by the City to evaluate the following systems:
 - i. Culinary Water Preliminary
 - ii. Wastewater (Sewer) Preliminary
 - iii. Storm Drainage Preliminary
- vi. **Subdivision Roads and Streets.** The preliminary subdivision plat, and other application materials, shall identify the proposed road and street layout. Proposed subdivision streets shall make provision for the continuation of existing streets, as required by the City.

- a. All subdivision streets shall be designed as required by the City. The City shall review the proposed street and road design for compliance with the requirements of the City.
 - b. The proposed street and road layout shall provide adequate and safe access to all proposed lots and proposed and existing roads, streets, and adjacent properties.
 - c. If the subdivision will be accessed from a State Highway, proof of preliminary application for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.
- vii. **Inter-Agency Coordination.** The following information is necessary to establish the availability of basic services to the proposed subdivision. The City may refer plans to other agencies for their review as applicable. It shall be the responsibility of the applicant to provide the necessary information and materials as required by the different agencies. The applicant shall also be responsible for any fees charged by such agencies.
 - a. *Fire Protection.* The City's Fire Department will evaluate the proposed fire protection capacity and system design in the development area. The fire department may provide additional information to the applicant in the Development Review of requirements relating to fire protection.
 - b. *Water Conveyance.* If the developing property lies within a water conveyance district, it shall be the responsibility of the applicant to coordinate with the district and provide them the necessary information and materials to evaluate the proposed development and any possible changes to existing systems. The applicant shall obtain a preliminary letter from the Water Conveyance District that they acknowledge receipt of a copy of the preliminary plat submittal, and if applicable, a brief description of any information the applicant and the City need to know regarding the development as it may or may not affect the existing systems.
 - c. *Special Service District or Special Service Area.* If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a letter shall be provided from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.
 - d. *UDOT.* If the subdivision will be accessed from a State Highway, proof of preliminary application for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.
- viii. **Additional Information and Materials when Necessary.** When the City Staff or Planning Commission deem necessary, the Applicant may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection, traffic impact studies,

ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, and access to existing and planned trails.

- ix. **Phasing Permitted:** A preliminary plat may be divided into two or more phases and the Planning Commission may impose such conditions upon the filing of the phases as it may deem necessary to assure the orderly development of the subdivision.
 - a. Review and subsequent approval of phasing plans will take into consideration the specific order and areas of phasing in regard to utilities, amenities, and roadways to ensure timely completion.
 - b. Cash escrows for certain project improvements and amenities may be utilized in conjunction with Development Agreements.

D. Preliminary Plat Procedures:

- i. *Review Cycles and Review Considerations:* Upon an application being deemed complete, the first review cycle will commence.
 - a. The DRC will proceed to complete a technical review of the preliminary plat and associated documents for conformance to the City Code and Development Standards.
 - b. The DRC may recommend specific project designs, onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, which are consistent with the City Code and Development Standards, including but not limited to:
 - i. Road and street improvements, including layout and design and construction elements.
 - ii. Flood control facilities.
 - iii. Culinary Water facilities.
 - iv. Sanitary Sewer facilities.
 - v. Storm Drainage facilities.
 - vi. Lot and/or Site Drainage facilities.
 - vii. Park and open space areas and facilities.
 - viii. Pedestrian walkways to have neighborhood connectivity.
 - ix. Trail accesses and connections to existing and planned trails.
 - x. Fire protection facilities, including fire hydrants and water storage facilities.
 - xi. Power, gas, telephone, cable, and any other public utility facilities.
 - xii. Fencing and buffering treatments.
 - xiii. Street lighting and streetscape enhancements including street trees and park strip improvements.
 - xiv. The protection and preservation of the natural environment.
- ii. *Subsequent Review Cycles and Scheduling:* Subsequent review cycles may occur until the City is in receipt of conforming plans and reports, at which time the Preliminary Plat application shall be scheduled for a public meeting and consideration by the Planning Commission.

- iii. *Public Notification.* The preliminary plat application will be placed on the agenda of a regular Planning Commission meeting. Unless otherwise specified by Utah State Code, there are no other public noticing requirements for preliminary plat applications.
- iv. *Public Meeting.* The Planning Commission shall conduct the public meeting and consider the Preliminary Subdivision Application at a regular Planning Commission meeting.
 - a. During the consideration of the Preliminary Subdivision Application, and upon all available information and materials presented, the Planning Commission will make a decision based on findings of fact to approve, approve with conditions, or deny the Preliminary Plat.
- v. *Decision Letter.* A notice of action shall be provided by the City to the applicant of the decision of the Planning Commission, along with the any conditions of approval, requirements for approval or reasons for denial.
 - a. Notice of action on the preliminary plat shall be authorization for the applicant to proceed with the preparation of the final plat and specifications for the minimum improvements required in this Title.
- vi. **Preliminary Plat Approval.** The approval of a Preliminary Subdivision Application shall be effective for a period of one (1) year from the date of approval by the Planning Commission, at the end of which time the applicant shall have submitted a final subdivision application for approval.
 - a. If a final subdivision application is not received by the City within the one (1) year period, the preliminary subdivision approval shall be void, and the applicant shall be required to submit a new Preliminary Subdivision Application, subject to the then existing application and approval requirements in effect, and all other applicable City, State and Federal requirements.
 - b. For developments designed to be done in phases, the subsequent phases should be submitted within two (2) years of the previous phase being approved.

E. Site Preparation Work Prohibited.

- i. No excavation, grading or re-grading shall take place on any land until Final Subdivision approval has been granted by the City and a pre-construction meeting held.
- ii. No installation of improvements shall take place on any subdivision site until a final subdivision plat has been recorded in the Office of the Box Elder County Recorder, or until the City has received, reviewed and approved an engineer's estimate on the subdivision's improvements and have a draft escrow agreement written.
 - i. An executed escrow agreement signed by the developer, escrow agent and City must be in place prior to recordation of the final plat.

- iii. No lots shall be sold and no building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of Box Elder Recorder and improvements as required by the City Code have either been installed, or a subdivision improvement escrow agreement has been fully executed.

F. Amendments to Preliminary Plat or Phasing Plans. At any time after preliminary plat approval and before submission of a final plat, the applicant may request of the City that an amendment be made in the approval or conditional approval of the preliminary plat.

- a. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more or increasing density in the subdivision by ten percent (10%) or more.
- b. If the proposed amendment is major, the revised plat would proceed through a review city with the DRC and referred to the Planning Commission for consideration at their next available regular meeting.
 - i. The Planning Commission shall approve, conditionally approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment.
- c. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the Planning Commission, the applicant may withdraw the proposed major amendment. An applicant may not propose more than two (2) major amendments to any preliminary plat.
- d. The City Engineer, in consultation with and recommendation from the DRC may administratively approve the proposed amendments that are deemed to be minor. A decision letter of the approval, or conditional approval, of the amended plat (with a copy of the revised preliminary plat) shall be provided to the applicant.
 - i. If consensus is not reached that the proposed changes are minor it may be referred to the Planning Commission for review and action.
- e. The City Engineer, in consultation with and recommendation from the DRC may administratively approve amended phasing plans. A decision letter of the approval, or conditional approval, of the amended phasing plan (with a copy of the revised phasing plan) shall be provided to the applicant.
 - i. If the amended phasing plan creates complexities that the DRC identifies, the phasing plan may be referred to the Planning Commission for review and action.

Chapter 10-10. FINAL SUBDIVISION APPLICATION AND APPROVAL

A. Intent:

- i. It is the intent of this Ordinance that the City Engineer, in consultation and with the recommendation from the Development Review Committee (DRC) shall review all Final Subdivision Applications.
- ii. It is the intent of this Ordinance that all items applicable to a Final Subdivision Application be fully addressed by the Applicant, as the City, and all other applicable reviewing agencies prior to any action by the City Engineer.
- iii. For the purposes of this Ordinance, the procedures and requirements for the consideration of Final Subdivision Applications are provided to allow for the consideration of all items in relation to the subdivision of land. The DRC shall identify and address all items applicable to a Final Subdivision Application prior to providing a final recommendation to the City Engineer.
- iv. It is intended that the DRC shall provide both a general compatibility and design analysis and technical evaluation of the construction elements of a subdivision in preparing recommendation to the City Engineer. Conformance with the City's zoning and development standards shall be again confirmed. Compliance with preliminary plat conditions of approval and required modifications made during the Preliminary Plat Development Review process shall also be verified.
- v. It is intended that the City Engineer, in coordination with the DRC shall review, identify and address all items applicable to a Final Subdivision Application, including review and approval of construction drawings, prior to approving, approving with conditions, or denying a Final Subdivision Application.

B. Complete Application: A complete application is required to be filed with the City before a Review Cycle commences. The determination of whether an application is complete is made by the City Clerk (or designee). 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:

- i. A completed application as provided by the City.
- ii. Payment of all applicable fees.
- iii. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
- iv. A recent Title Report (within the last six months) covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
- v. Tax Clearance Letter from Box Elder County
- vi. A digital copy of the final plat as outlined in the Public Works Standards.
- vii. A digital copy of the final plans to include at a minimum the following:
 - a. Grading and drainage plan.
 - b. Utility plan.
 - c. Storm Drain calculations.
 - d. Final Site Plan (if applicable)

- e. Final Landscape Plan (if applicable)
 - f. Fencing Plan (if applicable)
 - g. Final Water Report
 - h. Final Wastewater Report
 - i. Final Storm Drain Report
 - j. Low Impact Design (LID) analysis and Water Quality Report, if applicable
 - viii. Will serve letters from all affected entities, if applicable.
 - ix. Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
- C. **Final Subdivision Submittal Contents:** All Final Subdivision Applications shall provide the following information:
- i. **Application.** A Final Subdivision Application, provided by the City, completed and signed by the owner(s) as identified on the property assessment rolls of Box Elder County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Final Subdivision Application shall be accompanied by the application fees, those items found on the check list provided with the application, and documents and items as found herein.
 - ii. **Final Subdivision Plat.** The applicant shall submit a final subdivision plat, prepared by a licensed land surveyor, conforming to current surveying practice and in a form acceptable to the Box Elder County Recorder for recordation together with plans as required herein. The final subdivision plat shall be prepared in permanent ink and all sheets shall be numbered. All required certificates shall appear on a single sheet (along with the index and vicinity maps). The final subdivision plans shall include any revisions or additions, as required by the Planning Commission, that were part of preliminary subdivision approval.
 - iii. The final subdivision plat shall show the following:
 - a. Notation of any self-imposed restrictions, including proposed final restrictive covenants, and all other restrictions as required by the City in accordance with this Ordinance, signature lines for all owners of interest and the acknowledgment of a public notary.
 - b. Endorsement lines on the final plat by every person having a security interest in the subdivision property subordinating their liens to all covenants, servitudes and easements imposed on the property.
 - c. The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted. Bearings shall be shown to the nearest second; lengths to the nearest hundredth of a foot; areas to the nearest hundredth acre.
 - d. The owner's certificate of dedication(s) including the dedication of any public ways or spaces. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.

- e. A legal description of the subdivision boundaries.
 - f. Signature blocks prepared for the dated signatures of the City Engineer and the Mayor in a form acceptable to the city.
- iv. **Title Report.** A Title Report, not older than 6 months, shall be provided.
- v. **Tax Clearance.** A tax clearance from the Box Elder County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
- vi. **Construction Drawings and Plan.** Final design and construction drawings for all proposed or required public improvements, prepared as required by the City Engineer and designed as required by the City, including the profiles and cross sections of all existing and proposed streets, all storm drainage and flood control facilities, the elevations and location of fire hydrants, required culinary and secondary water facilities, sanitary sewer facilities, land drain facilities, storm water pollution prevention plans, and all other provided and required public facilities and improvements. The following documents are also required:
 - a. Storm Drain calculations
 - b. Landscape Plans, for non-residential and multi-family projects. Required for single family homes when there is an HOA that has common open space.
 - c. Fencing Exhibit
 - d. Site Plan, for non-residential and multi-family projects.
 - e. Culinary Water, Wastewater and Storm Drain final reports, if applicable.
- vii. **Inter-Agency Coordination.** The following information is necessary to confirm the availability of basic services to the proposed subdivision. The City may refer plans to other agencies for their review as applicable. It shall be the responsibility of the applicant to provide the necessary information and materials as required by the different agencies. The applicant shall also be responsible for any fees charged by such agencies.
 - a. **Fire Protection.** The City's Fire Department will evaluate the proposed fire protection capacity and system design in the development area. The fire department may provide additional information to the applicant in the Development Review of requirements relating to fire protection.
 - b. **Water Conveyance.** If the developing property lies within a water conveyance district, it shall be the responsibility of the applicant to coordinate with the district and provide them the necessary information and materials to evaluate the proposed development and any possible changes to existing systems. The applicant shall obtain a final review letter from the Water Conveyance District that they acknowledge receipt of a copy of the final plat submittal, and if applicable, a brief description of any information the applicant and the City need to know regarding the development as it may or may not affect the existing systems.
 - c. **Special Service District or Special Service Area.** If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service

Area, a letter shall be provided from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

- d. *UDOT*. If the subdivision will be accessed from a State Highway, proof of application and ultimately approval for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.

- viii. **Other Final Subdivision Application Information and Materials.** The following information is required to be presented as part of the Final Subdivision Application:
 - a. Any proposed or required bonds and agreements.
 - b. Copies of CCR's and any other project specific document, signed by the applicant. (The final mylar plat and all relevant documents must be reviewed and approved by appropriate city staff before final signatures and attests are added for recording purposes).

D. Final Plat Procedures:

- i. *Review Cycles and Review Considerations:* Upon an application being deemed complete, the first review cycle will commence.
 - a. The DRC will proceed to complete a technical review of the final plat, improvements drawings and associated documents for conformance to the City Code and Development Standards.
 - b. The DRC may recommend specific project designs, onsite and offsite improvements, facilities and amenities, for final subdivision approval, which are consistent with the City Code and Development Standards, including but not limited to:
 - i. Road and street improvements, including layout and design and construction elements.
 - ii. Flood control facilities.
 - iii. Culinary Water facilities.
 - iv. Sanitary Sewer facilities.
 - v. Storm Drainage facilities.
 - vi. Lot and/or Site Drainage facilities.
 - vii. Park and open space areas and facilities.
 - viii. Pedestrian walkways to have neighborhood connectivity.
 - ix. Trail accesses and connections to existing and planned trails.
 - x. Fire protection facilities, including fire hydrants and water storage facilities.
 - xi. Power, gas, telephone, cable, and any other public utility facilities.
 - xii. Fencing and buffering treatments.
 - xiii. Street lighting and streetscape enhancements including street trees and park strip improvements.
 - xiv. The protection and preservation of the natural environment.

- ii. *Subsequent Review Cycles.* Up to three (3) subsequent review cycles may occur until the City is in receipt of conforming plans and reports, at which time the DRC will make final recommendation to the City Engineer of approval, conditional approval or denial of the Final Plat application.
 - a. *Waiver.* If the applicant desires to have an additional review cycle, to address what would otherwise be a decision of denial at the fourth review, the applicant may specify in writing and submit a signed letter to the City requesting an additional review cycle to be completed on the project.
 - iii. *Public Notification.* Unless otherwise specified by Utah State Code, there are no public noticing requirements for final plat applications.
 - iv. *Decision Letter.* A notice of action shall be provided by the City to the applicant of the decision of the City Engineer, along with the any conditions of approval, requirements for approval or reasons for denial.
 - a. Notice of action on the final plat shall be authorization for the applicant to proceed with addressing any remaining conditions of approval, preparing information (engineer's estimates, improvement bids, etc.) for the establishing a subdivision improvement escrow agreement and submitting any other outstanding item for the City to review and approve prior to a pre-construction meeting.
 - v. *Pre-Construction Meeting.* When the applicant is ready to start construction on the site, a request to the City for a pre-construction meeting shall be made.
 - a. Prior to the City scheduling the meeting the applicant will the following completed:
 - i. Any remaining conditions of approval addressed. With submittals of any outstanding items already made and approved.
 - ii. The State's NOI for grading and land disturbance.
 - iii. An engineer's estimate or improvement bid submitted for review by City in preparation for the establishment of subdivision improvement escrow account.
- E. **Final Plat Approval.** The approval of a Final Subdivision Application shall be effective for a period of two (2) years from the date of approval by the City Engineer.
- i. If a final plat is not recorded within the two (2) year period, a request may be made to the City for an extension of time for up to one year. The extension request will be considered by the DRC and recommendation made to the City Engineer, who will provide in writing a decision on the extension request.
 - a. If after the one year extension, a final plat is still not recorded but the installation of subdivision improvements have already begun, but not completed, the City shall complete an inspection to determine what has been completed, what needs to be completed and the City may begin coordination with the escrow agent to obtain the escrow funds to go toward completing the subdivision improvements as originally designed and approved.

- b. Should the project have started construction and escrow either not yet been established and/or no escrow funds are available for the subdivision, the City reserves the right to record a lien on the property for the costs related to completing the subdivision improvements that are necessary for the public's health and safety.
- ii. For developments designed to be done in phases, the subsequent phases should be recorded within two (2) years of the previous phase being recorded.

F. Site Preparation Work Prohibited.

- i. No excavation, grading or re-grading shall take place on any land until Final Subdivision approval has been granted by the City and a pre-construction meeting held.
- ii. No installation of improvements shall take place on any subdivision site until a final subdivision plat has been recorded in the Office of the Box Elder County Recorder, or until the City has received, reviewed and approved an engineer's estimate on the subdivision's improvements and have a draft escrow agreement written.
 - a. An executed escrow agreement signed by the developer, escrow agent and City must be in place prior to recordation of the final plat.
- iii. No lots shall be sold and no building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of Box Elder Recorder and improvements as required by the City Code have either been installed, or a subdivision improvement escrow agreement has been fully executed.

G. Final Plat Recordation. Recordation of Final Subdivision Plats: The City Clerk, or City designee, shall take all appropriate Final Subdivision Application documents including the signed final plat to the Office of the Box Elder County Recorder for recordation. The applicant is required to pay all fees, including copies, for the recording of all final subdivision documents and final plats.

- i. **Signing of Plat:** The signing of the mylar (plat) and the escrow agreement should typically happen concurrently. The applicant should obtain any needed signatures on the mylar from signing utility companies or other outside agencies first, then the mylar should be submitted to the City Clerk who will then obtain the signatures of the City Engineer, and the Mayor. The City Engineer will specifically review that all of the conditions of the final plat approval have been satisfied.
- ii. **Recordation of Plat:** It shall be the responsibility of the City Clerk to file the final plat with the County Recorder's Office within ten (10) business days of the date of the last signature on the final plat. Simultaneously with the filing of the final plat, the City Clerk shall record any agreements of dedication, HOA Declarations, CC&Rs, deed restrictions, etc. that are associated with the plat.

APPENDIX A: SUBDIVISION REVIEW PROCEDURES

ATTACHMENT 1

CONCEPT PLAN APPLICATION AND REVIEW PROCEDURES

1. Applicant coordinates with City Clerk to obtain the Concept Plan Application.
2. Concept Plan is electronically filed with City Clerk.
3. City Clerk distributes the concept plan application and submittal package to the Development Review Committee (DRC), appropriate staff, and others needed to provide review of the concept plan. Feedback may include comments specific to the project, information on applicable city land use regulations and development standards, and formal application checklists.
4. Within fifteen (15) business days feedback is compiled from the DRC, and any other reviewing agency providing comment and the City Clerk distributes them to the Applicant for their use in preparing for the formal application and submittal.
5. A concept plan shall not constitute a formal application for subdivision approval and is in no way binding on the City or the applicant(s). Discussions and comments shall not be considered any indication of subdivision approval, either actual or implied by the City.

ATTACHMENT 2

PRELIMINARY SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCEDURES

1. Preliminary Subdivision Application filed with City Clerk. The City Clerk (in consultation with the DRC) determines application completeness.
2. Once deemed complete, the City Clerk distributes the submittal package and application information to the Development Review Committee (DRC), appropriate staff, and others needed to provide review of the preliminary subdivision application.
3. Development Review Committee (DRC) completes a preliminary technical review of the Preliminary Subdivision Application for compliance with all applicable ordinances, development standards and zoning requirements within thirty (30) business days.
4. The review comments from the DRC and any other reviewing agency are compiled and the City Clerk distributes to the Applicant. If the City Planner, Engineer or other DRC member determines that comments are extensive enough to warrant a meeting for the first review comments, the City Planner will schedule a meeting to be held with the Development Review Committee (DRC) and the Applicant to discuss the review.
5. The Applicant revises the plans to address all the review comments from the DRC and resubmits the documents to the City Clerk. The City Clerk distributes the re-submittal package to the Development Review Committee (DRC), appropriate staff, and others needed to provide second review of the preliminary subdivision application within thirty (30) business days. This step is repeated until the plans meet the City's development standards and address the comments from the DRC technical reviews.
6. Once the plans have been revised and the DRC have indicated acceptance of the plans, the City Clerk (in consultation with the City Planner) schedules the meeting with the Planning Commission and places it on the Planning Commission agenda for consideration and action.
7. The Planning Commission holds a public meeting and considers the Preliminary Subdivision Application and all information received. By motion, the Planning Commission approves, approves with conditions, or denies the Preliminary Subdivision Application.
8. The City Clerk (in consultation with the City Planner) shall provide written notice of decision to the Applicant regarding the Preliminary Subdivision Application of either approval, approval with conditions or denial.

ATTACHMENT 3

FINAL SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCEDURES

1. Final Subdivision Application filed with City Clerk. The City Clerk (in consultation with the DRC) determines application completeness.
2. Once deemed complete, the City Clerk distributes the submittal package and application information to the Development Review Committee (DRC), appropriate staff, and others needed to provide review of the preliminary subdivision application.
3. Development Review Committee (DRC) completes a final technical review of the Final Subdivision Application in compliance with the approved Preliminary Subdivision Application conditions required by the Planning Commission, and for compliance with all applicable ordinances, development standards and zoning requirements within forty (40) business days.
4. The review comments from the DRC and any other reviewing agency are compiled and the City Clerk distributes to the Applicant. If the City Planner, Engineer or other DRC member determines that comments are extensive enough to warrant a meeting for the first review comments, the City Planner will schedule a meeting to be held with the Development Review Committee (DRC) and the Applicant to discuss the review.
5. The Applicant revises the plans to address all the review comments from the DRC and resubmits the documents to the City Clerk. The City Clerk distributes the re-submittal package to the Development Review Committee (DRC), appropriate staff, and others needed to provide second review of the final subdivision application within forty (40) business days. This step is repeated until the plans meet the City's development standards and address the comments from the DRC technical reviews, up to a maximum of four reviews.
 - H. If City's development standards are not met and technical review comments are not yet addressed by the fourth review cycle, the following may occur:
 - i. Applicant will receive written notification of the application being denied.
 - ii. Alternatively, the Applicant may sign waiver for an additional review.
6. Once the plans have been revised and the DRC have indicated acceptance of the plans, the City Engineer (in consultation with the City Planner) shall provide written notice of decision to the Applicant regarding the Final Subdivision Application of either approval, approval with conditions or denial.
7. Once any remaining conditions of approval have been met (if applicable), the City Engineer will schedule a pre-construction meeting to be held with the Applicant's development team and the DRC to review the City's construction process and requirements.

TITLE 10
SUBDIVISION REGULATIONS
CHAPTER 1
GENERAL PROVISIONS
SECTION:
10-1-1: Purpose And Intent
10-1-2: Scope
10-1-3: Definitions

REPEALED. Refer to 10-7

10-1-3: DEFINITIONS:

The following words and phrases used in this title shall have the following meaning unless a different meaning clearly appears from the context:

ADMINISTRATIVE LAND USE AUTHORITY:

- a. The Planning Commission shall act as the approval authority for the Preliminary Plat.
- b. The City Engineer, after consultation with the City's Development Review Committee (DRC), shall act as the approval authority for the Final Plat.

ATTORNEY: The person selected or appointed by the governing body to represent Garland City as the city attorney.

BENCH MARK: The mark affixed on a permanent or semipermanent object along a line of survey to furnish a datum level.

BONA FIDE DIVISION OF AGRICULTURAL LAND: A. Bona Fide Division Of Agricultural Land For Agricultural Purposes: The division of agricultural land into two (2) or more parcels for which the planning and zoning commission makes the following written findings of fact upon petition for such findings by a landowner:

1. No urban services will be required by said division of agricultural land.
2. The purpose and use of each of the lots in the division shall be agricultural industry or business, or recreational.
3. Each of the parcels created has access to an existing public street or to a private street approved by the planning and zoning commission and the governing body.
4. Each of the lots created shall be found by the planning and zoning commission to be capable of producing an income from the sale of agricultural products sufficient to justify its existence as the controlling facets used in making a decision as to whether a division of land is or is not a bona fide division or partition of agricultural land for agricultural purposes. The planning and zoning commission and the governing body shall make findings as to the availability of water for irrigation or stock watering purposes; the class of the soil and depth of the soil mantle; the slope of the land, past history of agricultural production, and the present state of agricultural technology.

BUILDABLE AREA: The portion of a lot remaining after the required yards have been provided, and having a slope less than fifteen percent (15%). Land with an average slope exceeding fifteen percent (15%) shall not be considered buildable unless it is approved by a conditional use permit.

BUILDING OFFICIAL: The person designated by the governing body as the building official or building inspector.

CITY: Garland City.

CITY COUNCIL: The governing body representing the city.

CITY ENGINEER: The City Engineer of Garland City, Utah, or a consulting engineering firm designated as the City Engineer by the City Council.

CITY PLANNER: Consulting planning firm designated as the City Planner by the City Council.

CONDITIONAL ACCEPTANCE: A written notice to the subdivider establishing the date beginning his two (2) year guarantee period.

CONDOMINIUM: The ownership of a single unit in multi-unit project, together with an individual interest in common in the common areas and facilities of the property as provided by state law. A condominium development is comparable to a subdivision in that each development is characterized by multiple individual ownerships in structures, whereas in subdivisions, such ownerships are in land. For regulation purposes, the development of a condominium project is treated by state law and by this title as a subdivision; therefore, condominium developments must comply with the subdivision regulations of this title.

CONSTRUCTION STANDARDS: The minimum public works construction standards and specifications adopted by the city, which include, but shall not be limited to, drawings, tables, charts and references which establish minimum standards for the design and construction of subdivision requirements.

COST SHARING AGREEMENT: An agreement entered into between the subdivider and intervening property owners (and in some cases, Garland City), whereby the subdivider will be reimbursed proportionately for installing improvements over intervening properties.

CROSSWALK OR WALKWAY: A right of way designated for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk, walkway or pedestrianway may be located within or without a street right of way, at grade, or grade separated from vehicular traffic.

CUL-DE-SAC: A street which is designated to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround. For purposes of this title, the length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to the center of the turnaround.

CULINARY WATER FACILITIES: Water, water supply, pipelines, pumps, springs, wells and/or any other physical facilities necessary to provide a sufficient quantity of approved quality water to each lot.

DEVELOPER: See definition of Subdivider.

DEVELOPMENT REVIEW COMMITTEE (DRC): A committee responsible to provide general and technical reviews and recommendations for all subdivision applications. The Garland City DRC designated members are Public Works Director, City Recorder, City Engineer, City Planner, Fire Chief, Building Official, Mayor and the Planning Commission Councilmember Liaison.

DISTRICT SANITARIAN: The local health officer from the Bear River district health department. The district sanitarian must approve and issue permits for individual waste and disposal systems, if connection to the city public sewer system is not required by the city sewer ordinance 1 .

EASEMENT: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner of said property. The easement may be for use on, under or above said lot or lots.

:

ESSENTIAL FACILITIES: Each subdivider shall provide or make provisions for the full and beneficial use of each owner in the subdivision, the following minimum facilities:

A. Culinary water supply in adequate supply and quantity to each dwelling unit, and adequate water for irrigation of lawns, gardens and shrubs.

B. Where irrigation or secondary water is available to the property, the subdivider shall provide facilities to irrigate lawns, gardens and other landscaping from the available irrigation or secondary water.

C. Sanitary sewers and sewage disposal facilities.

D. Storm water collection, detention and disposal facilities.

E. Improved roads, including sidewalk and curb and gutter (except where sidewalk, curb and gutter is waived at the discretion of the planning and zoning commission and city council).

F. Electricity and distribution system.

G. Telephone.

H. Natural gas and distribution facilities where gas is available.

FINAL ACCEPTANCE: A written notice to the subdivider establishing the date of termination of the subdivider's guarantee period. This notice shall be given only after all defective improvements have been repaired and/or replaced. All of the improvements shall be inspected by the city engineer and certified to as complying with the construction standards before the governing body can issue a notice of final acceptance.

FINAL PLAT: A map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, lots and other divisions thereof can be identified. The plat must be drawn accurately to scale with permanent black ink on approved Mylar and have all measurements, data, certificates and dedications required for approval and acceptance by the proper agencies and for recording in the office of the county recorder.

FIREFIGHTING FACILITIES: Such water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provision of this title for fire suppression.

FLOOD HAZARD: A water hazard to land or improvements due to inundation or due to overflow; water having sufficient velocity to transport or deposit debris, scour the surface soils, dislodge or damage buildings, erode the banks of water channels and/or flood basements.

FLOODPLAIN: Areas adjacent to any streams, ponds or lakes which are subject to the 100-year recurrence interval floods as shown on maps prepared by the U.S. army corps of engineers, or a similar study conducted by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines.

GEOLOGICAL HAZARD: 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. "Geologic hazards" include, but are not limited to, rockfills, slide areas, floodplains, fault lines, high water tables and other groundwater problems such as liquefaction, etc.

GOVERNING BODY: The city council of Garland City.

HEALTH OFFICER: See definition of District Sanitarian.

IMPROVEMENTS AGREEMENT: An agreement between the governing body and subdivider, wherein the subdivider agrees to install the subdivision improvements required by this title, the construction standards or by the planning and zoning commission and/or the governing body for the necessary property development of the proposed land development.

IMPROVEMENTS, SUBDIVISION: Work, objects, devices, facilities or utilities required to be constructed or installed for the development of land for residential, commercial, industrial or recreational uses. Such improvements may include, but are not limited to, street construction to required standards, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, streetlights, traffic control or safety devices, fire hydrants, and such other facilities or construction necessary for the proper development of the proposed land development project as required by this title, the construction standards, or by the planning and zoning commission and/or the governing body.

INTERVENING PROPERTY: Any property located between the legally described perimeter of the subdivision and any existing public facilities or utilities.

LOT: A parcel or unit of land abutting a public street or approved private street, described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a subdivision plat or condominium plot map.

LOT AREA: The area contained within property lines of the individual parcels of land shown on the subdivision plat or required by this title, including the area of any easements, excluding any area within an existing street, right of way or any area required as open space under this title.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, where such streets or parts of the same street form an interior angle of less than one hundred thirty five degrees (135°).

LOT DEPTH: The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

LOT FRONTAGE: The length, in feet, of the front lot line which is coterminous with the front street line.

LOT FRONTAGE, REQUIRED: The length, in feet, of the front lot line which is coterminous with the front street line.

LOT HELD IN SEPARATE OWNERSHIP: All contiguous land held in one ownership at the time of the passage of this title or at any time hereafter, whether or not such land has been or is described separately, has separate chains of title, is described on one or more than one property tax notice, or is otherwise divided on paper.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE, FRONT: For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

LOT LINE, REAR: Ordinarily, that line or lines of a lot which are opposite and most distant from the front line of the lot.

LOT LINE, SIDE: Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

LOT LINES: The property lines bounding the lot.

LOT RESTRICTED: A lot having an average slope of fifteen percent (15%) or more; a lot which does not contain a buildable area at least seventy five feet by one hundred feet (75' x 100'); a lot which because of type of soils, flood hazard, geology or topography requires special engineering and/or architectural designs and/or considerations. Building on restricted lots is prohibited unless geotechnical design solutions to problems associated with such lots have been prepared by a qualified professional team and approved by the planning and zoning commission.

LOT, UNRESTRICTED: A lot having an average slope of less than fifteen percent (15%) and containing a buildable area of at least seventy five feet by one hundred feet (75' x 100'), which buildable area is designated as such on the subdivision plat.

LOT WIDTH: The horizontal distance between the side lot lines measured at the required front yard setback line or rear yard setback line, whichever is shorter.

MARKET ANALYSIS: An economic analysis of the feasibility of a project.

MASTER PLAN: A plan which has been prepared and adopted for the purpose of guiding development and which has been adopted by Garland City as the "Comprehensive Plan of Garland City, Utah".

MASTER STREET PLAN: A map which shows existing public streets and which has been officially adopted by the planning and zoning commission as the master street plan.

MAYOR: The mayor of Garland City.

OFF SITE FACILITIES AND UTILITIES: Facilities and utilities installed in, under, upon or over other property outside the legally described perimeter of a subdivision which are required for the proper development of such subdivision and which may be located and designed to serve such other property.

OFFICIAL MAP: A map which has been officially adopted by the governing body according to state law and which includes the major street plan.

ON SITE FACILITIES AND UTILITIES: Facilities and utilities installed in, under, upon or over public streets, rights of way or easements within the legally described perimeter of a subdivision.

OPEN SPACE: Land used for recreation, agriculture, resource protection or buffers, and is freely accessible to all residents of the subdivision, except in the case of agricultural lands where access may be restricted. The open space land shall be shown on the subdivision plats with the necessary instruments being filed with the county recorder to ensure that it remains in perpetuity for such uses as defined in the covenants and agreements establishing the open space. Open space does not include land occupied by nonrecreational buildings, roads or road rights of way; nor does it include the yards or lots of single-family or multiple-family dwelling units or parking areas as required by the provisions of this title. Open space should be left in a natural state, except in the case of recreational uses which may require the construction of certain improvements for the benefit of the residents of the subdivision.

OPEN SPACE, USABLE: Usable open space shall be any portion of a lot or building which meets all the following conditions:

A. The open space shall be open to the sky and shall be open to view on at least two (2) sides.

B. The space shall be readily accessible by foot traffic from the dwelling unit to which it is accessory.

C. If the space is provided on a balcony, roof or other facility above grade, it shall have such protective devices as are deemed necessary by the building official to assure reasonably safe usage by children and adults.

D. The space shall not be provided from any required front or side yard, parking area or driveway space.

OVERSIZED FACILITIES AND UTILITIES: Facilities and utilities which are designed, with added capacity, width, depth, etc., with the express purpose of making service available to other properties outside the legally described perimeter of the subdivision.

PARCEL OF LAND: A contiguous area of land in the possession or ownership of a person described by one or more descriptions on file with the county recorder.

PERMANENT MONUMENT: Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of this title.

PERMITTED USE: A use of land which is allowed within a particular zoning district without the necessity of obtaining a conditional use permit.

PERPETUAL CARE FUND (Also Referred To As PERPETUAL MAINTENANCE TRUST FUND): A fund set aside by the developer for the purpose of maintaining open spaces within a development that has been set aside for recreational or park use. The amount of the fund set aside must be satisfactory to and approved by the governing body.

PERSON: An individual, tenants in common, joint tenants, corporation, partnership, firm, limited partnership or association of individuals, however styled or designated.

PLANNING AND ZONING COMMISSION: The planning and zoning commission of Garland City.

PRELIMINARY PLAT: A drawing to scale, representing a proposal to subdivide a tract, lot or parcel of land, but which does not have the certificates and dedications necessary for acceptance by the city.

PROTECTION STRIP: 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 the property owners abutting the subdivision.

REVIEW CYCLE: The process for review of a complete subdivision application. There may be multiple thirty (30) business day reviews for the preliminary plat review cycle. There shall be no more than four (4) total review cycles of forty (40) business days for a final plat.

- a. A single review cycle shall be considered complete when:
 - i. Complete Application is submitted to the Administrative Land Use Authority;
 - ii. The Administrative Land Use Authority Review is complete;
 - iii. The Applicant Response to Review is complete; and
 - iv. The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.
- b. Review Cycle, exceptions as follows:
 - i. 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.
 - ii. Additional Time for Review. If the Applicant does not submit a revised plat within forty (40) 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.

RIGHT OF WAY: That portion of land dedicated to public use for street and/or utility purposes or maintained in private ownership for similar purposes.

ROADWAY WIDTH: The distance back to back of curb or curb-gutter. On roadways where gutter or curb-gutter has been waived, the width shall be the actual width of the paved area.

SEWAGE FACILITIES: Sanitary sewage collection systems, sewage treatment plants or approved individual sewage disposal facilities as may be permitted by the city sewer ordinance 2 .

STREET, COLLECTOR: A street, existing or proposed, which is the main means of access to the major street system, and shall have a right of way equal to that shown on the master street plan.

STREET, CUL-DE-SAC: A minor terminal street provided with a turnaround (see definition of Cul-De-Sac).

STREET, MAJOR: A street, existing or proposed, which serves or is intended to serve as a major trafficway and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term identifying those streets comprising the basic structure of the master street plan.

STREET, MINOR: 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, and shall have a right of way equal to that shown on the master street plan.

STREET, PRIVATE: A thoroughfare at least fifty feet (50') in width, within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the city and to be maintained by the subdivider or other private agency.

STREET, PUBLIC: A thoroughfare at least fifty feet (50') in width which has been accepted and is or will be maintained by the city and which:

- A. The city has acquired by prescriptive right.
- B. The city owns.
- C. Has been approved by the planning and zoning commission and offered for dedication on an approved final subdivision plat.
- D. Is a thoroughfare that has been privately abandoned or made public by right of use.
- E. Provides access to abutting property.

STREET, STUB: A street extending from within the subdivision to the boundary thereof and temporarily terminating there with no permanent vehicular turnaround. Stub streets are provided to permit access to adjacent parcels of land.

SUBDIVIDER: An individual, corporation or registered partnership owning or controlling any tract, lot or parcel of land to be subdivided; or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the purpose of the subdivision.

SUBDIVISION: A. Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan, or upon any and all other plans, terms and conditions.

B. "Subdivision" includes:

- 1. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument; and
- 2. Except as provided in subsection C of this definition, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

C. "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 recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

a. No new lot is created; and

b. The adjustment does not violate applicable land use ordinances; or

3. A recorded document, executed by the owner of record:

a. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or

b. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances.

D. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to this title.

SURVEYOR: The person elected or appointed by the governing body to represent Garland City as their surveyor.

URBAN SERVICES: Those services normally associated with urban living, including, but not limited to, the following: electricity, natural gas, streets, schools, culinary water, secondary or irrigation water, where applicable, sewage collection and treatment facilities, police and fire protection.

UTILITIES: Includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, electric power, gas and telephone transmission lines, underground conduits and their appurtenances.

VICINITY MAP: A map or drawing to scale of any area proposed for development, showing the location of the proposed subdivision, existing and proposed streets, buildings, public facilities and utilities within the general influence area of the proposed subdivision within a one mile radius; boundaries of zoning districts, taxing districts and other special districts on and in the immediate vicinity of the land proposed for subdivision; watercourses, impoundments, streams, springs, wells and areas subject to continuous or occasional flooding on and in the immediate vicinity of the land proposed for subdivision; and significant vegetative patterns on and in the immediate vicinity of the land proposed for subdivision.

WATER FACILITIES: Culinary water facilities include the water, water supply, springs, wells, transmission and distribution pipelines, service laterals, pumps, valves, fittings, reservoirs, fire hydrants, and all appurtenant facilities necessary to provide and deliver a sufficient quantity of an approved quality of water to each lot and/or dwelling unit. A "sufficient quantity of water" shall be defined as follows:

A. For lots not served by a secondary water system, the culinary water facilities shall be designed and constructed so as to furnish 3.4 gallons per minute of water at forty (40) psi minimum to each dwelling unit, or each ten thousand (10,000) square foot lot of area.

B. For lots with a secondary source of water, the quantity of water may be reduced to 1.7 gallons per minute for each lot and/or dwelling unit.

C. Fire suppression water facilities shall be included in the culinary water facilities and shall include the water supply and delivery capabilities adequate to furnish five hundred (500) gallons per minute, with a residual pressure of no less than twenty (20) psi, from

each of two (2) fire hydrants located not more than three hundred fifty feet (350') from any single fire (dwelling unit).

ZONING ORDINANCE: The zoning ordinance of Garland City, "Garland City, Utah Zoning Ordinance" and map. (Ord., 2-29-1996; amd. 2006 Code)

Notes

1. See title 7, chapter 2 of this code.

2. See title 7, chapter 2 of this code.

CHAPTER 2

DOCUMENT SUBMISSION AND REVIEW PROCEDURES

SECTION:

REPEALED. Refer to Sections 10-8, 10-9, 10-10 and Appendix A CHAPTER 3 IMPROVEMENTS

SECTION:

10-3-1: Improvements Required

10-3-2: Essential Facilities

10-3-3: Order Of Making Improvements

10-3-4: Minimum Improvements Required Prior To Occupancy Permit

10-3-5: Improvements Completion

10-3-6: Partial Development; Improvements Continuous And Orderly

10-3-7: Cost Distribution For Improvements

10-3-8: Oversized Facilities

10-3-9: Cost Sharing Agreement

10-3-10: Inspection

10-3-11: Guarantee Of Work

10-3-12: Improvements Guarantee Agreement

10-3-13: Partial Release Of Agreement Funds

10-3-14: Conditional Acceptance

10-3-15: Final Acceptance And Release

10-3-16: Acceptance Period

10-3-1: IMPROVEMENTS REQUIRED:

A. No final plat of a subdivision of land shall be recorded without receiving a statement signed by the city engineer certifying that the improvements described in the subdivider's plans and specifications meet the minimum requirements of all ordinances of the city, that they comply with the recommendations of the local and/or state board of health, the planning and zoning commission, the fire and other city departments and with the standards, rules and regulations for subdivisions approved by the governing body, which standards, rules and regulations are hereby incorporated in this title by reference.

B. No final plat of a subdivision of land shall be recorded unless the subdivider shall furnish to the city a guarantee in an amount equal to one hundred fifteen percent (115%) of the reasonable cost of the improvements required by this chapter. The amount of the guarantee shall be estimated by the subdivider's engineer and approved by the city engineer, and conditioned upon payment by the subdivider of all expenses incurred and for all labor or material used in the construction of required improvements. The provisions of the guarantee shall be for the protection of laborers and materialmen and to guarantee the quality, quantity and performance of all improvements as required herein. In no event shall the city be deemed liable under this chapter on any claim asserted by a laborer or materialman. (Ord., 2-29-1996)

10-3-2: ESSENTIAL FACILITIES:

The subdivider of any land shall install or guarantee the installation of the following essential facilities in compliance with the construction standards of the city:

A. Water Supply: Subdividers must gain approval from the city council for water rights and connections to the city culinary water system. In cases where it is not feasible to hook into the city water system, subdividers must develop a water system that conforms with the standards of the state bureau of drinking water and sanitation and the city standards, including fire protection standards. Newly developed systems shall be dedicated to the city.

B. Secondary Water Supply:

1. Where secondary water rights are available to property to be subdivided, the subdivider shall install the water main valves, turnouts and service lines or laterals for such main prior to the installation of road base, surfacing, curb, gutters and sidewalks.

2. Where culinary water is of insufficient quantity to satisfy irrigation needs of the property to be subdivided, the subdivider must develop a secondary water system as required by the planning and zoning commission.

C. Sewage Disposal:

1. Sewage disposal shall be achieved by connecting to the city public sanitary sewer collection system as specified and required by the city sewer ordinance [1](#).

2. If the city sewer ordinance defines conditions where connection to the public sanitary sewer system is not required, the Bear River district health department must issue a permit for each lot according to its capacity to support an individual sewage disposal system. In such case and before a final plat may be recorded, the district sanitarian must certify that soil exams, completed at the subdivider's expense, indicate that individual sewage disposal systems are feasible.

3. Where the subdivider is not proposing a public sewer system and individual sewage disposal systems are permitted by the city sewer ordinance and other local jurisdictions, the words "No proposed public sewage disposal system" shall appear on the final plat.

D. Storm Water Drainage:

1. The subdivider must obtain approval from the city engineer for plans to control storm water to assure that any increase in storm water runoff will not flow from the subdivision to adjacent properties, unless drainage easements have first been obtained from such properties.

2. The final plans for the drainage system shall be prepared by a licensed engineer and shall include all pipe, inlets, manholes, detention ponds, outlet structures and appurtenant works, including such bridges and culverts as may be needed. The width of bridges or lengths of culverts shall be equal to the width of the street right of way, but not more than sixty six feet (66') for any one bridge or culvert. The complete storm water drainage system shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters and sidewalks.

E. Road Improvements:

1. Unless otherwise specified or waived by the planning and zoning commission, all roads to be constructed and dedicated to the city shall meet city standards and shall have a minimum improved width consisting of thirty five feet (35') of bituminous surfacing and two and one-half foot (2 1/2') wide curb-gutter on each side for a total improved width of forty feet (40'). Sidewalks shall be required on each side between the curb-gutter and right of way line in conformance with the public works construction standards. The width of a dedicated road right of way, if it is an extension of an existing street, shall be equal to the width of said existing street right of way width, which shall be either fifty feet (50'), sixty feet (60'), sixty six feet (66') or ninety feet (90'). The widths of improvements shall match the width of existing improvements unless required otherwise by the planning and zoning commission. Unless specified otherwise by the planning and zoning commission, minor roads which are not extensions of existing streets shall have a right of way of sixty feet (60'), and minor roads serving only cul-de-sacs shall have fifty foot (50') rights of way with a fifty five foot (55') radius turnaround.

2. Developers of subdivisions adjacent to substandard roads shall dedicate additional rights of way and improve the adjacent one-half (1/2) width of said road to conform to city standards. Said improvements shall be made to the nearest improved collector street.

F. Fire Protection: Fire hydrants shall be placed within seven hundred feet (700') of one another throughout the subdivision. They will be installed according to the city standards.

G. Electricity And Distribution System: The subdivider shall be responsible for securing service agreements with Utah Power And Light and shall be financially responsible for any associated costs to extend electrical service and distribution to the development.

H. Telephone: The subdivider shall be responsible for securing service agreements with the utility franchise providing local telephone service and shall be financially responsible for any associated costs to extending telephone service to the development. (Ord., 2-29-1996)

I. Natural Gas And Distribution Facilities: The subdivider shall be responsible for securing service agreements with Questar and shall be financially responsible for any associated costs to extending natural gas service to the development. (Ord., 2-29-1996; amd. 2006 Code)

J. Street Signs: The contractor will furnish and install all necessary street signs at required locations and in conformance with city standards.

K. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat, except those outlining individual lots. Monuments shall be of a type approved by the city engineer. All subdivision

plats shall be tied to a section corner, a monument of record, or an established land office survey corner. (Ord., 2-29-1996)

Notes

- 1 1. See title 7, chapter 2 of this code.

10-3-3: ORDER OF MAKING IMPROVEMENTS:

A. The improvements required in this title shall be installed in compliance with the construction standards. No improvements shall be installed until their location and specifications are approved by the city engineer.

B. Unless waived in writing by the city engineer, all underground utilities, water, sewer and gas laterals and fire hydrants shall be installed prior to road base, curbs, gutters, sidewalks and surfacing the streets. (Ord., 2-29-1996)

10-3-4: MINIMUM IMPROVEMENTS REQUIRED PRIOR TO OCCUPANCY PERMIT:

No occupancy permit shall be issued until the following improvements are installed and approved, in writing, by the city engineer:

- A. All underground utilities, including telephone, electrical, gas and water facilities;
- B. Sanitary sewer and storm systems;
- C. Curb, gutter, sidewalk and road base. (Ord., 2-29-1996)

10-3-5: IMPROVEMENTS COMPLETION:

All improvements, including the street paving, shall be completed within twelve (12) months after issuance of the first building permit in the subdivision. The seal and chip portion of the paving shall be completed within two (2) years after approval of the final plat of the subdivision. (Ord., 2-29-1996)

10-3-6: PARTIAL DEVELOPMENT; IMPROVEMENTS CONTINUOUS AND ORDERLY:

Whenever the subdivider shall develop a subdivision one phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the said improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchasers, lessees, grantees, assignees or transferrers of any of the lands subdivided within the time herein before specified or within the phases specified. (Ord., 2-29-1996)

10-3-7: COST DISTRIBUTION FOR IMPROVEMENTS:

Cost of improvements which are required under the provisions of this title, as well as the cost of other improvements which the subdivider may be required to install, shall be shared between the subdivider and the city according to the following schedule. The city shall not share in the cost of any improvements not expressly noted within this section:

Improvement Description	Subdivider % Of Cost Or Responsibility	City % Cost Or Responsibility
Improvement Description		
Subdivider % Of Cost Or Responsibility		
City % Cost Or Responsibility		
Easements and rights of way; grading of streets, curb and gutter; cross drains; dip stones and connecting piping; driveways; sidewalks; monuments; street signs; fire hydrants and companion valves; thrust blocks.		
100%		
0%		
Base gravel course; street paving; seal and chip, bridges and culverts.		
100% for all streets required road widths of 60 feet back to back of curb and gutter or less.		
100% for all additional width by the planning commission in excess of 60 feet back to back of curb and gutter.		
Street lighting.		
100% of easements, rights of way and facilities.		
0%		
Electric utilities.		
100% of all facilities, including easements and rights of way necessary to serve subdivision and comply with this title.		
0%. See sections 10-3-8 and 10-3-9 of this chapter.		
Culinary water and secondary water facilities.		
100% of all costs of all facilities necessary to serve the subdivision and comply with this title.		
0%. See sections 10-3-8 and 10-3-9 of this chapter.		
Sanitary sewer and storm sewer facilities.		
100% of all costs of all facilities necessary to serve the subdivision and comply with this title.		
0%. See sections 10-3-8 and 10-3-9 of this chapter.		
Extension of culinary water and secondary water facilities, storm sewer facilities and sanitary sewer facilities.		
100% and/or cost sharing agreement.		
0%. See sections 10-3-8 and 10-3-9 of this chapter.		
Extension of electrical distribution system.		
100% and/or cost sharing agreement.		
0%. See sections 10-3-8 and 10-3-9 of this chapter.		
Extension of streets.		
100% of all costs		
0%. See sections including rights of 10-3-8 and way. 10-3-9 of this chapter.		

(Ord., 2-29-1996)

10-3-8: OVERSIZED FACILITIES:

When it is determined by the city engineer that specifications for subdivision improvements are not adequate to meet the demands above and beyond the demands within the subdivision and it is necessary for said improvements to serve intervening or other properties, the subdivider will be required to install "oversized" facilities. Reimbursement for costs will be handled through a cost sharing agreement with the property owners to reap the benefits. In some cases, a modified cost sharing agreement may be entered into with the city. (Ord., 2-29-1996)

10-3-9: COST SHARING AGREEMENT:

A. Permitted: Whenever any intervening property is located between the terminus of an existing service facility and the proposed subdivision, and the intervening property will be benefitted by the installation of any of the required facilities, the subdivider shall pay for having all facilities not installed by a utility company, constructed over, under and/or across the intervening property. If approved by the governing body before approval of the final plat and prior to any construction, the subdivider may enter into an agreement with the city for a partial cost reimbursement, otherwise agreements will be made with intervening property owners.

B. Costs Included In Agreement: The cost of the facilities to be included in the agreement shall be the actual construction cost as determined by competitive bids and shall include all cost for having the facilities installed, including legal, administrative and engineering costs.

C. Proportionate Share Stated: The agreement shall state the proportionate share of the costs to be borne by the subdivider and the proportionate share to be reimbursed to the subdivider from fees collected from the intervening property owners.

D. Charges And Reimbursement: The city shall thereafter enter a deferred credit in its book and records and shall charge the benefitted property owners the fee rates for sewer, water and electrical connections in effect at the time such connections are made. Such fees, not to exceed the maximum stated in the agreement, shall then be returned to the subdivider to reimburse the subdivider for the proportionate share of the costs of the installation of the facilities. The city may also elect to reimburse the subdivider for such "off site" facilities after the subdivider has furnished the city with acceptable evidence that an agreed number of housing units are occupied. No interest shall accrue or become payable on such reimbursement. Engineering drawings showing benefitted property shall be prepared by the city engineer. (Ord., 2-29-1996)

10-3-10: INSPECTION:

A. Continuous Inspections: All construction work involving the installation of improvements in subdivisions shall be subject to inspection by the city and the construction standards of the following types of improvements. The inspector shall make continuous inspections on the following improvements:

1. Street surfacing, including seal coats.
2. Preparation of base and pouring of concrete for curb and gutter, sidewalks and other structures.

3. Laying of sewer pipe, drainage pipe, water pipe, valves, hydrants and all pipe testing.
4. Installation of any mechanical equipment.

Arrangement for inspection must be made with the city engineer at least seven (7) days prior to beginning construction of the improvements requiring continuous inspection.

B. Periodic Inspections: The inspector shall make periodic inspections on the following improvements:

1. Street grading and gravel base.
2. Excavations for curb and gutter and sidewalks.
3. Excavations for structures.
4. Trenches for laying pipe.
5. Forms for curb and gutter, sidewalk and structures.

Notice to the city engineer shall be given three (3) days in advance of the starting of work requiring periodic inspection.

C. Inspections By Subdivider's Engineer: The subdivider shall require his engineer to make inspections as often as necessary in order to assure the subdivider that the improvements are being properly installed, that the improvements comply with the intent of the construction standards and that all improvements are laid to the proper grade, alignment and depth, and are constructed of the required quality of materials and that errors in design and/or construction are corrected before acceptance by the city.

D. Certificate Of Acceptability: Prior to making a request for partial release of escrow funds or conditional acceptance of the subdivision improvements, the subdivider shall request that his engineer inspect the improvements and certify as to their acceptability. This certificate shall be attached to all partial release requests and the request for conditional acceptance.

E. Materials And Equipment Used In Construction: All materials and equipment used in the construction of the improvements shall be subject to adequate inspection and testing in accordance with generally accepted standards, as required and defined in the construction standards.

F. Payment For Inspection And Testing Services: In order to further assure the city that the intent of the construction standards and this title are being complied with, the city shall provide the continuous inspection and testing services at the expense of the subdivider. Payment for this service will be made monthly from the escrow account or from funds deposited with the city by the subdivider.

G. City Engineer Responsibilities: The city engineer shall act as the city representative during the construction period. He shall decide questions which may arise as to quality and acceptability of materials furnished and work performed. He shall interpret the intent of the construction standards in a fair and unbiased manner. The city engineer will make periodic visits to the site and determine if the work is proceeding in accordance with this title.

H. Subdivider Responsibilities:

1. The subdivider will be solely responsible for complying with the intent of the construction standards and this title in regard to the quality of materials, workmanship and execution of the work.

2. The subdivider's engineer will be responsible for the construction means, controls, techniques, sequences, procedures or construction safety.

3. Inspections, test or approvals by the city engineer or other agent representing the city shall not relieve the subdivider from his obligation to perform the work in accordance with the requirements of the construction standards and this title. (Ord., 2-29-1996)

10-3-11: GUARANTEE OF WORK:

A. Time Required: The subdivider shall warrant and guarantee, for a minimum period of two (2) years from the date of "conditional acceptance", that all of the improvements are free from defects due to faulty materials or workmanship, and the subdivider shall, at no cost to the city, promptly make such corrections as may be necessary by reason of such defects, including the repairs of any damage to other improvements resulting from such defects. The city will give notice of observed defects with reasonable promptness. In the event that the subdivider should fail to make such repairs, adjustments or other work that may be made necessary by such defects, the city may do so and charge the subdivider the cost thereby incurred. The improvements guarantee shall remain in full force and effect through the guarantee period and until the subdivider receives a written final acceptance from the governing body.

B. City Engineer To Determine Necessity For Repairs And Maintenance: The subdivider shall agree and understand that the determination of the necessity for repairs and maintenance of the work rests with the city engineer. His decision upon the matter shall be final and binding upon the subdivider, and the guarantee hereby stipulated shall extend and include, but shall not be limited to, the entire street base, 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, and whenever, in the judgment of the city engineer, said work shall be in need of repair, maintenance or rebuilding, he shall cause a written notice to be served the subdivider and thereupon the subdivider shall undertake and complete such repair, maintenance or rebuilding, and upon the subdivider's failure to do so or make arrangements therefor within ten (10) days from the date of the service of such notice, the city engineer shall, upon approval of the governing body, have such repairs made, and the cost of such repairs shall be paid by the subdivider, together with twenty five percent (25%) in addition thereto as and for stipulated damages for such failure on the part of the subdivider to make such repairs. (Ord., 2-29-1996)

10-3-12: IMPROVEMENTS GUARANTEE AGREEMENT:

A. Required: The subdivider shall execute, acknowledge and cause to be recorded in the office of the city recorder, a written agreement with the city by which he will covenant and agree that he will not lease or convey any of the subdivided property to anyone whomever unless he shall first, as a condition precedent thereto, either:

1. Install and pay for all of the improvements aforesaid necessary to the full, effective and practical use and enjoyment thereof by the lessee or grantee of the lands so to be conveyed, including, but not limited to, all street improvements in front of such property

and thence along the dedicated streets to a connection with existing improvements, whichever is required as a condition of the subdivision approval; or

2. In lieu of actual construction of the improvements, the subdivider may furnish the city, at the time a subdivision final plat is approved, one of the following guarantees that the improvements, not then installed, will be constructed and paid for within a period of two (2) years from the date of approval of the subdivision:

a. A bond with a corporate surety in an amount equal to one hundred fifteen percent (115%) of the cost of the improvements.

b. Deposit in escrow with an escrow holder approved by the governing body an amount of money equal to one hundred fifteen percent (115%) of the cost of the improvements.

c. File an irrevocable letter of credit from a duly chartered bank or savings and loan institution, which shall contain provisions substantially similar to that required in the escrow agreement.

B. Agreement Deemed Covenant; Lien: The said agreement shall specifically provide that it shall be deemed to be a covenant running with the subdivided lands for the benefit of the city and shall particularly and accurately describe said lands. By said agreement, the subdivider shall further give and grant to the city a lien on said lands to secure the installation of all of the improvements required by this chapter, together with the payment of all costs, including reasonable attorney fees which the city may incur in enforcing any of the terms and provisions of said agreement.

C. Approval As To Form: The covenant and agreement aforesaid shall be approved as to form by the city attorney. The governing body is authorized to prescribe, by administrative rule or regulation filed for record with the city recorder, the forms and applications for the approval of a proposed subdivision and the strict compliance with the requirements of this title. The agreement shall be restricted to the guaranteeing and paying for the improvements required by this title. It shall be separated from any other financing or funding programs required by the subdivider. Funds can be released, or the amount of the bond or letter of credit decreased, only upon receipt of written authorization signed by the mayor. (Ord., 2-29-1996)

10-3-13: PARTIAL RELEASE OF AGREEMENT FUNDS:

The governing body is authorized and directed from time to time at the request of the subdivider or his successors in interest to release from the bonds, release from the escrow agreement, and release from the burdens of the covenant and lien the estimated costs of the improvements installed and approved by the city engineer.

A. Applications For Partial Release:

1. At least ten (10) days before each partial release is required (but not more often than once a month), the subdivider will submit to the city engineer for review, the application for release, filled out and signed by the subdivider covering the work completed as of the date of the application and supported by such data as the city engineer may reasonably require. The subdivider shall include with his application for release of funds a written statement of the current status of the escrow account signed by an officer of the bonding company, the escrow agent or the institution issuing the letter of credit. The statement

shall show the total dollars included in the agreement, the date and the amount of the releases and the current funds.

2. The subdivider warrants and guarantees that title to all work, materials and equipment covered by an application for release, whether incorporated in the work or not, will have passed to the city prior to the making of the application, free and clear of all liens, claims, security interest and encumbrances; and that no work, materials or equipment covered by an application for release will have been acquired by the subdivider or by any other person performing the work at the site or furnishing materials and equipment for the project.

3. The city engineer will, within ten (10) days after receipt of each application for release, either indicate, in writing, his approval of release and present the application to the city or return the application to the subdivider, indicating, in writing, his reasons for refusing to approve release. In the latter case, the subdivider may make the necessary corrections and resubmit the application. The city will, within ten (10) days of presentation to it of an approved application for release, release the amount approved by the city engineer.

B. Approval Of Requested Payment: The city engineer's approval of any requested release shall constitute a representation by him to the city, based on the city engineer's on site observations of the work in progress as an experienced and qualified design professional and on his review of the application for release and the supporting data, that the work has progressed to the point indicated; that, to the best of his knowledge, information and belief, the quality of the work is in accordance with the construction standards (subject to an evaluation of the work as a functioning project upon substantial completion, to the results of any subsequent test for in the construction standards and any qualifications stated in his approval); and that the subdivider is entitled to a release of the amount approved. However, by approving any such payment, the city engineer shall not thereby be deemed to have represented that he made exhaustive or continuous on site inspections to check the quality or quantity of the work or that he has reviewed the means, methods, techniques, sequences and procedures of construction, or that he has made any examination to ascertain how or for what purpose the subdivider has used the monies released.

C. Refusal To Release: The city engineer may refuse to approve the whole or any part of any release if, in his opinion, he is unable to make such foregoing representation to the city. He may also refuse to approve any such release, or because of subsequently discovered evidence, or the results of subsequent inspections or tests, nullify any such release previously approved, to such extent as may be necessary in his opinion to protect the city from loss, because:

1. The work is defective;
2. Claims have been filed or there is reasonable evidence indicating the probable filing thereof;
3. The city has been required to correct defective work or complete the work; or
4. Unsatisfactory prosecution of the work, including failure to clean up as required.

D. Maximum Percentage Of Release: The subdivider shall not obtain a release from the bonds, or withdraw from the covenant and lien improvements guarantee any amount in

excess of one hundred percent (100%) of the estimated cost of the improvements, but shall pay from other sources any costs for such improvements which exceed one hundred percent (100%) of the costs approved by the city engineer.

E. Installation Prior To Final Plat Approval: If the subdivider installs any or all of the required improvements prior to the final plat approval, the subdivider shall furnish the city one of the three (3) guarantees listed in subsection 10-3-12A2 of this chapter at the time the final plat is approved, in an amount equal to fifteen percent (15%) of the cost of the improvements as a guarantee that the improvements, as installed, shall remain free from defects and shall be maintained by the subdivider until final acceptance by the governing body.

F. Hold Of Fifteen Percent:

1. If the subdivider furnishes a bond, an escrow or letter of credit, the governing body shall hold the remaining fifteen percent (15%) as a guarantee that the improvements, as installed, shall remain free from defects and shall be maintained by the subdivider until final acceptance by the governing body.

2. If the fifteen percent (15%) retainage is in the form of money deposited in an escrow account, release of said retained funds may be effected by the subdivider, providing the subdivider files a bond, or furnishes an irrevocable letter of credit with the governing body in an amount equal to the fifteen percent (15%) being retained.

G. Defective Improvements: At any time during the guarantee period and in the event the required improvements are not installed within the two (2) years provided, or are not being maintained during the guarantee period, after conditional acceptance, or are found to have latent defects, the city engineer shall, by written notice, advise the subdivider has thirty (30) days to make the necessary installation, construction, repair or replacement, which time may be extended by the governing body at its sole discretion, and that the city will make the necessary installation, construction, repair or replacement if the subdivider does not do so within the time permitted and that the city will exercise its rights, as contained in the agreement, to obtain the funds and/or pay for the installation, construction, repair or replacement of the required improvements. If, after one year after the city has conditionally accepted the improvements required by its title, the required improvements remain substantially free from latent defects, the governing body may release to the subdivider the balance of the bonds, escrow account and/or letter of credit. This release and any prior approval of the city engineer shall not relieve the subdivider of any of his responsibilities as required by this title, which includes guaranteeing the improvements for a total of two (2) years from the date of conditional acceptance. (Ord., 2-29-1996)

10-3-14: CONDITIONAL ACCEPTANCE:

A. Request: After all required improvements are complete, the subdivider shall, in writing, notify the city and the city engineer that the subdivision is complete and request conditional acceptance by the city. The conditional acceptance request shall be accompanied with:

1. A certificate, signed by the subdivider's engineer attesting to the fact that all improvements are installed, free from defects and that they comply with the intent of the construction standards. Any variation from said standards shall be noted in the certificate.

2. A Mylar copy of the as built construction drawings.

B. Inspection: The city engineer shall make an inspection within ten (10) days of receipt of the notice, and notify the subdivider in writing of any particulars in which this inspection reveals that the work is defective. The subdivider shall immediately make such corrections as are necessary to remedy such defects.

C. Notification Of Approval: The city engineer shall, as soon as the improvements are acceptable and after receipt of the as built drawings, notify the governing body, in writing, his approval of the improvements. The governing body shall, within fifteen (15) days after receipt of the city engineer's approval, present to the subdivider a notice of conditional acceptance establishing the date for beginning his two (2) year guarantee period. (Ord., 2-29-1996)

10-3-15: FINAL ACCEPTANCE AND RELEASE:

A. Request: The subdivider shall be responsible for requesting final acceptance and release. The subdivider shall send the city a written request for final acceptance and release at least twenty (20) days prior to the terminal date of his guarantee period. The city engineer shall, within ten (10) days, make an inspection of the subdivision improvements. If defects exist in the improvements, the city engineer shall notify the subdivider, in writing, who shall promptly replace and/or repair all defective work.

B. Letter Of Final Acceptance And Release: When the improvements are acceptable, the city engineer shall notify the governing body, in writing, who shall within fifteen (15) days of receipt of said notice, issue a letter of final acceptance and release. (Ord., 2-29-1996)

10-3-16: ACCEPTANCE PERIOD:

Requests for conditional and final acceptance shall be made during periods when all of the improvements can be visually inspected by the city engineer. Any improvements buried with soil or snow, or otherwise not visible, shall not be approved. Generally, no acceptances will be made during the months of November through and including March. (Ord., 2-29-1996)

CHAPTER 4

SUPPLEMENTARY REGULATIONS

SECTION:

10-4-1: Resubdivision Procedure

10-4-2: Amending Recorded Subdivision Plat

10-4-3: Issuance Of Permit Or License In Violation Prohibited

10-4-4: Administrative Body

10-4-5: Administrative Officer

10-4-6: Appeal To Governing Body

10-4-7: Decision Of Governing Body And Judicial Review

10-4-8: Protection Strip

10-4-9: Conditional Uses

10-4-10: Prohibited Acts

10-4-11: Impact Fees

10-4-1: RESUBDIVISION PROCEDURE:

A. **Street Improvements Required:** Prior to the resubdivision of a recorded plat, or a portion thereof, where street improvements are required as part of the resubdivision, a plat complying with the requirements for a preliminary plan indicating the existing lots, their ownership, the proposed resubdivision, and a petition for vacation of the recorded plat or portion thereof, signed by all the owners of the land contained in the plat or the portion thereof to be resubdivided, shall be made to the planning and zoning commission for their approval.

B. **Street Improvements Not Required:** Where street improvements will not be required as a part of the resubdivision of a recorded plat, a concept drawing complying with the requirements for a concept plan indicating the existing lots, their ownership, the proposed resubdivision, and a petition for vacation of the recorded plat or portion thereof, signed by all the owners of the land contained in the plat or the portion thereof to be resubdivided, shall be made to the planning and zoning commission for their approval.

C. **Public Hearing Required:** Before considering the concept plan or preliminary resubdivision plat, a public hearing shall be held in the manner prescribed in subsection 10-2-11 of this title.

D. **Final Plat:** After the public hearing and subsequent approval of the concept plan or preliminary resubdivision plat, a final plat complying with the provisions of this title shall be submitted to the planning and zoning commission for approval, accompanied with those construction drawings and cost estimates as may be necessary to establish any changes required in existing or proposed improvements and the guarantee of their installation. Owners of land contiguous or bordering the plat or the portion thereof to be resubdivided, shall be notified, in writing, of the intent to resubdivide an existing recorded subdivision plat.

E. **Order Of Vacation:** The city council shall, after receipt of the completed petition and a plat approved by all signatories required on the final plat, order the vacation of the plat or a portion thereof as defined in the petition of vacation.

F. **Filing:** The vacation order and resubdivision plat shall be consecutively filed in the office of the county recorder of the county where such land is situated. The title of the resubdivision plat shall include reference that this is a resubdivision of an "existing plat" (specify name for "existing plat") or a resubdivision of "portion" (specify existing lots and/or blocks for "portion") and the month and year of the resubdivision. (Ord., 2-29-1996)

10-4-2: AMENDING RECORDED SUBDIVISION PLAT:

A recorded subdivision plat may be amended only to correct minor surveying or drafting errors. All other changes in a recorded plat shall be allowed only upon compliance with the resubdivision procedures of this title. The planning and zoning commission shall determine whether the recorded plat may be amended, or first vacated and resubdivided, in

accordance with the intent of this chapter. 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 a final plat with an affidavit witnessed by the surveyor 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 filing of a corrected plat shall comply with the resubdivision procedures. (Ord., 2-29-1996)

10-4-3: ISSUANCE OF PERMIT OR LICENSE IN VIOLATION PROHIBITED:

No officer of the city shall grant any permit or license for the use of any building or land if such would be in violation of this title. (Ord., 2-29-1996)

10-4-4: ADMINISTRATIVE BODY:

The planning and zoning commission shall be the administrative body to administer this title. (Ord., 2-29-1996)

10-4-5: ADMINISTRATIVE OFFICER:

The planning and zoning commission chairperson shall be the administrative officer. (Ord., 2-29-1996)

10-4-6: APPEAL TO GOVERNING BODY:

Any party aggrieved by a decision of the planning and zoning commission may appeal such decision to the city council. Such appeal shall be taken within thirty (30) calendar days of the official action of the planning and zoning commission by filing a notice of appeal with the city council. The notice of appeal shall specify the grounds of appeal and all previous actions of the planning and zoning commission related thereto. Upon receipt of the notice of appeal, the city council shall immediately notify the planning and zoning commission, and said planning and zoning commission shall notify all aggrieved parties of the date of such meeting. Any party may appear at the public meeting in person or by agent or by attorney and may call witnesses in support or opposition to the issues raised by the appeal. (Ord., 2-29-1996)

10-4-7: DECISION OF GOVERNING BODY AND JUDICIAL REVIEW:

A. The decision of the city council shall be final as to the administrative action taken by the city, and such decision may affirm or reverse the decision of the planning and zoning commission in whole or in part.

B. Any party aggrieved by the decision of the city council may seek and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided petition for such relief is presented to the court within thirty (30) calendar days after the regularly scheduled public meeting at which the city council rendered its decision. (Ord., 2-29-1996)

10-4-8: PROTECTION STRIP:

Where subdivision streets parallel contiguous property of others, the subdivider may, upon approval of the planning and zoning commission, retain a protection strip not less than one foot (1') in width between said street and adjacent property; provided, that an agreement approved by the city attorney has been made by the subdivider contracting to deed to the owners of the contiguous property the one foot (1') or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in the contiguous property, plus the value of one-half (1/2) the land in the street at the time of agreement. One copy of the agreement shall be submitted to and approved by the city attorney and the planning and zoning commission prior to approval of the final plat. Protection strips shall not be submitted at the end of a public street or proposed street. (Ord., 2-29-1996)

10-4-9: CONDITIONAL USES:

Where because of 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, strict compliance with the provisions of this title would cause an unusual and unnecessary hardship on the subdivider, the planning and zoning commission may allow specific variances or exceptions to this title. The planning and zoning commission may require such additional conditions which will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. The governing body may, upon receipt of written recommendations from the planning and zoning commission, require such other conditions as will further secure, insofar as practicable, the objectives of the standards or requirements varied or modified. Any special use authorized shall be entered in the minutes of the planning and zoning commission and the governing body, together with the circumstances that justified the special use. The planning and zoning commission will prepare a conditional use permit which specifies the certain specific variations and/or exceptions to this title for specific parcels of land. Said document shall be approved by the governing body and signed by the mayor, becoming part of the official minutes of the city. (Ord., 2-29-1996)

10-4-10: PROHIBITED ACTS:

A. It shall be unlawful for any person to subdivide for the purpose of transferring, selling, conveying or assigning any tract or parcel of land which is located wholly or in part in the city, except in compliance with this title.

B. It shall be unlawful for any person to sell or exchange or offer to sell or exchange any parcel of land which is part of a subdivision of a larger tract of land, or record in the office of the county recorder any subdivision plat unless the subdivision has been approved by the city and meets the provisions of this title.

C. It shall be unlawful for any person to receive a building permit until the road base, sidewalk and curb-gutter, where required, and all underground utilities are installed. It shall be the responsibility of the building official to see that there is no human occupancy until the improvements have been accepted by the city, the lot fully complies with the subdivision and zoning ordinances and the building complies with the building code of the city. It shall be unlawful for any subdivider to sell any portion of an approved subdivision

until the prospective buyer or builder has been advised, in writing, that occupancy permits will not be issued until the improvements are completed. (Ord., 2-29-1996)

10-4-11: IMPACT FEES ¹ :

Impact fees will be based on the relative burden already borne and yet to be borne by the newly developed properties and other properties, as illustrated by the following indicators:

- A. The cost of existing capital facilities;
 - B. The manner of financing existing capital facilities (such as user charges, special assessments, bonded indebtedness, general taxes or federal grants);
 - C. The relative extent to which the newly developed properties and the other properties in the city have already contributed to the cost of existing capital facilities (by such means as user charges, special assessments or payment from the proceeds of general taxes);
 - D. The relative extent to which the newly developed properties and the other properties in the city will contribute to the cost of existing capital facilities in the future;
 - E. The extent to which the newly developed properties are entitled to a credit because the city is requiring developers or owners (by contractual agreement or otherwise) to provide common facilities (inside or outside the proposed development) that have been provided by the city and financed through general taxation or other means (apart from user charges) in other parts of the city;
 - F. Extraordinary costs, if any, in servicing the newly developed properties; and
 - G. The time-price differential in fair comparisons of amounts paid at different times.
- (Ord., 2-29-1996)

Notes

- ¹ 1. See title 8, chapter 2 of this code.

CHAPTER 5

CONSTRUCTION AND DRAWING STANDARDS

SECTION:

10-5-1: Adoption Of Standards

10-5-2: Construction Standards

10-5-3: Design Standards

10-5-4: Drawing Standards

10-5-5: Sketch Plan

10-5-6: Preliminary Plat

10-5-7: Final Plat

10-5-1: ADOPTION OF STANDARDS:

Minimum standards of design, specifications for materials, and specifications for construction and inspection shall be prepared by the city engineer and, after approval by the planning and zoning commission and governing body, shall be adopted, by resolution of the governing body, as the minimum public works construction standards and

specifications for public improvements. These standards shall be applicable to all subdivision improvements. (Ord., 2-29-1996)

10-5-2: CONSTRUCTION STANDARDS:

A. Intent: It is the intent of these construction standards to describe the minimum acceptable requirements necessary to complete the improvements required by the city. Any work or improvements that may be reasonably inferred from these standards as being required to produce the intended result, shall be supplied whether or not it is specifically called for. Work, materials or equipment described in words which so applied have a well known technical or trade meaning shall be deemed to refer to such recognized standards. Details and specifications for public works facilities construction shall be as shown and called for in the minimum public works construction standards and specifications adopted by the city.

B. Supplementary Definitions: Whenever used in these documents, the following terms shall have the meaning indicated, which shall be applicable to both the singular and plural thereof: (Ord., 2-29-1996)

CITY: Garland City, Utah.

CITY ENGINEER: The city engineer or his duly authorized representatives, which shall at all times include the director of public works of the city.

CONTRACT DOCUMENTS: Construction standards of the city, plans and specifications of the subdivider as approved by the city engineer.

CONTRACTOR: The person, firm or corporation who is to perform the work.

CONSTRUCTION STANDARDS: Minimum public works construction standards and specifications or public improvements of the city.

DRAWINGS: The drawings and plans which show the character and scope of the work to be performed and which have been prepared or approved by the city engineer.

FINAL RELEASE: A release granted by the governing body, at the request of the subdivider, for the balance of the bond, escrow funds or covenant and lien after receipt by the subdivider of written approval by the city engineer of the installation of the improvements represented by said bonds, escrow funds or covenant and lien.

PARTIAL RELEASE: A release granted by the governing body, at the request of the subdivider, of that portion of the bond, escrow funds or covenant and lien which is attributable to those lands on which the installation of the improvements has been fully performed. The city shall release an amount equal to eighty five percent (85%) of the cost of said improvements as approved by the city engineer. The fifteen percent (15%) retainage shall be retained by the city until final acceptance is granted.

PROJECT: The entire construction to be performed as required by this title.

SPECIFICATIONS: The general term, comprising all the directions, provisions and requirements contained herein, together with such as may be added, adopted or approved for inclusion in the contract documents as supplemental specifications or special provisions, all of which are necessary for the proper performance of the work.

SUBCONTRACTOR: An individual, firm or corporation having a direct contract with the subdivider or his contractor, or with any other subcontractor for the performance of a part of the work at the site.

SUBDIVIDER: The person proposing to do the work necessary to improve or develop a subdivision within the city.

WORK: Any and all obligations, duties and responsibilities necessary to the successful completion of the improvements assigned to or undertaken by the subdivider under the requirements of this title, including the furnishing of all labor, materials, equipment and other incidentals. (Ord., 2-29-1996; amd. 2006 Code)

C. Employment Of Contractors And Subcontractors:

1. Prior to construction, the subdivider will submit to the city and the city engineer for approval, a list of the names of all contractors and/or subcontractors the subdivider proposes to employ in constructing the improvements required herein.

2. The subdivider will not employ any contractor or subcontractor (whether initially or as a substitute) against whom the city or the city engineer may have reasonable objection, nor will the subdivider be required to employ any contractor or subcontractor against whom he has reasonable objection.

3. The subdivider will be fully responsible for all acts and omissions of his contractors and subcontractors and of persons directly or indirectly employed by him.

4. Nothing in the contract documents shall create any contractual relationship between any contractor or subcontractor and the city or the city engineer, or any obligations on the part of the city or the city engineer to pay or to see to the payment of any monies due any contractor or subcontractor, except as may otherwise be required by law.

5. The subdivider shall agree to specifically bind every contractor and subcontractor to all of the applicable terms and conditions of the construction standards. Every contractor or subcontractor, by undertaking to perform any of the work, will thereby automatically be deemed to be bound by such terms and conditions. (Ord., 2-29-1996)

10-5-3: DESIGN STANDARDS:

A. Streets:

1. Arrangement:

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

b. The street arrangement should be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided. Half streets, consisting of half of a standard road right of way width and half of a fully developed street, on the boundary of a subdivision are prohibited. Sharing of road development costs with abutting property owners and recovery of same is provided for with a protection strip as described in section 10-4-8 of this title.

2. Road Right Of Way Widths: Major and collector streets shall conform to the width designated on the master street plan wherever a subdivision is in an area for which a master street plan has been adopted. For territory where such street plan has not been

completed at the time the subdivision preliminary plat is submitted to the planning and zoning commission, streets shall be provided as required by the planning and zoning commission, with minimum widths of ninety feet (90') for collector streets and extensions of existing ninety foot (90') wide streets, and sixty feet (60') for minor streets. Minor streets serving cul-de-sacs only, shall have a minimum width of fifty feet (50').

3. Stub Streets: Stub streets shall be collector streets provided where needed to connect to adjacent undeveloped land and new streets and must be provided where needed to connect to existing stub streets in adjacent subdivisions. Not more than six (6) lots shall front on a stub street, except where a temporary cul-de-sac turnaround is provided.

4. Cul-De-Sacs: Cul-de-sacs (dead end streets) not more than six hundred fifty feet (650') long and serving no more than ten (10) lots, whichever is more restrictive, shall be used only where unusual conditions exist which make other designs undesirable. Each cul-de-sac must be terminated by a turnaround of not less than one hundred feet (100') in diameter, and the face of curb or pavement edge radius shall be forty feet (40') or more. If surface water drainage is into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided. All temporary cul-de-sacs or dead end streets shall be provided with a turning area at the dead end thereof satisfying the foregoing requirements and shall be available for public use as long as the dead end condition exists.

5. Road Obstructions And Termination: In the event that any road or street in any subdivision shall terminate at or within fifty feet (50') of any ditch, canal, creek, waterway or other obstruction which will, at the opinion of the city engineer, require a bridge or other structure in order to continue the road over or across the canal, ditch, creek, waterway or other obstruction, the subdivider shall deposit with the city a sum of money equal to one-half (1/2) of the city engineer's estimate of the cost for constructing a proper and suitable bridge over the same. The city engineer shall, on request, furnish the subdivider a cost breakdown for any such structure. At such time, in the opinion of the governing body, as it becomes desirable to construct such structure, the same shall be constructed by the city applying such deposit toward the construction costs and charging the other one-half (1/2) of such cost to the person developing the opposite side of such obstruction, or if there is no person so developing the other side, the one-half (1/2) shall be borne as a city expense.

6. Frontage On Major Highways: Where a residential subdivision abuts a major highway, frontage roads may be required.

7. 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 must be approved by the planning and zoning commission, and opportunity shall be given the city recorder for review and recommendation prior to the approval of street names by the planning and zoning commission.

8. Design Criteria:

a. No more than four (4) streets shall enter an intersection.

b. Streets shall intersect at ninety degrees (90°), except where otherwise approved as necessary by the planning and zoning commission.

c. The centerlines of two (2) subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerlines shall be offset at least one hundred fifty feet (150').

9. Curvature And Alignment:

a. To ensure adequate sight distances, street roadway line connections shall be made by horizontal curves. The minimum centerline radius for minor streets shall be one hundred fifty feet (150') and all other streets shall be three hundred feet (300'). On collector and major streets, a minimum tangent of one hundred feet (100') shall be required between a curve and street intersection; a minimum tangent of one hundred feet (100') shall be required between reverse curves.

b. Vertical curves shall be used at all changes of grades exceeding one percent (1%) and shall be designed to provide minimum sight distances of two hundred feet (200') for minor streets and three hundred feet (300') for all other streets, except that vertical curves for major streets shall be as determined by the current specifications of the state department of transportation (UDOT). The minimum acceptable horizontal length of vertical curves from beginning of the vertical curve to the end of the vertical curve is two hundred feet (200') for collector and minor streets and three hundred feet (300') for major streets.

10. Street Grades: All street grades shall be designed as follows:

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

b. Minor streets shall be limited to a maximum grade of ten percent (10%). 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 not to exceed three percent (3%) for the last one hundred feet (100') of traveled surface. The cul-de-sac shall be limited to a maximum length of six hundred fifty feet (650') and have adequate easement for drainage.

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

e. Maximum grades shall be 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').

f. Streets in mountainous terrain shall be designed at less than maximum allowable grade in order that they can be safely negotiated and that snow can be removed during winter.

11. Shoulders And Pavement:

a. Four foot (4') shoulders shall be provided where curbs are waived. Design shall comply with city construction standards.

b. Pavements shall be designed in accordance with the procedures promulgated by the state department of transportation and contained in part 8 "materials", of their manual of instruction. The subdivider's engineer shall submit his design calculations and supporting data with the final plat. The minimum base thickness is eight inches (8"). The minimum

acceptable pavement thickness is two and one-half inches (2 1/2"). All pavements shall be seal coated during following construction season. The seal coat shall comply with the UDOT standard specification for bituminous seal coat type A.

12. Sidewalk, Curbs And Gutters:

a. Sidewalks, curbs and gutters shall be provided on streets to be dedicated to the public, unless waived by the planning and zoning commission. Sidewalks, curbs and gutters may be required by the governing body on existing streets bordering the subdivision. Minimum grade of streets and curb-gutter is four-tenths percent (0.4%).

b. All curb corners shall have a radius of not less than twenty five feet (25').

c. On curb returns, at least one additional control point for elevation besides those at points of curvature shall be established. Control points shall be staked in the field to ensure drainage of intersections.

d. Curbs and gutters on all urban streets shall be concrete of the standard high back type design being thirty inches (30") wide from back of curb to lip of gutter and not less than six inches (6") thick where the curb abuts the street pavement. The top of the curb shall be approximately three and one-half inches (3 1/2") higher in elevation than the lip of the gutter.

B. Easement Standards:

1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of twenty feet (20'), apportioned equally (10 feet on each side) to abutting properties.

2. Where front lot line easements are required, a minimum of ten feet (10') shall be allocated as a utility easement. Perimeter easements shall be not less than fifteen feet (15') in width, extending throughout the peripheral area of the development, as required by the planning and zoning commission.

3. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installation shall be located so as to permit multiple installations within the easements. The subdivider shall establish final utility grades prior to utility installation.

4. Whenever any stream or important surface drainage course is located in an area that is being subdivided, the subdivider shall dedicate an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream from drainage, parkway or recreational use.

5. The planning and zoning commission shall, unless waived for good and sufficient cause, require that easements for drainage through a subdivision and adjoining property be provided by the subdivider.

C. Utilities Underground:

1. Unless the planning and zoning commission and governing body determine, upon application by the subdivider, supported by recommendation of the city 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.

2. The subdivider, by designating the location for easements for all utility lines and installations thereof, shall agree, as one of the conditions for the approval of any plan, that

he will at his own expense remove any obstruction that, in the opinion of the city engineer, makes such location impracticable for use until the obstruction is removed or altered. If additional expense is required for underground installation of power or other utility, the subdivider shall agree to pay any additional expense occasioned thereby and sign an agreement with the city for the purpose of carrying out this requirement to completion.

D. Blocks:

1. Blocks shall not exceed one thousand three hundred feet (1,300') in length. Blocks over eight hundred feet (800') in length shall be provided with a dedicated walkway through the block at its approximate center. Such walkways shall be not less than ten feet (10') in width. The width of blocks generally shall be sufficient to allow two (2) tiers of lots. Blocks intended for business or industrial uses shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities.

2. Property lines at all street intersections shall be rounded with curves having a minimum radius of fifteen feet (15').

E. Lots:

1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and probable future requirements.

2. All lots shown on the subdivision plan must conform to the minimum requirements of the zone in which the subdivision is located, and to the minimum requirements for sewage disposal.

3. Each lot shall abut on a street dedicated by the recording of a subdivision or on an existing publicly dedicated street, or on a street which has become public by right of use and is at least fifty feet (50') wide, or on a private street approved by the planning and zoning commission and the governing body.

4. Double frontage lots are prohibited unless approved by the planning and zoning commission for reasons of topography.

5. No wedge shaped lot shall be less than thirty feet (30') in width at the front property line, or less than the lot frontage at the front setback line required in the zoning district, whichever is larger.

6. Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider and approved by the planning and zoning commission.

7. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.

8. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

9. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the planning and zoning commission by the city recorder.

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

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

F. Storm Drainage And Floodplains: Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the state 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 phases, a general drainage plan for the entire area shall be provided with the preliminary plat, and appropriate development stages for the drainage system for each section indicated.

1. The drainage and floodplain systems shall be designed to:
 - a. Permit the unimpeded flow of natural watercourses.
 - b. Ensure adequate drainage of all low points.
 - c. Ensure application of the following regulations regarding development in designated floodplains.
2. The use of land in floodplains shall be limited as follows:
 - a. Construction of buildings shall not be permitted in a designated floodway with a return frequency of one hundred (100) years or more.
 - b. Building construction may occur in that portion of the designated floodway where the return frequency is less than one hundred (100) years; provided, the main floor space is constructed above the designated maximum probable flood level, and provisions are made in the design and construction of the buildings to prevent entry of floodwaters into the lower levels.
 - c. Where floodway velocities are generally determined to be under five feet (5') per second and maximum flood depth will not exceed three feet (3'), 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 sewage disposal systems not completely protected from inundation.
 - e. 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 constitutes an encroachment and must be approved by the city engineer and the planning and zoning commission before any work is done.
 - f. No lot one acre or less in area shall include floodplains. All lots more than one acre shall contain not less than twenty thousand (20,000) square feet of land which is at an elevation at least one foot (1') above the elevation of 100-year recurrence interval flood or, where such data is not available, three feet (3') above the elevation of the maximum flood record.
3. The design of the storm system shall:
 - a. Consider the drainage system as a whole and shall include:
 - (1) Runoff from the subdivision area.
 - (2) Where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision.
 - (3) The effects of the storm waters on lands downstream.

(4) Limit peak runoff discharge from any new development area to 0.2 cfs per acre. Detention ponds with discharge control structures shall be used to store storm water runoff in excess of the peak permissible discharge.

b. Include all facilities necessary to accommodate that quantity of water attributable to a storm having a minimum 10-year frequency.

(1) Gutter capacities will be limited to that flow which will not create a hazard, damage or flood adjacent properties and which can be safely intercepted at the inlets.

(2) Storm water inlets and catch basins shall be provided within the roadway improvements at points approved by the city engineer.

(3) No ditch or canal shall be approved as suitable for the disposal of storm drainage water without the written permission of the appropriate ditch, canal company or of the water users of said ditch or canal. No ditch or canal shall be used for storm water disposal unless adequately improved to handle such water as might be reasonably expected to flow in the canal or ditch as irrigation water, the subdivision runoff water, and any other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use except as specifically approved by planning and zoning commission and governing body. The subdivider shall remove such waterways from property to be dedicated before the submission of the final plat.

(4) Complete design calculations shall be submitted with the plans for the storm sewer system.

G. Sewage Disposal: Except as otherwise provided below, the subdivider shall provide, or have provided, a piped sanitary sewage system to the property line of every lot in the subdivision. The sewage system shall meet the minimum standards and requirements of the district sanitarian, the state division of environmental health and this code.

1. Sanitary Sewer Mains, Laterals And House Connections:

a. All sewer mains shall be a minimum of eight inches (8") in diameter and shall be designed with adequate capacity for the current and future development.

b. All sewer laterals and house connections shall be a minimum of four inches (4") in diameter.

c. 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 planning and zoning commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider, in addition to the installation of temporary individual on site sanitary disposal systems.

2. On Site Sewage Disposal:

a. Septic tank systems and drain fields are generally not permitted, unless specifically provided for in unusual conditions in the city sewer ordinance 1 . Properties situated east of the Malad River may be permitted to use on site sewage disposal systems if approved by the planning and zoning commission.

b. Whenever individual septic tanks are proposed as sanitary sewage disposal systems, 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 permit shall be issued, until such installation is assured.

c. Each subdivided lot to be served by an on site soil absorption sewage disposal system shall contain an adequate site for such system and shall meet minimum requirements of the Utah department of health regulations for individual wastewater disposal systems and must be approved, in writing, by the district sanitarian. In general, unless specifically required by said health department requirements, an adequate site requires a minimum depth of eight feet (8') from the surface of the ground to impermeable bedrock, and a minimum depth of six feet (6') from the surface of the ground to the ground water surface (based on annual high water level). Each site must also be at least one thousand five hundred feet (1,500') from any shallow water supply well and one hundred feet (100') from any stream or watercourse, and at least two hundred feet (200') from any major live stream; at least ten feet (10') from any dwelling or property line and shall not be subject to flooding or inundation.

H. Water Of Sufficient Quantity Obligation Of Subdivider: Where connection to the existing culinary water system is not feasible and a private noncommunity water system is proposed to serve a subdivision development, the procurement of water, whether by purchase of water rights, water shares, exchange or service agreement, shall be the responsibility of the subdivider. Water shall be provided for the exclusive use of the subdivision in an amount sufficient to meet the following flow standards, unless it can be proved to the planning and zoning commission that a lesser amount is adequate:

1. Separate System Not Available: Where a separate secondary water system is not available for each lot:

a. A minimum of two hundred ninety two thousand (292,000) gallons per year per dwelling unit for the first ten thousand (10,000) square feet of lot area. Approximately two-thirds (2/3) of this water shall be available for use during the months of May through October. Each additional ten thousand (10,000) square feet of lot area shall require an additional two hundred twenty five thousand (225,000) gallons, which shall be available for use during the months of May through October.

b. The distribution system shall be designed to deliver the above quantities of water at a minimum pressure of forty (40) psi. In no case shall the capacity of the system be less than 1.6 gallons per minute per dwelling unit in addition to the water required for fire suppression.

2. Separate System Available: Where a separate secondary water system is available at each lot:

a. A minimum of one hundred forty six thousand (146,000) gallons per year per dwelling unit.

b. The distribution system shall be designed to deliver the above quantity of water at a minimum pressure of forty (40) psi. In no case shall the capacity of the system be less than 1.6 gallons per minute per dwelling unit in addition to the water required for fire suppression.

3. Design Calculations: When requested, complete design calculations shall be furnished to the city engineer.

I. Culinary Water System: Where connection to the existing community water system is feasible and required, the culinary water system for the subdivision shall meet the following requirements:

1. Requirements: The culinary water facility shall extend to the property line of every lot and shall be capable of delivering the flows required in subsection H of this section. All water mains shall be a minimum of six inches (6") in diameter, except in cul-de-sacs where the diameter may be four inches (4") if no fire hydrant is connected to the pipe. The storage capacity of reservoirs shall provide a minimum of one thousand one hundred (1,100) gallons for each dwelling unit in addition to the required storage for fire suppression.

2. Fire Hydrants: Fire hydrants shall be installed in accordance with the regulations of the city fire department and in no case:

- a. Connected to a pipe less than six inches (6") in diameter.
- b. Located more than seven hundred feet (700') from any other fire hydrant.
- c. Located such that any single dwelling unit would be more than three hundred fifty feet (350') from the nearest fire hydrant when measured along the most probable access route.

3. Construction Standards: Water line construction shall comply with the city construction standards.

J. Secondary Water Systems:

1. Availability: When a pressurized secondary water system for irrigation is located within three hundred feet (300') of the subdivision boundary, and secondary water rights are available to the property from said secondary water system, to be subdivided, it shall be piped to the subdivision and made available for the full and beneficial use of each lot owner.

2. Identification: All pressure irrigation systems in a proposed subdivision shall be identified and otherwise color coded, as to pipe and valve color, to meet state standards and regulations.

3. Adequate Capacity: The capacity of the pipe system shall be adequate to serve the demand of the subdivision.

4. Approval Of Plans And Specifications: Plans and specifications for the system must be approved, in writing, by the agency furnishing the water and the city engineer.

5. Turnouts Or Valves Required: Turnouts or valves must be located on each lot.

6. Open Ditches:

a. Where an existing irrigation system consisting of open ditches is located on or adjacent to a proposed subdivision, complete plans for relocation or covering and other safety precautions shall be submitted with an application for preliminary approval of a plat.

b. The open ditches or canals shall not be allowed within or adjoining a subdivision, except when fenced along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies regarding:

(1) Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision.

(2) The size of pipe and culverts required.

c. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts, in cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the city engineer.

K. Safety Fences: The subdivider shall install a six foot (6'), nonclimbable chainlink fence, or its equivalent, along all open ditches, canals or waterways, nonaccess streets, open reservoirs or bodies of water, railroad right of way and other such features of potentially hazardous nature, crossing or contiguous to the property being subdivided, except on those features which the planning and zoning commission shall determine would not be a hazard to life. (Ord., 2-29-1996)

Notes

1. See title 7, chapter 2 of this code.

10-5-4: DRAWING STANDARDS:

A. Purpose: The following instructions are for the purpose of standardizing the preparation of drawings to obtain uniformity in appearance, clarity, size and style.

B. Number Submitted: The construction plans shall be submitted in triplicate (minimum) with two (2) approved sets to be retained by the city engineer and one approved set returned to the subdivider. This set shall be kept available at the construction site. Specifications shall accompany the plans where pertinent.

C. Information Required: The plans and designs shall meet the standards and specifications hereinafter outlined. The minimum information required on drawings for public works improvements are as follows:

1. Plans And Profiles: Plans and profiles and all construction drawings shall be submitted in triplicate on twenty four inch by thirty six inch (24" x 36") drawings. Drawings shall have a one and one-half inch (1 1/2") border on the left and a one-half inch (1/2") border on the three (3) remaining sides. All drawings shall be complete, clear and legible and shall conform to the accepted standards of the profession. Illegible or poorly drawn drawings shall be returned without action and will be considered as having received a preliminary review. In general, the following should be included on drawings:

- a. North arrow (plan).
- b. Scale, benchmark datum and elevations, including the location of permanent bench marks and their true elevations according to USGS or the city's datum. All profiles and construction drawings shall be drawn using true elevation.
- c. Complete data for field layout and office checking.
- d. Stationing and elevations for profiles.
- e. Title block, located in lower right corner of sheet to include:
 - (1) Name of city.
 - (2) Project title (subdivision, etc.).
 - (3) Specific type and location of work.
 - (4) Space for approval signature of city engineer and date.
 - (5) Name of engineer or firm preparing drawings with license number and sealed by the responsible engineer.

f. As built drawings shall be reproducible on Mylar and shall be furnished to the city engineer upon completion of the improvements. The city will retain the improvement guarantee until such plans have been furnished in a manner acceptable to the city engineer.

g. All printing and drawing shall be done using black India ink or waterproof plotter ink with clear, legible and uniformly sized letters, numbers and lines. The size of the lettering and width of lines shall vary according to the needs of clarifying and identifying the various items constructed and establishing clear and concise vertical and horizontal control.

h. Plan and profile drawings will include details of curb and gutter; sidewalks; street cross sections; locations and elevations of manholes, catch basins, storm sewers and their appurtenant works; elevations and location of fire hydrants, water mains, type of pipe, valves and their appurtenant works; location, size and elevations of sanitary sewer mains, their grades and type of pipe (rubber gasket mandatory); manholes, cleanouts; and other appurtenant works. The drawing shall include the details for a nonculinary (irrigation) water system, indicating size, location and kind of pipe, valves and turnouts. All stationing must coincide with existing stationing as shown on existing city drawings. Engineer's station equations will not be approved except at street intersections where the stationing of the intercepting street will be shown as well as the stationing of the intercepted street.

2. Curbs And Gutters, Drainage Structures, Sidewalks And Streets: Curb and gutter, drains and drainage structures, sidewalks and street surfacing drawings should show:

a. Scale one inch equals fifty feet (1" = 50') horizontal, one inch equals five feet (1" = 5') or one inch equals ten feet (1" = 10') vertical.

b. Profiles shall indicate finished and existing grades for the centerline and each side of the street at the curb-gutter line, and shall extend a minimum of two hundred feet (200') beyond the limits of the proposed project. Cross sections shall be provided when requested by the city engineer.

c. Stationing and top of curb elevations with curve data must be shown for all curb returns, and at least one additional control point for elevations besides those at the PC (point of curvature) and PT (point of tangency), shall be indicated on the plans and staked in the field to ensure drainage at the intersections.

d. Type of cross drainage structures at intersections with adequate flow line elevations.

e. Benchmark location and elevation (use USGS datum where possible).

f. Type of curb and gutter and distance back to back of curb.

g. Elevations for the top of curbs and road centerlines shall be shown on the plans for all PCs, PT and at all BVCs (begin vertical curve) and EVCs (end vertical curve).

h. Complete curve data must be shown for all horizontal and vertical curves. The minimum length of vertical curve is two hundred feet (200') unless otherwise approved.

i. Street monuments to be installed by the subdivider's engineer or land surveyor and shall be designated on the final drawings and approved by the city engineer. The monuments must be accurately set at the approved locations prior to release of the improvement bond.

j. The subdivider's engineer will, when requested by the city engineer, furnish copies of the field notes relating to any or all of the work prepared or done.

3. Sewer: Sewer drawings should show:

a. Scale one inch equals fifty feet (1" = 50') or one inch equals one hundred feet (1" = 100') horizontal, one inch equals five feet (1" = 5') or one inch equals ten feet (1" = 10') vertical.

b. Location, size and grade of pipe.

c. Location and elevation of catch basins and all appurtenant facilities.

d. Manhole size, location and flow elevation.

e. Type of pipe (rubber gasket joints required).

f. Benchmark location and elevation.

4. Water: Culinary and secondary water drawings should show:

a. Scale (not specified).

b. Size and location of water mains, valves, fittings and hydrants.

c. Kind of pipe.

d. Minimum cover.

5. Detail Drawings: Each set of plans shall be accompanied by a separate sheet of structure details which are to be constructed. All structures shall be designed in accordance with minimum standards of these specification drawings requirements:

a. Drawing size: Twenty four inches by thirty six inches (24" x 36").

b. Scale of each detail.

c. Title block, lower right hand corner (same format on all sheets) including the name of the subdivider.

d. Completely dimensioned and described. (Ord., 2-29-1996)

10-5-6: PRELIMINARY PLAT:

The preliminary plat shall be drawn to a scale on standard twenty four inch by thirty six inch (24" x 36") tracing vellum or Mylar. 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. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for rejection. The following data shall be submitted as part of the preliminary plat submission:

A. Subdivision Name: The proposed name of the subdivision.

B. Partial Tract Development: Where the plat submitted covers only a part of the subdivider's tract, or is part of a larger vacant area, the plat shall show the location of the subdivision as it forms part of a larger tract or parcel. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.

C. Property Location: Sufficient information to locate accurately the property shown on the plat.

D. Boundary Traverse Map: A boundary traverse map of the perimeter of the proposed subdivision. The surveying shall have an error of closure of not greater than one part in ten

thousand (10,000). The boundary survey and traverse shall be certified by a land surveyor, registered to practice in the state.

E. Vicinity Map: A vicinity map showing perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within one-half (1/2) mile distance of the perimeter of the proposed plat. Scale not less than one inch equals two thousand feet (1" = 2,000').

F. Names And Addresses: The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.

G. Zoning Changes: Proposed changes to existing zoning district boundaries or zoning classifications, if any.

H. Existing Conditions:

1. Existing sanitary sewers, storm drains, water supply mains and culverts within the tract or within five hundred feet (500') thereof.

2. The location, widths and other dimensions of proposed lots, streets, alleys, easements, parks and other open spaces with proper labeling of spaces to be dedicated to the public.

3. The location, principal dimension and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within six hundred feet (600') of the boundary thereof, showing whether recorded or claimed by usage; the location and principal dimensions for all watercourses, including ditches, canals and natural drainage channels, public utilities and other important features and existing structures within the land and adjacent to the tract to be subdivided, including railroads, exceptional topography, airports and approaches to the airport.

4. The location of existing bridges, culverts, surface or subsurface drainageways, areas subject to occasional flooding, marshy areas, swamps, utilities, buildings, pumping stations or appurtenances within the subdivision or within three hundred feet (300') thereof.

5. The location of the nearest elevation bench mark and survey control monument.

6. The owners of the land immediately adjoining the land to be subdivided and the boundary lines of adjacent tracts of unsubdivided land, showing ownership and property monuments.

7. The existing contours at two foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. Elevations shall be based on national geodetic survey sea level data. In cases of level topography through a subdivision, one foot (1') contours may be required.

8. A soils report prepared by a registered civil engineer, soil engineer or engineering geologist, that certifies to the types of soils, the geologic hazards, development restrictions and suitability of the area for subdivision development.

9. Copies of any agreements with adjacent property owners relevant to the proposed subdivision and the substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings and structures.

I. Proposed Development:

1. Lot and street layout.

2. Dimension of all lots to nearest foot (which may be scaled values).
 3. Total acreage of entire proposed subdivision.
 4. Lots and blocks numbered consecutively.
 5. Locations and identification of all existing and proposed public and private easements.
 6. Existing and proposed street names.
 7. Street plans to show proposed grades, curb-gutter and sidewalks.
 8. Typical street cross sections.
 9. Proposed water facilities, including pipe diameters, valve locations, fire hydrant locations, water sources, water rights, reservoirs, pumps and design calculations.
 10. Excavation or grading of areas requiring in excess of three foot (3') cuts or fills.
 11. Proposed sanitary and storm sewer systems, indicating pipe diameters, location of detention ponds, manholes, inlets and other pertinent appurtenances with the design calculations.
 12. Approximate boundaries of areas subject to inundation or storm water overflows of an intensity estimated to occur with a return frequency of once every one hundred (100) years.
 13. The plat shall be drawn to a scale not less than one inch equals one hundred feet (1" = 100'), and shall indicate the basis of bearings, true north point, name of subdivision, name of city, township, range, section and quarter section, block and lot number of the property under consideration.
 14. An affidavit that the applicant is the owner, the equitable owner or authorized by the owner, in writing, to make application for the proposed subdivision.
 15. Sites, if any, to be reserved or dedicated for parks, playgrounds, schools or other public uses.
 16. Sites, if any, for multi-family dwelling, shopping center, community facilities, industry or other uses, exclusive of single-family dwellings.
 17. Proposed phases of development. All development and improvements to be continuous and contiguous to abutting developments.
- J. Plat Format: The preliminary plat and drawings shall be prepared in the same format as the final plat and shall include the following instruments signed or to be signed and dated:
1. Subdivider's engineer and/or surveyor's signature and seal.
 2. Owner's approval.
 3. Planning and zoning commission approval.
 4. City engineer's approval.
 5. District sanitarian's approval. (Ord., 2-29-1996)

10-5-7: FINAL PLAT:

A. Information Required: The final plat shall consist of a sheet of approved Mylar to the outside of trimline dimensions of twenty four inches by thirty six inches (24" x 36"). The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 1/2") on the left side and at least one-half inch (1/2") margins on other sides.

The plat shall be so drawn that the top of the drawing faces either north or east, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen or Mylar with approved waterproof blue ink or black India drawing ink. The plat shall be made to a scale large enough to clearly show all details and in any case not smaller than one inch equals one hundred feet (1" = 100'). Surveying, calculations, angular data, linear dimensions and bearings shall be limited to an error of closure of not greater than one part in ten thousand (10,000). The workmanship on the finished drawing shall be neat, clean and readable. The final plat shall contain the following information:

1. Subdivision name, which must be approved by the planning and zoning commission, and the general location of the subdivision in bold letters at the top of the sheet.
2. North point, scale and graphic scale of the drawing and the date.
3. Description of land to be included in the subdivision.
4. Accurately drawn boundaries, showing the 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. When the plan is bounded by an irregular shoreline of a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plan included all land to the water's edge as established on the date of the survey. Accurate angular and linear dimensions shall be shown for all lines, angles and curves used to describe boundaries, streets, lots, easements, areas to be reserved for public use and other important features. Parcels not contiguous shall not be included on one plat. Contiguous parcels owned by different parties may be embraced in one plat, provided all owners join in dedication and acknowledgement.
5. Lengths shown to hundredths of a foot, and angles and bearings shown to seconds of arc.
6. True angles and distances to the nearest established street lines or official monuments which are accurately described on the plat and shown by appropriate symbol.
7. Radius, internal angles, points of curvature, tangent lengths and bearings, long tangent and bearings, the length of all arcs and the lengths of each intercepted arc.
8. Accurate location of all monuments to be installed shown by an appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shown and preserved in precise position.
9. Bearings, distances and curve data of all perimeter boundary lines indicated outside the boundary line, not inside with the lot dimensions.
10. All lots and blocks numbered consecutively under a definite system approved by the planning and zoning commission. All proposed streets named or numbered in accordance with and in conformity with the adopted street naming and numbering system. All lot street addresses assigned thereto, with corner lots multiple addressed for each part of the lot having frontage on separate streets.
11. Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and any area to be reserved by deed or covenant for common use of all property owners.
12. All lands within the boundaries of the plan which shall be accounted for as either lots, walkways, streets or reserved as excepted parcels. Excepted parcels shall be marked

"not included in this development" and the boundary completely indicated by bearings and distances.

13. All streets, walkways and easements, designated as such. Streets shall be named and/or numbered as required by the planning and zoning commission.

14. A dedication to the city of all streets, highways, easements and other lands intended for public use that are included in the proposed subdivision.

15. Street monuments shall be installed by the subdivider's engineer or land surveyor at such points designated on the final plat as are approved by the city engineer. Standard monuments will be furnished by the subdivider and placed as approved.

16. Pipes or other such iron markers as shall be placed at each lot corner prior to final approval.

B. Instruments: The instruments to be included on the final plat are as follows:

1. The registered professional engineer and/or land surveyor's "certificate of dedication".

2. The owner's certificate of dedication.

3. A notary public's acknowledgement.

4. The city engineer's approval.

5. District sanitarian's approval.

6. The planning and zoning commission's approval.

7. The city attorney's approval.

8. The governing body's approval.

9. Signature for the mayor and attestation by the city recorder.

10. An occupancy restriction.

C. Form Of Instruments:

1. The form of the professional surveyor's or engineer's certificate shall be substantially as follows:

SURVEYOR'S CERTIFICATE

I, _____, a registered professional engineer and/or land surveyor, holding certificate no. _____, as prescribed by the state of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described herewith, and have subdivided said tract of land into lots and streets to be hereafter known as _____, and that the same has been surveyed and staked on the ground as shown on this plat.

Signed on this _____ day of _____, 20 ____.

Registered Land Surveyor

2. The form of the owner's dedication shall be substantially as follows:

OWNER'S DEDICATION

Know all by these presents that we, the undersigned owners of the described tract of land below, having caused the same to be subdivided into lots and streets to hereafter be known as _____, do hereby dedicate for perpetual use of the public all parcels of lands owned on this plat as intended for public use, and do warrant, defend and save the city harmless

against any easements or other incumbrances on the dedicated streets which will interfere with the city's use, operation and maintenance of the streets, and do further dedicate the easements as shown.

In witness thereof, we have hereunto set our hands this day of , 20 .

Signed Signed

ACKNOWLEDGEMENT

State of Utah)

) ss

County of)

On the day of AD, 20 , John Doe personally appeared before me, the undersigned notary public, in and for said county of , in the state of Utah, the signer(s), of the above owner's dedication, in number, who dully acknowledged to me that signed it freely and voluntarily and for the uses and purposes therein mentioned.

Notary public

Residing at

My commission expires:

CORPORATE ACKNOWLEDGEMENT

State of Utah)

) ss

County of)

On this day of AD, 20 , personally appeared before me, the undersigned notary public, in and for the state and county of , who after being a duly sworn, acknowledged to me that , a corporation, that signed the owner's dedication freely and voluntarily for and in behalf of the corporation for the purpose therein mentioned and that the corporation executed the same.

Notary public

Residing at

My commission expires:

3. The form of the occupancy restriction shall be substantially as follows:

OCCUPANCY RESTRICTION

Garland City has an ordinance which restricts the occupancy of buildings within this subdivision. Accordingly, it is unlawful to occupy a building located within this subdivision without first having obtained a certificate of occupancy issued by the city building inspector.

4. The form of the approvals and certificate shall be substantially as follows:

GARLAND CITY PLANNING AND ZONING COMMISSION APPROVAL

Approved this day of AD, 20 , by the Garland City planning and zoning commission.

Chairperson

GARLAND CITY ATTORNEY APPROVAL AS TO FORM

Approved as to form this day of AD, 20 .

Garland City Attorney

DISTRICT HEALTH DEPARTMENT APPROVAL**

Waste disposal system and culinary water system approval this day of AD, 20 .

District Sanitarian

****Required only if development is not to be served by public sewer and water systems.**

GARLAND CITY COUNCIL APPROVAL AND ACCEPTANCE

Presented to the this day of AD, 20 , at which time this subdivision was approved and accepted.

Attest:

City Recorder

Mayor

GARLAND CITY ENGINEER CERTIFICATE

I certify that I have had this plat examined and find that it is correct and in accordance with the information on file in this office.

Date

City Engineer

COUNTY'S SURVEYOR CERTIFICATE

I certify that I have had this plat examined and find that it is correct and in accordance with the information on file in this office.

Date

County Surveyor

County Recorder No.

State of Utah, county of , recorded and filed at the request of .

Date

Time

Fee

Abstracted
Index
Filed:

County Recorder

D. As Built Drawings: After all required improvements have been satisfactorily installed and approved by the city engineer, and as a requirement of "conditional acceptance", the subdivider shall furnish a Mylar or Mylar copy of all original construction drawings. These drawings shall show the "as constructed" condition of all improvements. (Ord., 2-29-1996)

CHAPTER 6

CLUSTER SUBDIVISIONS

SECTION:

10-6-1: Purpose And Intent

10-6-2: Design And Development Standards

10-6-3: Common Open Space

10-6-4: Guarantee Of Common Open Space Improvements

10-6-5: Continuation Of Common Open Space

10-6-6: Preservation, Maintenance And Ownership Of Open Space

10-6-7: Developer Agreement

10-6-1: PURPOSE AND INTENT:

Cluster subdivisions are intended to allow flexibility in neighborhood and subdivision lot design by permitting the development of dwellings on lots smaller than normal density requires for the zone in which the subdivision is located and by dedicating or reserving the remaining land so saved to needed common space or public uses such as open space, trails and/or recreation. (Ord. 09-03, 5-19-2009)

10-6-2: DESIGN AND DEVELOPMENT STANDARDS:

A. Design Of Plats: The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, common open spaces and other design factors should be compatible with the surrounding land use and shall be in harmony with the intent of zoning elements of the general plan that has been adopted by the planning and zoning commission and approved by the governing body.

B. Streets: Streets shall be so designed as to take advantage of open space vistas and create drives with a rural or open space character. All city streets shall conform to the Garland City public works construction standards for all streets including curb and gutter. Thoroughfare streets with intersections allowing better traffic flow, emergency vehicles and snow removal are preferred to cul-de-sacs.

C. Lot Area: The minimum lot area for dwellings may be reduced below the area normally required in the zone in which the cluster subdivision is located, but the overall density of the cluster subdivision shall not exceed the density allowed in the zone in which the cluster development is located and approved.

D. **Reduction In Minimum Lot Area:** Where land is proposed for subdivision into lots and a developer dedicates or permanently reserves land within the subdivision for recreational use or open space, a reduction in the minimum lot area required for the zone in which the cluster subdivision is located may be recommended for approval by the planning commission to the city council, provided the provisions of this chapter are met and further provided that the cluster subdivision receives subdivision approval.

E. **Open Space:** A cluster subdivision shall provide a minimum of fifteen percent (15%) and a maximum of fifty percent (50%) of the total acreage of property within the subdivision as dedicated open space in accordance with the open space standards.

F. **Minimum Dwelling Units:** No such cluster subdivision shall contain fewer than ten (10) dwelling units. (Ord. 09-03, 5-19-2009)

10-6-3: COMMON OPEN SPACE:

A. **Plans Submitted:** The developer of a cluster subdivision 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 subdivision 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 benefit to future residents of the subdivision, surrounding residents and the general public.

B. **Additional Conditions May Be Placed:** The planning and zoning commission may place whatever additional conditions and/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 is not maintained in the manner agreed upon or is abandoned by the owners. Where the intent of the general plan and city ordinances is being met to the fullest extent, additional lots may be approved by the planning and zoning commission and city council.

1. In the event the association does not maintain the common open space and improvements as proposed and indicated at the time of subdivision, the city may at its option, do or contract to have done the required maintenance and recover the costs incident thereto by means of a lien against the involved properties of the members of the association.

2. Garland City shall have the right, but not the duty, to require, and if necessary, perform, at the association's expense, landscaping, maintenance, and snow removal within the common areas if the association fails adequately to perform such. In the event Garland City exercises this right, the city shall be entitled to recover any associated costs and attorney fees. This section shall not be amended or deleted without the approval of Garland City.

3. Garland City has the right, but not the duty to form, under state statutes, a special service district (SSD) for the purpose of ongoing maintenance or a special improvement district (SID) for the purpose of making needed improvements within the project. The city may take this action when either asked to take over improvements or maintenance tasks by the homeowners' association, or by an owner. The city council may also take one or both

of these actions when it determines the need based on a historical pattern of a lack of care and maintenance.

C. **Areas Not Considered Open Space:** Parking areas, any lot; retention basins; roads/streets and associated rights of way shall not be considered open space. For the purpose of this section open space shall not be considered lands used for schools, churches, public facilities or other similar encumbered uses. Some public facilities included in public parks dedicated by the developer may be eligible as open space controlled by the community.

D. **Small Cluster Subdivisions:** A small cluster subdivision with a small parcel for the sole purpose of providing detention or total retention shall not be considered open space. However, these small areas need to be maintained as landscaped areas or lined with weed barrier overlaid by rock or some other landscaping material. Detention pond areas situated within a larger proposed private or public park area where the detention area is only used to provide storage for storm flows generated from 10-year frequency storms may be considered as part of the open space areas calculated for the development. In this instance, storm flows generated from storms which are less intense than a 10-year frequency storm must be bypassed through the pipe system without flowing in and through the pond.

E. **Required:** There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located.

F. **Open Space Network Connection:** Open space within a cluster subdivision shall be designed and laid out as part of a larger continuous and integrated open space system to ensure that an interconnected network of open space will be provided throughout the city in hopes of supporting a network of connecting trails as defined in the city general plan.

G. **Pedestrian Access:** Developer shall provide adequate pedestrian access to open space land which is open to public or resident use. (Ord. 09-03, 5-19-2009)

10-6-4: GUARANTEE OF COMMON OPEN SPACE IMPROVEMENTS:

As assurance of completion of common open space improvements, the developer, at the request of the governing body, shall be required to file with the city a surety or cash 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 surety or cash bond or other agreement has been filed, the developer shall call for inspection by the planning and zoning commission, such inspection to be made within fifteen (15) 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 surety therefor shall be released. If the bonds or surety are not released, refusal to release and the reasons therefor shall be given the developer, in writing. (Ord. 09-03, 5-19-2009)

10-6-5: CONTINUATION OF COMMON OPEN SPACE:

As assurance of continuation of common open space used in accordance with the plans approved by the planning and zoning commission, the developer shall grant to the city 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 remains open. (Ord. 09-03, 5-19-2009)

10-6-6: PRESERVATION, MAINTENANCE AND OWNERSHIP OF OPEN SPACE:

The preservation, maintenance and ownership of open spaces within a subdivision development shall be accomplished by:

- A. Dedication of the land to the city as a public park or parkway system, including a certificate of title insurance; or
- B. Granting to the city a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational or park use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws which are satisfactory to the governing body; or
- C. Granting to the city a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational or park use, to be maintained from the proceeds of a perpetual maintenance trust fund established by the developer in an amount satisfactory to the governing body; or
- D. Complying with the provisions of the condominium ownership act, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities, and requires that the developer, prior to the recording of the final plat, cause to be incorporated under the laws of the state, a lot owners' association. By proper covenants running with the land and through the articles of incorporation and bylaws of the association, it shall, among other things, be provided that:
 - 1. Membership in the association shall be mandatory for each lot purchaser, their guarantees, successors and assigns.
 - 2. The common open space restrictions shall be permanent and not just for a period of years.
 - 3. The association shall be responsible for maintaining liability insurance, paying general property taxes and maintaining recreational and all other facilities.
 - 4. All lot owners shall pay their pro rata share of the costs of upkeep, maintenance and operation.
 - 5. Any assessment levied by the association may become a lien on the real property of any lot owner, which may be foreclosed and the property sold as on sales under execution. (Ord. 09-03, 5-19-2009)

10-6-7: DEVELOPER AGREEMENT:

The developer and city shall enter into a development agreement to further specify and clarify the agreed upon characteristics and conditions of the proposed development, especially where a certain amount of flexibility is being provided for. Development agreements would spell out all of the agreed upon items and terms which were negotiated between the developer and the planning commission as a planned cluster development. (Ord. 09-03, 5-19-2009)