

Town of Hinckley
ORDINANCE 2025-04-03 A

SUBDIVISION ORDINANCE AMENDMENTS

**AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, 10.19
SUBDIVISION, 10.19.3 SUBDIVISION IMPROVEMENTS, 10.19.20 COMPLETION
OF IMPROVEMENTS C.1 AND 10.19.4 SUBDIVISION DESIGN STANDARDS,
10.19.31 WATER SUPPLY; PROVIDING FOR REPEALER AND SEVERABILITY**

WHEREAS, 10-9a-501 of Utah State Code (as amended) authorizes a legislative body to weigh policy considerations and to enact land use regulations, and

WHEREAS, pursuant to 10-8-84 of Utah State Code (as amended) the legislative body may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the municipality and its inhabitants, and for the protection of property in the municipality; and

WHEREAS, the Planning Commission conducted a public hearing on March 12, 2025, to review the proposed amendments and made a positive recommendation to the Town Council for adoption; and

WHEREAS, the Town Council has reviewed the Planning Commission's recommendation and finds it to be the best interest of the health, safety, and welfare of its citizens to make the proposed amendment to the Town's Code.

NOW THEREFORE, be it ordained by the Town Council of Town of Hinckley, UT as follows:

SECTION 1: Repealer. If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: Amendment. Section "10.19.3 " is hereby amended as follows.

10.19.18 Required Improvements

The following improvements are required for all subdivisions, except those that qualify under the Agricultural Land exemption of Section 10.19.15.

A. Permanent markers: all subdivision boundary corners, all points tangent, and all street intersections shall be definitely marked with metal monuments approved by the Town.

B. Utilities, including water, septic/sewer, telephone, cable, gas, and electricity.

1. Water lines and fire hydrants: A culinary water supply, waterlines, and fire hydrants shall be required as follows.

a. The subdivider shall have prior approval for connections to system or other source and shall make such water available to each lot within the subdivided area. Sizes of water mains shall be subject to the approval of the Town and shall be based upon fire protection requirements, but in no case shall they have a diameter of less than six inches.

b. Fire hydrants shall be installed at intervals within the subdivision in such a manner that no lot will be a distance greater than 250 feet from the closest hydrant, measured along the streets.

2. Sewers: At such a time as the Town installs a sewer system, all property owners, including those in approved subdivisions, will be required to pay a front footage fee and to accept the costs of connecting to said sewer system. Sewer connections, subdivision sewer systems, and individual sewage facilities shall be installed in accordance with specifications set by the State Department of Health. Subdividers shall make necessary provisions by installing sewer mains and laterals to the property line of each lot so that a minimum of roadway excavation will be required to connect said subdivision to the Town sewer system.

3. Natural gas: If natural gas is made available to the Town, the subdivider will provide for connection to each lot.

4. Electricity, Telephone, and Other Utilities: These improvements shall be completed before the streets are hard surfaced to each lot.

C. Streets, curbs, gutters, sidewalks, trails, and other improvements described in Section 10.4 of this Chapter.

1. All streets shall be graded, graveled, and hard surfaced. Traffic regulatory, safety, and street identification signs shall be erected.

D. Any other infrastructure (or infrastructure improvement) that is reasonably necessary to meet the needs of the proposed development, not to include the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.

10.19.19 Cost Of Improvements

All required improvements shall be made by the applicant/developer, at their expense, without reimbursement by the Town or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

10.19.20 Completion Of Improvements

A. Before a subdivision plat may be recorded, and before a building permit may be issued, all improvements required by this Chapter or other Town ordinances shall be either:

1. Completed, inspected, and accepted by the Town, or
2. Guaranteed according to Section 10.19.20 (B).

B. Types of Surety Bonds:

1. Infrastructure Completion Assurance bond is required only if a developer asks to record a plat prior to building required infrastructure, as described in Section 10.19.17.

2. Improvement Warranty bond is provided by the developer upon acceptance of the completed infrastructure, as described in Section 10.19.15.

C. The applicant/developer shall either complete the required improvements (which is highly preferred by the Town) or guarantee required improvements before the plat is recorded or a building permit is issued.

~~1. Applicants who elect to complete required improvements before recording the approved plat may receive a 50% reduction of required fees associated with the subdivision application process, the inspection of improvements, the building permit application, and inspections for issuing a certificate of occupancy.~~

D. All improvements are subject to Town inspection before such improvements may be accepted by the Town or considered complete. The Town Engineer shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable Town ordinances (notably Section 10.19.4 of this Chapter) and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in Section 10.19.3.

1. The applicant/developer shall, in accordance with the Town's Fee Schedule, pay to the Town an inspection fee before the Town shall accept any improvements.

E. The provisions of this Chapter do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

F. For subdivisions for which no performance guarantee has been posted, if the improvements are not completed within the period specified in the approved subdivision improvement plan, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the Town may thereupon declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default. In the event that the un-released portion of the guarantee is not sufficient to pay all the cost for installing the required improvements, the Town may maintain an action against the person giving the guarantee for the necessary amount to complete the improvements.

10.19.21 Improvement Guarantees, Completion Assurances, And Warranties

A. If an applicant elects to guarantee any required improvement, the applicant shall provide completion assurance for 110% of the cost of the improvement, guaranteeing that the improvements will be completed within two years after the date of the guarantee; The sum of the completion assurance shall not exceed:

1. 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
2. 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.

B. For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an engineer's estimate or licensed contractor's bid.

C. The Town shall accept any of the following forms of guarantee for an improvement:

1. Bond. The applicant may furnish a bond with corporate surety, which bond shall be approved by the Town Attorney and filed with the Town Clerk.
 - a. The bond shall have an express irrevocable term of two (2) years from the date of

approval of the final plat of the subdivision. Further, such bond shall contain language unconditionally guaranteeing the performance of the developer. A provision shall be provided for unconditional payment of the face amount of the bond within thirty (30) days from the day the Town declares, for cause, that the developer is in default.

2. Escrow. The applicant may make a deposit in escrow with an escrow holder approved by the Town Council, under an escrow agreement approved by the Town Attorney and filed with the Town Clerk.

D. As improvements are completed, inspected, and accepted by the Town, the Town Council shall, each quarter, at the option of the applicant, issue a partial release of bonded or escrow funds proportional to the improvements accepted during the prior quarter.

1. Subject to maintenance provisions contained in this Code below, the Town will not accept dedication of required improvements, or release or reduce a performance guarantee, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of detailed "as-built" survey plats of, the subdivision, indicating location, dimensions, materials, improvements and other information required by the Planning Commission and Town Engineer, that the layout of the line and grade of all public improvements is in accordance with the Town approved construction plans for the subdivision and that a title insurance policy has been furnished to the Town and Town Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances.

2. In no event shall a performance guarantee be reduced below 25% retainage of the principal amount until total completion.

E. If all required improvements are not completed within two years from the day of final application approval, the party who guaranteed the improvements shall be in default, and at the option of the Town Council, shall relinquish the remaining amount of the performance guarantee to the Town.

F. Even if the infrastructure improvement is not complete, the Town shall still issue a building permit as long as the improvement is essential for issuing a building improvement under the building and fire codes or for which the Town has accepted a completion assurance; but the Town may deny it if there is another valid reason besides the incomplete improvement.

G. The Town shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the Town has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.

H. Upon acceptance of all required improvements, the applicant shall warrant that said improvements shall remain free from defects in material and workmanship for a period of twelve (12) months after the date of acceptance by the Town. The subdivider shall be solely responsible for all repairs and maintenance required to keep the improvements in good working condition for this twelve-month period.

HISTORY:

(Ord. 22-01-06, 1/6/2022)

SECTION 3: Amendment. Section "10.19.4 " is hereby amended as follows.

10.19.22 Subdivision Design Standards

The following provisions govern the standards for the design and construction of subdivisions in Hinckley Town. The Town reserves the right to change, amend, and update these standards. An exception to the following standards for a subdivision in Hinckley Town shall only be granted with permission, in writing, from the chair of the Planning Commission.

10.19.23 Streets

A. Street designs must conform to the adopted street plan for the area as regards to alignment and right-of- way widths. The layout of proposed streets for any development must give due consideration to the extension of the street network to abutting properties, developed or undeveloped, in order to produce a safe, effective street network, in conformity with the intent of the transportation and circulation element of the General Plan once development of the area has been completed. Insofar as possible, offset streets or jogs at intersections shall be avoided in order to bring about the best development of the area.

B. Street right-of-way in Hinckley Town must conform to the following specifications: Grades on streets shall not exceed eight (8) percent.

1. Arterial roads: Not less than eighty (80) feet.
2. Local streets: Not less than sixty-six (66) feet
3. Pedestrian walkways: Not less than four (4) feet.

C. Streets shall intersect each other as nearly at right angles as topography, other limiting factors, and good design shall permit.

D. Every subdivided property shall be served from a dedicated public street.

E. On arterial and collector streets, the center line radius and curvature shall not be less than five hundred (500) feet.

F. Streets shall not be designed to have one end permanently closed.

G. Proposed streets shall bear a number (#), not a name, and any existing street which it is in obvious alignment must have the same number (#).

H. Blocks shall not be less than four hundred ninety-five (495) feet in length.

I. Sidewalks, curb and gutter are required on all subdivision lots developed after the passage of this Code.

J. Cul-De-Sacs: Cul-de-sacs must be terminated by a turnaround not less than one hundred (100) feet in diameter. If surface water drainage is into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary turning area shall be provided at the dead-end thereof to remain and be available to public use so long as the dead-end exists.

K. Temporary Turnarounds: Where streets are constructed to the boundary of a subdivision and terminated temporarily, a temporary turnaround shall be constructed. The temporary turnaround

shall:

1. Have a minimum radius of 50 feet.
2. Be paved or graveled to support emergency vehicles.
3. Be removed when the street is extended.
4. Be secured by an easement that automatically terminates upon street extension.

L. Coordination with Adjacent Properties: The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width).

10.19.24 Natural Drainage And Other Easements

Easements shall be provided through the property for drainage and all utility services. Easements shall be located along all side and rear property lines to a width of not less than seven and one-half (7.5) feet along common property lines and fifteen (15) feet along individual property lines. All utilities shall be located underground unless otherwise approved by the Planning Commission.

10.19.25 Protection Strips

Unless specifically approved by the Planning Commission, protection strips shall be approved and provisions shall be made for extension of roadways to adjacent property.

10.19.26 Blocks

A. Length: Blocks shall be no longer than four hundred and ninety-five (495) feet unless specifically approved by the Planning Commission.

B. Width of Blocks: Blocks shall be at least two (2) building lots wide and double frontage lots shall not be permitted unless specifically approved by the Planning Commission.

10.19.27 Lots

A. Size Requirements: All lots shown on the subdivision plat shall conform to the minimum requirements of the Zoning Title for the zone in which the subdivision is to be located. Lots shall be the minimum width as required by the Zoning Title.

B. Frontage: All lots shall abut a dedicated and improved town street or shall have access to a dedicated and improved street through a private access right of way approved by the Planning Commission. Streets shall be improved to the width and in the manner required by the Town Standards.

C. Lot Lines: Lot lines shall be as nearly as possible at right angles with the adjacent street.

D. Remnants of Lots: All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain as lot remnants.

E. Further Division Prohibited: No plat hereinafter approved by the Town and recorded in the office of the County Recorder may be further subdivided or split in any manner without having first received approval for an amended plat by the Planning Commission and Town Council. Such plat shall contain the signatures of all owners or recorded and all contract owners having property within the bounds of the subdivision prior to receiving approval from the Town to record the amended plat. Said plat shall comply with all other provisions of this Title that may be applicable at the time of approval of the amendment. No lot in any recorded subdivision may be further divided or sold off in any manner.

10.19.28 Time Of Construction

The improvements required by this Title shall be installed prior to recording the final plat, except as provided in Section 10.19.20 of this Title regarding performance guarantees. Improvements shall not be installed until their location and specifications are approved by the Town Engineer.

10.19.29 Streets On Property Of Other Public Agencies Or Companies

Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval of the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company.

10.19.30 Curbs, Gutters, And Sidewalks

Curbs and gutters shall be installed on existing and proposed streets by the sub-divider. Sidewalks shall be constructed in all subdivisions. All curbs, gutters and sidewalks shall be installed according to the Design Standards and Specifications for the Town of Hinckley, Utah.

10.19.31 Water Supply

A culinary water supply, which must be approved by the Town Engineer and the State Department of Health, shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the Town. Where an approved public water supply is available, the sub-divider shall install water mains and service lines or laterals from such mains to each lot within the subdivision prior to the installation of road base, surfacing, curbs, gutters, and sidewalks.

The sub-divider shall be responsible for obtaining any and all hydraulic reports as required by the State of Utah Division of Drinking authority and/or the United States Federal Government. The sub-divider shall incur all costs associated with the reports.

The sub-divider shall pay a Water Acquisition Fee. An Applicant may pay the Water Acquisition Fee in one of three ways: 1. By transferring an acceptable and approved beneficial use priority water right based on 1.00 Equivalent Residential Connection (ERC) per dwelling. The acre-feet required per ERC will be the average annual ERC for combined indoor/outdoor use as established in the current Division of Drinking Water Report for Hinckley Town. 2. A combination of a transfer of an acceptable approved beneficial use priority water right as outline above with the remaining Water Acquisition Fee payable in cash to Hinckley Town. 3. Full cash payment to Hinckley Town for the Water Acquisition Fee.

10.19.32 Fire Hydrants

Fire hydrants shall be installed by the sub-divider at locations determined by the Town Engineer.

10.19.33 Sewage Disposal

Sewer disposal systems or public disposal facilities shall be provided and must meet municipal and State codes and regulations for each lot in the subdivision. The sub-divider shall connect with the Town sanitary sewer system and provide sewer mains and extend laterals from the main sewer line for each lot in the subdivision prior to the installation of the road base, surfacing curbs, gutters and sidewalks.

10.19.34 Surface Water

If the subdivision is within an area where there is storm water runoff, the sub-divider shall construct and install a storm water drainage system within the subdivision which shall be constructed of materials in accordance with the specifications to generally accept engineering standards based on a

twelve (12) year pattern.

10.19.35 Ditches And Canals

All canals and major ditches shall be fenced on both sides for public safety, health, and welfare within a six (6) foot chain link fence as specified by the Land Use Authority. All irrigation ditches running contiguous or within a property or subdivision shall be piped and covered. Pipe size and quality shall be determined by the LUA in consultation with the local irrigation company. Developers of any parcel of land must give due consideration in their development plan to the location of any existing legally established irrigation supply or wastewater ditch, either company or privately owned, and provide for the continued supply of irrigation water to downstream users and disposal of wastewater. Written approval by irrigation companies of alterations to irrigation systems within proposed developments shall be submitted by developers to the LUA prior to recording the final plat.

10.19.36 Monuments

Permanent monuments shall be accurately set and established at such points as may be required by the Town Engineer to definitely establish all lines of the plat. Monuments shall be of a type approved by the Town Engineer. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner.

10.19.37 Street Signs

The sub-divider shall furnish and install all necessary street name signs and traffic-control signs. (See 10.19.21(G))

10.19.38 Fences And Guards

In locations where a land subdivision abuts or is adjacent to public or private grazing land, a fence of material and quality satisfactory to the Planning Commission shall be erected around the outer limits of the subdivision on the side abutting such grazing land. The Planning Commission may also require installation of cattle guards where it deems such are needed.

A. Walls and Fences.

1. A Front Yard Fence that does not obstruct the view (e.g. chain link fence) may be erected to a height of five (5) feet in any front yard abutting a street within the setback area. The fence shall in no way be closed in with adjacent plant material or strips of materials inserted into the fence so as to obstruct vision. Any portion of a composite fence above thirty-six (36) inches shall not obstruct vision.

2. Side Fences not abutting a street shall not exceed six (6) feet in height. This side fence shall not extend into the thirty (30) feet front yard setback.

3. Side Fences in the front yard thirty (30) feet front set back shall not be over thirty-six (36) inches in height. These fences shall be made of materials that shall not obstruct vision (for example, chain link, field fence, spaced picket, etc.)

4. Side and Rear Fences abutting a street shall not exceed six (6) feet in height. This side fence shall not extend into the thirty (30) foot front yard setback. A composite fence above thirty-six (36) inches shall not obstruct vision.

10.19.39 Streetlights

Streetlights of a type approved by the electrical utility company shall be installed at all locations within the subdivision as required by the Planning Commission. Installations shall be made by the sub-divider and inspected by the LUA or Town Engineer. Street lighting shall be dedicated to the

Town and in the same manner as other improvements to be dedicated under this Title and shall be subject to all provisions relating to such improvements.

10.19.40 Donation, Gifting, Or Procurement Of Land For Parks

A developer, or a landowner, may propose a park incorporated into their development plat for purposes of donation or gifting, or for future sale to the Town. The sub-divider or developer may donate, gift or sell land for a local park sufficient in size and topography to serve the residents of the neighborhood within which the subdivision is located. Donated, gifted or sold land, for parks, shall not be in the computation of the lots allowable in their development. Such donation, gifts or procurement are at the option and discretion of the Town Council and they may place conditions on the acceptance of such property. It is the intent of this section to encourage incentives and cooperation with developers in the implementation of the Town's General Plan as it relates to parks and recreation properties. It shall be the responsibility of the Town Council to establish criteria for park development.

10.19.41 Administrative Responsibilities

All administrative officials of the Town of Hinckley shall refrain from issuing building permits or from opening, accepting, grading or paving a street or authorizing the laying of sewers and water mains making connections from the mains to such lines in a street which has:

A. Not received the status of a public street.

B. Does not correspond with a street on a subdivision plat tentatively approved by the Planning Commission.

C. Been submitted to the Planning Commission and disapproved by it.

D. Not been accepted by the Town Council by a favorable majority vote of the Town Council membership.

10.19.42 Default

A. When the Town Council shall determine that the person posting the performance guarantee has failed or neglected to satisfactorily install the required improvements or make required corrections, or to pay all liens in connection with said improvements, the Town Council may, after a public hearing on the matter, declare the performance guarantee, or any unreleased portion thereof, forfeited and thereafter may install or cause the required improvements to be installed or repaired using the proceeds of the guarantee to defray the expense thereof.

B. In the event that the un-related portion of the guarantee is not sufficient to pay all the cost and expense of such installation or repair, the Town may maintain an action against the person giving the guarantee for the excess.

HISTORY:

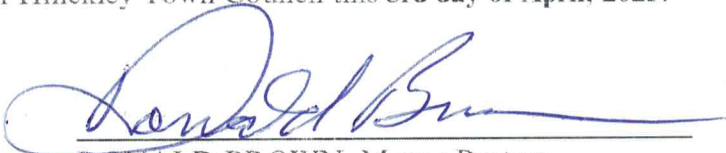
(Ord. 22-01-06, 1/6/2022)

SECTION 4: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 5: **Effective Date.** This ordinance being necessary for the peace, health, and safety of the City, shall become effective immediately upon posting.

****Signatures On Next Page****

PASSED AND ADOPTED by Town of Hinckley Town Council this **3rd day of April, 2025.**


DONALD BROWN, Mayor Protem
Town of Hinckley

Attest:


TRESA TAYLOR, Town Clerk
Town of Hinckley

Town Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Brian Florang	<u>—</u>	<u>—</u>	<u>—</u>	<u>X</u>
Chris Mork	<u>X</u>	<u>—</u>	<u>—</u>	<u>—</u>
Donald Brown	<u>X</u>	<u>—</u>	<u>—</u>	<u>—</u>
Ray Searle	<u>X</u>	<u>—</u>	<u>—</u>	<u>—</u>
Skip Taylor	<u>X</u>	<u>—</u>	<u>—</u>	<u>—</u>

RECORDED this 3rd day of April, 2025.

PUBLISHED OR POSTED this 4th day of April, 2025.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended. I, the Town Clerk of Town of Hinckley, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

1. Town Office
2. U.S. Post Office
3. Hinckley Station

on the above referenced dates.


TRESA TAYLOR, Town Clerk
Town of Hinckley