

CHAPTER 02-31 SUBDIVISIONS

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~~02-31-001 OBJECTIVES AND CHARACTERISTICS OF SUBDIVISION~~

02-31-001 GENERAL PURPOSE

The purpose of this ordinance is:

To promote health, safety and general welfare of the residents of Naples City.

To promote the efficient and orderly growth of the city.

To provide standards for the physical development of subdivisions of land, construction of buildings and improvements within this municipality including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights-of-way, dedication of land and streets, granting easements or rights-of-ways and to establish fees and other charges for the authorizing of a subdivision.

02-31-002 DEFINITIONS - (See Chapter 02-02 definitions)

As used herein, the following words shall mean:

Alley

A public thoroughfare ~~at least more than~~ 20 feet, but ~~no more less~~ than 26 feet wide.

Block

The land surrounded by streets and other rights-of-way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the council.

Council

The governing body of the City of Naples.

Engineer

The person appointed by the municipality to be the municipal engineer.

Construction Standards

The standards and specifications adopted by this ordinance.

Cul-de-sac

Turnaround on a dead end street ~~with a minimum width of 60 feet. Turnaround to be at end of 60 foot right-of-way with a diameter of 100 feet.~~

Easement

The quantity of land set aside, or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public, or some particular person or part of the public.

Final Plat

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

Half Streets

The portion of a street within a subdivision comprising one-half the minimum required right-of-way on which improvements are constructed and in accord with one-half of an approved typical street cross section.

Improved Lot

A lot which has all of the improvements required by this ordinance.

Improvement

Work, objects, devices, facilities, or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, street construction to required standards, grading, landscaping, water facilities, sewer facilities, streets, trees, sidewalks, curbs and gutters, drainage facilities, street signs, street lights, traffic control or other safety devices, fire hydrants, and such other facilities, or construction required by the subdivision ordinance,

subdivision regulations, or by the planning commission and/or city council for the necessary proper development of the proposed subdivision.

Intervening Property

Property located between the existing service facility, and the property under development.

Lot

A parcel or tract of land ~~within a subdivision~~ which is or may be legally occupied by a building(s) ~~or structure and the accessory buildings, structures or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.~~

Lot Right-of-Way

An easement of at least eight feet width, reserved by the lot owner as a private access to serve interior lots not otherwise located on a street.

Major Street

~~A street, existing or proposed, which serves, or is intended to serve, as a major traffic way, and is designated as a collector or arterial street on the master plan.~~
A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway, collector, arterial or other equivalent term to identify those streets comprising the basic structure of the street plan.

Master ~~Major~~ Street Plan

The ~~master major~~ street plan of this municipality.

Master Plan

The master plan of this municipality.

Metes and Bounds

The description of a lot or parcel of land by courses and distance.

Minor Street

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.

Minor Subdivision

A subdivision containing 8 lots or less¹ with all lots having the required frontage on a dedicated public street and not traversed by a proposed street.

Official Map

¹ Amended from 9 lots or less on 12/10/09

The official map or maps adopted by this municipality pursuant to the municipal Land Use and planning enabling legislation.

Off Site Facilities

Facilities designed or located so as to serve other property outside of the boundaries of the subdivision, usually lying between the development and existing facilities.

On Site Facilities

Facilities installed within or on the perimeter of the subdivision.

Oversized Facilities

Facilities with added capacity designed to serve other property, in addition to the land within the boundaries of the subdivision.

Parcel of Land

A contiguous area of land **in the possession or ownership of one person.**

Permanent Monument

Any structure of concrete, masonry, and/or metal, permanently placed on, or in, the ground, including those expressly placed for surveying reference.

Person

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

Planning Commission

The planning commission of this municipality.

Preliminary Plat

A drawing, to scale, representing a proposal to **subdivide** a tract, lot, or parcel of land, and meeting the preliminary plat requirements of this ordinance.

Protection Strip

A strip of land, of less than the minimum depth required by the Land Use ordinance for a building lot, ~~bordering the boundary of a subdivision and a street within the subdivision for the purpose of controlling~~ which prevents the access of property owners ~~abutting the subdivision~~ to the street.

Streets

A thoroughfare which has been dedicated and accepted by the council, which the municipality has acquired by prescriptive right or which the municipality owns, or offered for dedication on an approved final plat, or a thoroughfare of at least **26 28** feet in width, which has been **abandoned or** made public by right of use and

which affords access to abutting property, including highways, roads, lanes, avenues, **alleys** and boulevards.

Street, Major

A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway, **collector, arterial** or other equivalent term to identify those streets comprising the basic structure of the street plan.

Street, Collector

A street, existing or proposed, which is the main means of access to the major street system.

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.

Street, Marginal Access

A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

Street, Private

A thoroughfare 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 this municipality and maintained by the subdivider or other private agency.

Subdivider

Any person laying out or making a land division for the purpose of first sale, or first selling for himself, or others, a subdivision, or any part thereof.

Subdivision

The division of any tract or parcel of land, owned as an undivided tract or parcel by a person, into one or more lots or other divisions of land for the purpose, whether for immediate or future sale, of building development. ~~If this municipality has adopted zones, "subdivision" shall include those divisions of land located in zones or zones zoned for residential purposes either exclusively or in combination with other uses.~~ (Subdivision does not include any division of land where every parcel or tract of land within the subdivision exceeds five acres. Such divisions are administered by the Utah Farmland Assessment Act, also called the Greenbelt Act.) ~~Falls under green belt.~~

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 junction boxes.

Vicinity Plan

A map or chart showing the relationship of streets within a proposed subdivision to streets in the surrounding area.

Land Use Ordinance

The Land Use ordinance of this municipality.

02-31-003 PROHIBITED ACTS

Improved Lots: ~~It shall be unlawful to build any residential units on any lot or any commercial building except on an improved lot.~~ It shall be unlawful to build any residential or commercial building except on an improved lot.

Subdividing Land: 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 municipality, except in compliance with this ordinance.

Subdivisions: It shall be unlawful for any person to sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of land, or recorded in the office of the county recorder as a subdivision unless the subdivision has been approved by the municipality and meets the provisions of this ordinance.

02-31-004 PENALTY

Any persons, firm, or corporation, who shall transfer or sell any lot or land in a subdivision, as defined in this code, which subdivision has not been approved by the Planning Commission, and except as provided for in this code, also approved by the City Council of Naples City, Utah, and recorded in the office of the county recorder, shall be guilty of a misdemeanor for each lot or parcel of land so transferred or sold, and the description of such lot or parcel of land by metes and bounds in the instrument of transfer, or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties, or from the remedies herein provided. The county may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the said penalty by civil action in any court of competent jurisdiction, together with costs and attorney fees incurred in enforcing this chapter.

Any persons, firm, or corporation, violating any of the provisions of this code, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be

punishable by a fine of not more than two hundred ninety-nine dollars (\$299), or imprisonment for not more than six (6) months, or both. Such fine and imprisonment are at the discretion of the court.

02-31-005 CONFLICT

All ordinances, regulations, resolutions, and parts thereof, which are in conflict with the provisions of this code, to the extent of such conflict, are hereby repealed.

02-31-006 VALIDITY

If any section, subsection, sentence, clause, or phrase of this code, for any reason, are held to be invalid, such holding shall not affect the validity of the remaining portion of this code.

02-31-007 SCOPE OF APPLICATION

All lots, plots or tracts of land located within a subdivision shall be subject to this ordinance whether the tract is owned by the subdivider or a subsequent purchaser, transferor or holder of the land.

02-31-008 ENFORCEMENT AND PERMITS

Land Use and building official to enforce.

The ~~engineer~~ **land use administrator** and the building official are hereby designated and authorized as the officers charged with the enforcement of this ordinance. They shall enforce all the provisions of this ordinance.

Permits

The building official shall not grant a permit nor shall any officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any **Utah** state law, ~~or~~ rule or regulation ~~of the state~~ or ordinance of this municipality until a subdivision plat has been approved pursuant to this ordinance, **and all other requirements are met**. Any license or permit issued in conflict with such provisions shall be null and void.

Inspections

The building official shall inspect or cause to be inspected all buildings, fire hydrants and water supply, and sewage disposal systems in the course of construction, installation or repair. Excavations for fire hydrants, water and sewer mains and laterals, shall have been approved by an engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector.

Form of Agreement

Prior to any final approval of a subdivision, the subdivider shall enter into an agreement with the municipality. The forms for this agreement are available at the Planning Office.

The form of a corporate or partnership signature shall include a provision for a notary in which the subdivider represents that the person signing for the corporation has the authority to execute the agreement for the corporation or partnership.

02-31-009 PLATS

Prior to subdividing any tract of land, a subdivider shall comply with the requirements of this section.

A. Concept Plan Review

Prior to submitting a preliminary plat, a subdivider ~~may~~ shall submit an initial written “concept plan” to the Planning Commission including a sketch plan of the proposed subdivision in which the proposed subdivision is sufficiently described to enable the Planning Commission to determine whether the proposed subdivision complies with the municipality’s Land Use ordinances, capital growth and General Plans, street plans and services. The Planning Commission shall advise the subdivider of possible problems with the proposed subdivision within 30 days after it has received the initial application including sketch plans. Approval of the concept plan shall not constitute approval of the “preliminary plan”. This section is mandatory and a subdivider may not submit a preliminary plat plan in lieu of the concept plan. If disapproved, the Planning Commission shall express its reasons in writing to the subdivider.

B. Submission of Preliminary Plat

At least 25 days prior to the date of the Planning Commission meeting at which the preliminary subdivision plat is to be reviewed, the subdivider shall submit seven copies of the proposed preliminary plat to the Planning Commission office. The Planning Commission shall circulate for comment and review copies of the proposed preliminary plat to all affected departments and divisions of municipal government and to any ~~zones districts~~ which may be providing special services.

C. Planning Commission Approval

1. Conditions of Planning Commission Approval

~~The Planning Commission shall approve only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this ordinance and all other ordinances of this~~

~~municipality including, but not limited to, the Land Use ordinances, master street plan, the General Plan and the building codes.~~

All proposed developments that require recommendation from the Planning Commission and approval from the City Council must complete the following three steps: concept plan approval, preliminary plan approval, and final plan approval. Each step must be approved independently. The approval of each of the three steps expires after one year, unless the next step is approved within that time, or unless the owner/developer submits a request for extension (not more than 1 year for each extension) and is granted such extension by the Planning Commission (see 02-03-006 C.). Every proposed development requires a public hearing, except for Minor Residential Subdivisions (8 dwelling units or less. See 02-31-002 Minor Subdivision.)

Concept plans do not require engineered plats or plans. However, the hand-drawn plan should basically reflect the intent of the owner/developer. The Planning Commission shall review said plans and advise the owner/developer of possible problems within 30 days after receiving the concept plan application.

Preliminary plans require a site plan created by a licensed engineer or surveyor (see 02-03-005 C.) and a rendered elevation showing the façade. The Planning Commission shall approve only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this ordinance and all other ordinances of this municipality including, but not limited to, the Major Street Plan, the General Plan and the Building Codes.

2. Soil Controls

The Planning Commission shall determine from the concept plan review or the preliminary plat the possible need for environmental impact analysis, which would take into account the soil, slope, vegetation, drainage and other geological characteristics of the site. If the site requires substantial cutting, clearing, grading or other earthmoving operations in construction of structures or roads in the proposed development, the Planning Commission shall require the applicant to provide soil erosion and sedimentation control plans and specifications prepared by a registered civil engineer.

3. Approval or Disapproval of Preliminary Plat

The Planning Commission shall, within 30 days after the preliminary plat is filed with the Planning Commission, approve the preliminary

subdivision plan if it finds that the subdivision complies with the requirements of the municipality's ordinances. The Planning Commission may conditionally approve a preliminary subdivision plat imposing such conditions as it may require in order to bring the subdivision plat into compliance with the requirements of the municipality's ordinances. In the event the Planning Commission disapproves the preliminary plat, it shall do so within 45 days after the date the subdivider made application for approval and it shall state in writing to the subdivider each reason for the disapproval.

4. Authorization to Proceed

One copy of the approved ~~final preliminary~~ plat with written conditions attached and signed by the Chairman of the Planning Commission shall be retained by the Planning Commission and one copy shall be given to the ~~subdivider owner/developer~~. Receipt of the signed copy by the ~~subdivider owner/developer~~ shall be authorization ~~for the subdivider~~ to proceed with the preparation of plans and specifications for the improvements required in the final plat. Prior to the construction of any improvements required by this ordinance, the ~~subdivider owner/developer~~ shall provide ~~an~~ ~~engineer~~ the Planning and Land Use office with all plans, information and data necessary to install and construct the improvements. This information shall be examined by the ~~licensed engineer or surveyor representing the City~~ and shall be approved if he/she determines them to be in accordance with the requirements of the ~~municipality's City's~~ ordinances. Construction of buildings shall not be begun until after the final plat has ~~been approved and received recommendation from the Planning Commission and approval from the City Council~~, filed with the County Recorder, and all bonding is in place. Approval of the preliminary plat ~~by the Planning Commission~~ does not constitute ~~acceptance of the subdivision by the Planning Commission~~; final approval of the project.

The Building Official shall ensure that development is in compliance with the final plan, and all other requirements imposed by the Planning Commission and City Council. Upon approval of the plan by the City Council, no alteration shall be made without first obtaining recommendation from the Planning Commission and approval from the City Council.

5. Approval for One Year

~~Approval of the preliminary plan by the Planning Commission shall be valid for 12 months unless an extension is granted by the Planning Commission. If the final plat has not been recorded within the 12-month period, the Preliminary Plat shall again be submitted to the Planning Commission for re-approval; however, preliminary approval of a large~~

~~tract shall not be voided if the first phase of a final plat is submitted for final approval within one year.~~

If the final plat has not been recorded with the County Recorder within a year of final approval, the final plat must be re-submitted for recommendation from the Planning Commission and approval from the City Council. Each individual phase of a subdivision must have a recommendation from the Planning Commission and approval from the City Council. Preliminary approval of an entire subdivision shall not be voided if the final plat of a section or phase is submitted for final approval within one year of the preliminary approval of the entire subdivision. Before seeking final approval on each subsequent phase of a subdivision, the previous phase must have 80% construction completed and 50% occupancy permits issued within the phase. Each phase shall not exceed thirty homes.

6. Notification of Adjacent Property Owners

~~Unless waived by the Planning Commission, at least seven days prior to the Planning Commission meeting, the applicant shall mail to all property owners of property located within 1,000 feet of the boundary of the proposed subdivision written notice of the time, date and place where the Planning Commission will consider giving preliminary approval to the subdivision. The written notice shall also advise the property owner that she or he has the right to be present and to comment on the proposed subdivision. The applicant shall provide the Planning Commission with the names of all persons to whom the notice was mailed.~~

Ten days prior to the public meeting to discuss a subdivision plat approval or amendment, or vacation of a subdivision, notice shall be mailed to the affected entities and property owners, posted on the City website, and either published in a local newspaper or posted in 3 public places. Any residential subdivision with only 8 lots or less shall be exempt from notification requirements.

All subdivisions must be reviewed and approved by Ashley Valley Water & Sewer.

D. Form and Contents of Preliminary Plat

1. Scale of Plat

The preliminary plat shall be drawn to a scale not smaller than 100 feet to the inch, and shall be on standard 24 inch by 36 inch paper.

E. Content of Preliminary Plan

2. The proposed name of the subdivision.

Where the plan submitted covers only a part of the **subdivider's owner/developer's** tract, or is part of a larger vacant area, the plan shall show the locations of the subdivision as it forms part of the larger tract or parcel of land. 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.

3. Sufficient information to locate accurately the property shown on the plan.
4. 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 as shown in the records of the county recorder.
5. Contour map at appropriate intervals where required by the **P**lanning **C**ommission.
6. The boundary lines of the tract to be subdivided.
7. Existing sanitary sewers, storm drains, water supply mains and culverts within the tract and within 300 feet of the boundaries of the proposed subdivision.
8. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the municipality.
9. The location, principal dimension and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within 600 feet of the boundary thereof, whether recorded or claimed by usage; the location of and dimensions to the nearest existing benchmark or monuments, and section line; the location and principal dimensions for all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, exceptional topography, airports and air approaches to the airport.
10. The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, public buildings, pumping stations, within the subdivision or within 300 feet thereof.

11. Proposed offsite and onsite water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
12. A tentative plan by which the subdivider proposes to handle a ~~25~~ 100 year storm water drainage (~~one inch per hour~~) for the subdivision.
13. Each sheet of the preliminary plan shall contain the name of the project, scale (~~not less than 100 feet to the inch~~), sheet number, and North arrow.
14. Boundary lines of adjacent tracts of ~~unsubdivided~~ land, showing ownership and property monuments.

F E. Fees

See General Provision Fee Resolution. The subdivider shall pay a nonrefundable plan check fee for each lot within the subdivision. The fee shall be paid on or before the date the preliminary plat is submitted for approval by the Council. **All application fees and plan check fees required by the Planning Commission and City Council must be paid in order for approval of the final plat by the City Council to be considered valid.**

G F. Documents Required

The ~~subdivider~~ owner/developer shall provide to the Planning Commission not later than the time the subdivision plat is submitted for preliminary approval the following documents:

Utilities

Copies of any requirements and letters of support in providing service.

Zone Changes

Proposed changes to existing Land Use zone boundaries or Land Use classifications, if any.

Agreements with Adjacent Owners

Copies of any required agreements with adjacent property owners to the proposed subdivision.

Soil Report

A preliminary soil report prepared by a registered civil engineer, based upon adequate test boring or excavations (if required by the Planning Commission).

Costs of Infrastructure

Engineered estimates of infrastructure costs, broken down and out for bonding purposes.

H G. Final Plat

Final plat required after compliance with the provisions of this ordinance

A final plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor not in the employ of the municipality in conformance with the design standards and submitted within one year from the date of preliminary plat approval, unless the time is, in writing, extended by the Planning Commission. Otherwise, preliminary approval shall be deemed to have been withdrawn.

Contents, procedure and form of final plat.

The final plat shall be a sheet of approved tracing linen having outside or trim line dimensions of 26 inches by 30 inches and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches on the left side and at least one-half inch margin on the other sides. The plat shall be so drawn that the top of the drawing faces either North or West, whichever better accommodates the drawing. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black "India drawing ink". The plat shall be made to a scale large enough to clearly show all details; in any case not smaller than 100 feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable. The plat shall be signed by all persons required to sign the final plat. The final plat shall contain the following information:

1. The subdivision name and the general location of the subdivision in bold letters at the top of the sheet.
2. A North point and scale of the drawing and the date.
3. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.
4. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system. Each lot shall show the street address assigned thereto. In the case of corner lots, an address will be assigned for each part of the lot having street frontage. The description of the boundaries of the subdivision

together with a certification by the subdivider's engineer stating that the lots described comply with the requirements of the municipality's Land Use ordinance.

5. The registered professional engineer and/or land surveyor's "Certificate of Survey".
6. The owner's Certificate of Dedication.
7. A notary public's acknowledgment.
8. The city engineer's approval.
9. The Planning Commission's approval.
10. The city attorneys' approval.
11. The council's approval shown by the signature of the mayor and attested by the recorder.

An occupancy restriction.

- a 3. The final plat shall be submitted to the Planning Commission for final approval. The Planning Commission shall circulate for comment and review copies of the final plat to all affected municipal departments and special service zones. The city engineer shall approve or disapprove the plat within 30 days after the plat is submitted to the Planning Commission. If he disapproves, he shall state to the Planning Commission the reasons for the disapproval. The Planning Commission shall have 45 days after the plat is submitted to approve or disapprove the plat. If no action is taken within 45 days, the plat shall be deemed to have been approved by the Planning Commission except that such approval shall not operate to waive any requirement of this or any other ordinance of this municipality. At the time of submission of the final plat, the subdivider shall furnish a complete set of construction plans and profiles, prepared by a licensed professional engineer not employed by the municipality, of all existing and proposed streets within the subdivision to the engineer with the final plat.
- b 4. If the Planning Commission disapproves the final plat, it shall so notify the subdivider in writing stating that the plat has been disapproved and the reasons therefore based on the ordinances of ~~thi municipality~~ the City or the laws of the state of Utah. The written notice shall be personally delivered or mailed to the ~~subdivider~~ owner/developer within ten days after the action by the Planning Commission.

- b 5. The Planning Commission may approve a final plat subject to written conditions, provided that the ~~subdivider~~ owner/developer agrees in writing to the conditions.
- d 6. Following approval by the Planning Commission and the city engineer, the ~~subdivider~~ owner/developer shall secure the approval of the city attorney. The final plat shall be taken before the council which shall approve the plat if it finds that the plat fully complies with the ordinances of the ~~municipality~~ City and the laws of the state of Utah or that the plat, together with the conditions to which the ~~subdivider~~ owner/developer has agreed, ~~fully complies~~.
- e 7. The final plat, bearing all official approvals as above required, shall be deposited in the office of the county recorder for recording at the expense of the ~~subdivider~~ owner/developer. No lot included in a subdivision shall be sold or exchanged and no offer shall be made to sell or exchange any such lot until the plat is so approved and recorded.

I H. Requirements of Language

The form of the owner's dedication shall be available at the planning office.

Municipal City Engineer/Surveyor

The ~~municipal~~ city engineer/surveyor shall approve the final plat if he finds that the subdivision fully complies with the improvements required by the ordinance, that the survey description is correct and that the easements are appropriately located.

City Attorney

“There is a current title opinion from a licensed title company showing that the person dedicating the property described on the final plat is the title owner as shown on the records of the county recorder of the county in which the subdivision is located.

The bond, escrow, letter of credit, trust deed or deposit with the municipality is in appropriate form and signed by the necessary parties to the bond, escrow, letter of credit or trust deed.

That the subdivider has executed the subdivision agreement required by this ordinance.

That the subdivision does not, in his or her opinion, violate any ordinance of this municipality or the laws of the state of Utah or the rules and regulations promulgated pursuant thereto.”

J I. Final approval of plat

The council shall approved the final plat if it finds that all other persons required to approve the plat have given their approval and that the final plat meets all of the requirements of the ~~municipality's~~ City's ordinances and that it does not violate any state laws or rules and regulations promulgated pursuant thereto and that all fees and assessments have been fully paid.

K J. Fees prior to final approval.

See General Provision Fee Resolution

02-31-010 MODIFICATIONS OF REQUIREMENTS

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 ordinance would cause an unusual and unnecessary hardship on the ~~subdivider~~ owner/developer, the Planning Commission and the governing body may waive, modify or adjust the requirements of this ordinance. In granting the change, the Planning Commission may impose such additional conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived, adjusted or modified. Any changes authorized shall be entered in the minutes of the Planning Commission and the governing body together with the circumstances that justified the changes granted. The decision of the City Council shall prevail when in conflict with the Planning Commission.

02-31-011 ACCEPTANCE OF DEDICATED STREETS AND PUBLIC IMPROVEMENTS

~~D.~~ Dedication

The ~~subdivider~~ owner/developer shall dedicate the streets, easements and other public improvements to the municipality at the time the final plat is approved by the municipality. The dedication shall be deemed an offer by the ~~subdivider~~ owner/developer which shall be irrevocable. The municipality shall accept the offer of dedication only if it finds that the subdivider has constructed, installed and maintained the public improvements required by this ordinance and that the improvements comply with the minimum requirements of this ordinance at the time of acceptance.

Time of Acceptance

Unless the **City Council** extends the time for acceptance of the dedicated public improvements, the dedication shall be accepted on action by the **City Council**, or at the expiration of one year following the completion of the public improvements. In the event the council does not accept the dedicated public improvements, the ~~subdivider~~ **owner/developer** shall be so advised in writing and of the reason for the non-acceptance.

02-31-012 GENERAL IMPROVEMENT REQUIREMENTS

A. Scope

This section defines the general requirements for improvements to be built by the ~~subdivider~~ **owner/developer**. The improvements shall include all street improvements in front of all lots and along all dedicated streets to a connection with existing improvements of the same kind or to the boundary of the subdivision nearest existing improvements. Layout must provide for future extension to adjacent development and to be compatible with the contour of the ground for proper drainage. **All water lines, sewer lines, and any other buried conduit shall be installed to the boundary lines of the subdivision.**

B. Construction Drawings

Complete and detailed construction plans and drawings of improvements shall be submitted to the engineer prior to commencing construction. Construction shall not be started until plans have been checked and approved by the engineer.

C. Standards for Construction Drawings

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

1. The construction plans shall be submitted in triplicate. Two sets shall be retained by the engineer and one set shall be returned to the subdivider with approval mark of the engineer.
2. The approved set shall be kept available at the construction site.
3. These plans and designs shall meet the standards defined in the specifications and Drawings Herein after outlined. The minimum information required on drawings for improvements are as follows:
4. All drawings and/or prints shall be clear and legible and conform to good engineering and drafting room practice. Size of drawings shall be 22" x 34" (trim line) with one-half inch border on top, bottom and right sides, left side one and one-half inches.

In general, the following shall be included on drawings:

5. North Arrow (Plan)
6. Scale and elevations referenced to U.S.G.S. datum.
7. Stationing and elevations for profiles.
8. Title block, located in lower right corner of sheet to include:
 - 1) a) Name of Municipality
 - 2) b) Project Title (Subdivision, etc.)
 - 3) c) Specific Type and Location of Work
 - 4) d) Space for Approval Signature of Engineer and Date
 - 5) e) Name of Engineer or Firm Preparing Drawings with License Number
9. Curb and gutter, drains and drainage structures, sidewalks and street surfacing shall show:
 - 1) a) Scale: 1" = 50' horizontal; 1" = 5' or 10' vertical
 - 2) b) Both plan view and profiles must be shown for each side of the street; street centerline profile may be eliminated.
10. Drainage System Plans
 - 1) a) The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area, but also where applicable the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream.
 - 2) b) All proposed surface drainage structures shall be indicated on the plans.
 - 3) c) All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
 - 4) d) In order to provide for storm drainage facilities and neighborhood park areas, 5 percent of the area of each subdivision (excluding minor subdivisions) shall be set aside and maintained for storm runoff control

and/or park purposes. These dual purpose areas are to be planned in consultation with the city engineer as to location, water retention time, and ultimate water disposal location. The 5 percent land area shall be provided and maintained in one of the following two ways, at the developer's option:

a) i) Establish a homeowners association ~~and/or PUD~~ with the proper documents, including the articles of incorporation and bylaws, to own and maintain the 5 percent land area for parks and/or storm water runoff control purposes, or

b) ii) Dedicate to Naples City the 5 percent land area for park and storm water control purposes, provided such land parcel is four (4) acres or larger. If the 5 percent land area of the subdivision is less than four (4) acres in size, the developer shall pay to Naples City not less than cash in lieu of the fee, **twelve thousand dollars (\$12,000) per acre or real market value**. Money paid in lieu of land shall be deposited in a capital improvement fund to be used solely for the acquisition and development of storm water control and park facilities.

~~D. Subdivisions and Planned Unit Developments (PUD) with an average density of one (1) dwelling per acre or more shall be exempt from this requirement provided that storm water runoff is properly controlled.~~

~~E. Street signs shall be installed in the subdivision in accordance with city specifications.~~ Street signs shall be installed in the subdivision in accordance with city specifications. (See 02-16 Sign Regulations and the International Building Code).

02-31-013 SUBDIVISION IMPROVEMENT REQUIRED

A. Required improvements.

The improvements required by this ordinance apply to all subdivisions and ~~subdividers~~ owners/developers and to all persons that have or receive any interest in any land which is located within a subdivision or proposed subdivision.

B. Improvements made prior to recording final plat.

The improvements required by this ordinance shall be constructed, installed and maintained by the subdivider and inspected and accepted by the ~~municipality~~ City prior to recording the final plat in the office of the county recorder, unless the construction, installation, and maintenance is guaranteed in the manner provided in this ordinance. Improvements shall not be installed or constructed until their location and specifications have been approved by the city engineer.

C. Guarantee of performance.

In lieu of completion and acceptance by the City Council of the improvements required by this ordinance and before approval of the final plat by the City Council, the ~~subdivider~~ owner/developer may provide funds to guarantee that the installation and construction of the required improvements shall be completed, inspected and approved by the City within two years from the date of approval of the final plat and that the improvements shall be maintained in a state of good repair free from defective material or workmanship for a period of 24 months from the date of completion by one or more of the following methods:

1. Bond

~~Subdivider~~ Owner/Developer may file with the City Recorder a bond payable to the City with a corporate surety, licensed and in good standing in Utah and approved by the City Council and the City Attorney, in an amount equal to one hundred ~~ten~~ twenty percent (120%) of the cost of improvements not previously installed, as estimated by the city engineer. The bond shall guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects for a period of 24 months from the date of completion. The bond shall be irrevocable and shall provide for the payment of the funds therein to the City in the event of default or any failure by the ~~developer/subdivider~~ owner/developer to install the improvements as required herein and in the development agreement.

2. Escrow

~~Subdivider~~ Owner/Developer may deposit in an escrow account payable to the City with a bank, credit union or savings and loan institution doing business in Utah and licensed and in good standing with the Utah Department of Financial Institutions and insured by the applicable federal agency (FDIC, FSLIC etc) an amount of money equal to at least ~~110%~~ 120% of the cost of the improvements. The costs of the improvements shall be determined by the City engineer. The escrow agreement shall be approved by the City attorney and shall be signed by the ~~subdivider~~ owner/developer, the ~~municipality~~ City and the escrow holder and shall provide for the payment of the funds therein to the City in the event of default or any failure by the ~~developer/subdivider~~ owner/developer to install the improvements as required herein and in the development agreement. The escrow account shall also guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from

material or workmanship defects for a period of 24 months from the date of completion.

3. Irrevocable letter of credit.

~~Subdivider~~ **Owner/Developer** may deliver to Naples City an irrevocable dedicated letter of credit payable to the City from a bank, credit union or savings and loan institution doing business in Utah and licensed and in good standing with the Utah Department of Financial Institutions and insured by the applicable federal agency (FDIC, FSLIC etc) which letter shall in an amount of money equal to at least ~~110%~~ **120%** of the cost of the improvements. The costs of the improvements shall be determined by the City engineer. The letter of credit shall be approved by the City attorney and shall provide for the payment of the funds therein to the City in the event of default or any failure by the developer/ subdivider to install the improvements as required herein and/or in the development agreement. The letter of credit shall also guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects for a period of 24 months from the date of completion.

- D.** No lot or portion of a subdivision may be approved, recorded, sold or conveyed until all required improvements have been completed or until City has accepted and received financial guarantees to assure adequate performance and completion.
- E.** The subdivider shall be and remain responsible for completion of the required improvements and for the quality of the materials and workmanship. In no event shall the City be responsible to pay any bills incurred by ~~subdivider/developer~~ **owner/developer**. City shall have no responsibility to install improvements or expend any funds not paid for by the financial guarantees set forth herein.
- F.** The City may record notice on any subdivision that until all required improvements have been installed and approved and accepted by City, no certificate of occupancy shall be issued for any structure in the subdivision and no person shall be allowed to occupy any structure therein. Violation shall be a class C misdemeanor for each day of occupancy.

G. Default: Criminal penalty

In the event the ~~developer/subdivider~~ **owner/developer** defaults in any performance required by this ordinance or the development agreement or the bond or escrow documents, the City Council may declare the escrow or bond funds forfeited and the City may install, or cause to be installed, the required improvements using the funds thus obtained. This shall not relieve the

~~developer/subdivider~~ owner/developer from liability for the performance of all obligations required by this ordinance. Failure by the ~~developer/subdivider~~ owner/developer to complete the improvements required herein within the time established by this ordinance shall be a class B misdemeanor as to each lot sold or conveyed to a third party.

H. Partial releases of funds;

~~Need language~~

I. Final disposition and release:

~~Final disposition and release.~~

The ~~subdivider~~ owner/developer shall remain responsible for the quality of all materials and workmanship. At the completion of the work, the City Engineer and/or public works department, shall make a preliminary inspection, of the improvements, and shall submit a report to the City Council, setting forth the conditions of such facilities. If all liens are paid, and other conditions thereof are found to be satisfactory, the City Council shall release the remaining portion of the bond, escrow, or letter of credit or other assurance, **except that an amount equal to ten percent (10%) of the cost of the improvements as installed shall be retained for two years as set forth herein to warranty the materials and workmanship.** If the conditions of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability; or if any outstanding liens are not paid, the City Council may declare the subdivider in default.

02-31-014 SINGLE LOT SUBDIVISION

Objectives:

This section is to streamline the process of approval for single-lot subdivision proposals. Owners of property in any zone who makes a proposal for a single-lot subdivision will make application through the Land Use Administrator's office.

Provisions: Prior to **subdivision contract** of Land, the ~~subdivider~~ owner/developer shall:

1. Submit application with Concept Plan or plat to the Land Use Administrator's office. The Land Use Administrator shall review application and Concept Plan under plat and shall advise the ~~subdivider~~ owner/developer of possible problems with the proposed single-lot subdivision within 30 days after receiving the initial application documents. The approval of the Concept Plan shall not constitute approval of the Preliminary Plan or Final plat. If disapproved, the Land Use

Administrator shall express the reasons in writing to the ~~subdivider~~
~~owner/developer~~.

2. Submission of Preliminary Plat.

The ~~subdivider~~ ~~owner/developer~~ shall submit five (5) copies of the proposed preliminary plat to the Land Use Administrator's office. The Land Use administrator shall circulate for comment and review copies of the proposed preliminary plat to all affected departments and divisions of the City government and to any districts which provide special services.

3. Land Use Administrator's Approval

a. Conditions of approval.

The Land Use Administrator shall approve the Preliminary plat if it is found to be in accordance with the standards and criteria specified in this ordinance and all other ordinances of the City including, but not limited to, the Land Use Ordinance, Master Street Plan, the General Plan, building codes and Master Park Plan.

- b.** The Land Use Administrator shall determine from the review of the Concept Plan or the Preliminary Plan any possible need for environmental Impact analysis, which would take into account the soil, slope, soil erosion, sedimentation control, vegetation, waterways, drainage and other geological characteristics at the site. If the site requires substantial, clearing, grading earth moving to develop the site, the Administrator shall require the applicant to provide control plans and specifications prepared by a Utah Registered Civil Engineer.
- c.** The Land Use Administrator shall within 30 days after the Preliminary Plat had been filed with the Land Use office and approval or disapproval has been made on the Preliminary Plat based on compliance with the municipal ordinances.
- d.** Authorization to proceed with development and the Single-lot is authorized once one (1) copy of the approved final plat with the written conditions has been signed by the Land Use Administrator, City Attorney, Ashley Valley Water & Sewer, ~~City Engineer~~ and ~~licensed City~~ surveyor (~~and City Engineer if engineering work is required~~) has been recorded and is stamped with the date and file number at the County Recorder's office. This copy is then filed with the Naples Land Use Administration office. If the Final plat has not been recorded within 12-month period, the Final plat shall again be submitted for approval to the Land Use Administrators office for re-approval.

e. Fees

See general provisions fee resolution. The ~~subdivider~~ owner/developer shall pay a non-refundable plan check fee for each lot. The fee shall be paid on or before the date the Preliminary plat is submitted for Final approval.

f. Final Plat Form

The Final plat shall be prepared by a licensed surveyor **not employed by the City of Naples**. The plat shall be in conformance with the Major Subdivision Plat requires where applicable. See Standards for Final Plat. 02-31-010 H.

g. Cost and Charges in connection with the development of a Single-Lot Subdivision shall be the subdivider's schedule of costs. See Section 02-31-019 for Schedule of Costs.

h. Notice to public not required unless contested.

02-31-015 ORDERLY DEVELOPMENT REQUIRED

Whenever the ~~subdivider~~ owner/developer shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferor or lessee of any of the lands subdivided within the time hereinbefore or in phases specified.

02-31-016 DESIGN STANDARDS, AREA AND ACCESS REQUIREMENTS

A. Minimum area of subdivision

There shall be no minimum area for a subdivision, except as required to meet the minimum lot size requirements, as provided in the Land Use ordinance for the area in which the subdivision is located.

B. Access

It shall be the responsibility of the subdivider to provide the proper road access to ~~his~~ the subdivision as required in this ordinance. The mere existence of a county road or right-of-way to the proposed subdivision does not mean that adequate access exists. **See the International Fire Code – Appendix D: Fire Apparatus Access Roads.**

C. Relations to adjoining street systems

~~Subdividers~~ Owners/Developers shall locate streets within the subdivision so that the streets will connect with existing streets. Streets shall be located and designed so that the adjoining land shall not be diminished in the value or cause unnecessary hardship. 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 on the boundary of a subdivision are prohibited.

D. Angle of minor streets

Minor streets shall approach the major or collector streets at an angle of at least 80 degrees.

E. Streets to conform to Master Street Plan

Master and collector streets shall conform to the width designated of the master street plan wherever a subdivision is in an area for which a major street plan has been adopted. For territory where such street plan has not been completed at the time the subdivision preliminary plan is submitted to the Planning Commission, major or collector streets shall be provided as required by the Planning Commission, with minimum easement widths of 100 feet for major streets and 44 to 80 feet for collector streets.

F. Minimum street width

~~Minor residential~~ Streets shall have a minimum width of ~~26~~ 36 feet of asphalt. All streets and alleys must conform to the requirements detailed in the 2009 International Fire Code, Appendix D – Fire Apparatus Access Roads.

G. Alleys

Alleys shall have a minimum width of ~~20~~ 26 feet of asphalt. ~~Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.~~

H. Cul-de-sacs

Maximum cu-de-sac (dead end street) length shall be no more than 500 feet. ~~Dead ends over 150 feet in length~~ They must be terminated by a turnaround not less than 100 feet in diameter. See the International Fire Code, Appendix D – Fire Apparatus Access Roads for examples of allowed turnarounds. 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 asphalted

110 foot diameter turning area shall be provided at the dead end thereof to remain and be available for public use so long as the dead end exists.

I. Natural drainage and other easements

The Planning Commission shall, unless waived for good and sufficient cause, require that easements for public services through a subdivision and adjoining property be provided by the ~~subdivider owner/developer~~, and easements of not less than ten feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision. All surface drainage will remain within the subdivision. ~~The subdivider owner/developer~~ will provide areas for surface drainage to drain to. These areas can be used as parks or grazing areas.

J. Service roads

Service roads paralleling major streets shall be required unless the Planning Commission approves double frontage lots which may back onto major highways or collector streets as designated on the major street plan. Where lots back onto a major highway or collector street, a buffer planting strip of trees or shrubs shall be provided at a width of ten feet or wider, but in no case less than ten feet.

K. Protection strips prohibited

Protection strips are prohibited. Plats shall not be approved where a proposed subdivision plat or any proposed or actual street to the subdivision cuts off access to the proposed or actual street by adjacent property owners.

L. Blocks

1. Length and Walkways

Blocks shall not be longer than 1,300 feet. Dedicated walkways five feet wide may be required in the middle of blocks. Where a walkway is required, the ~~subdivider owner/developer~~ shall surface the full width of the walkway with concrete or asphalt and install a chain link fence at least four feet high on each side, the full length of the walkway. The chain link fence shall be owned and maintained by the property owner on whose property the fence is located.

2. Width

Blocks shall be at least two building lots wide

M. Lots

All lots shown on the subdivision plan shall conform to the minimum requirements of the Land Use ordinance for the zone in which the subdivision is located, and to the minimum requirements of ~~an~~ the City engineer and Ashley Valley Water and Sewer ~~and the board of health~~ for sewage disposal. The minimum width for any residential building lot shall be as required by the Land Use ordinance.

- ~~1~~ ~~2~~. All lots shall abut a dedicated street, a public street, or a street which has become public by right of use. Streets shall be at least ~~36~~ ~~26~~ feet wide (asphalt). In the event a lot abuts a public right-of-way created by use, the ~~subdividers~~ owners/developers shall improve the right-of-way to the standards required by this ordinance.
- ~~2~~ ~~3~~. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
- ~~3~~ ~~4~~. 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 lot remnants.
- ~~4~~ ~~5~~. Where the land in a subdivision includes two 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 held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the county recorder.

N. Future Roads

Section lines and quarter section lines shall be reserved for public roads, unless otherwise designated on the master road plan, or unless such location is determined to be unnecessary for future road purposes by the Planning ~~and Land Use~~ Commission. The minimum easement width ~~is of~~ 66 feet total, ~~and~~ ~~x~~ 33 feet on each side of section lines will be required. See Master Road Map for all road easements.

O. Street Grades

Minimum street grades of a .5 percent will be required, with the maximum grade being 7 percent for collector streets, and 10 percent for minor streets. Where the observance of this standard is unfeasible, the Planning Commission shall have the power to grant an exception, when special pavement surfaces and adequate leveling areas are installed, or, in the opinion of the Planning Commission, the best subdivision of the land is thereby secured.

P. Street curves

Where the street lines within a block deflect from each other at any one point more than ten (10) degrees, there should be a connecting curve. The radius of the curve for the inner line should not be less than three hundred fifty (350) feet for major streets, two hundred fifty (250) feet for an important neighborhood street, and one hundred fifty (150) feet for minor streets.

02-31-017 SUBDIVISION IMPROVEMENTS

A. Time of construction

The improvements required by this ordinance shall be installed, approved and accepted prior to recording the final plat, except as provided in this ordinance. Improvements shall not be installed until the location and specifications are approved by the engineer. Water and sewer mains and laterals and fire hydrants shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters, and sidewalks.

B. Streets on property of other public agencies or utility companies

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

C. Street improvements.

All streets shall be constructed by the ~~subdivider~~ owner/developer in accordance with the standards, rules, and regulations of this ordinance.

D. Curbs, gutters, and sidewalks

Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the ~~subdivider~~ owner/developer in all subdivisions except the rear of those lots which back on major streets and are not permitted access to such streets. After recommendation by the Planning Commission, the City Council may waive sidewalk requirements on streets which exceed an average grade of ten percent between intersections, and may do so in subdivisions where the average lot width exceeds 200 feet at the front building setback line and/or the average lot area exceeds 50,000 square feet.

The design for curb and gutter in Residential subdivisions shall be either high back or modified high back according to UDOT standards. Curb and gutter design in commercial zones shall be high back. The design for curb and gutter in Industrial zones shall be either high back or modified high back, ~~but modified high back shall only be allowed where there is no sidewalk.~~

E. Water supply

A culinary water supply, which must be approved by ~~the engineer and state board of health~~ Tri-county Health Department, shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of Ashley Valley Water and Sewer District. Where an approved public water supply is available, the ~~subdivider~~ owner/developer 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 and gutters, and sidewalks.

F. Fire hydrants

Fire hydrants shall be installed by the ~~subdivider~~ owner/developer at locations determined by ~~an the City~~ engineer and the City of Naples Fire Department.

G. Sewage disposal

Individual sewer disposal systems or public disposal facilities shall be provided and must meet Ashley Valley Water and Sewer District and state codes and regulations for each lot in the subdivision. Where a public sanitary sewer is available within 300 feet of the subdivision at the time of recording the final plat, the ~~subdivider~~ owner/developer shall connect with such sanitary sewer and provide sewer mains and extend laterals from the main sewer line to each lot in the subdivision prior to the installation of the road base, surfacing, curbs, gutters and sidewalks, unless waived by the council.

H. Surface water

If the subdivision is within an area where there is storm water runoff, the ~~subdivider~~ owner/developer shall construct and install a storm water drainage system within the subdivision which shall be constructed of materials and according to the specifications of the master storm drain plan or according to generally accepted engineering standards based on a ~~25~~ 100 year storm, ~~one inch per hour~~.

I. Storm Drain Facilities. ~~Refer to Master Drainage Plan for details~~

Storm drain facilities shall be constructed in order to properly dispose of storm water runoff. Such storm drainage facilities shall be installed in accordance to city standards, as directed by the city engineer. ~~Refer to the Master Drainage Plan for details~~

J. Drainage system plans – (See 02-31-012 C. 10.)

- ~~1. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area, but also where applicable the system shall be designed to accommodate the runoff from those areas adjacent to and “upstream” from the subdivision itself, as well as its effects on lands downstream.~~
- ~~2. All proposed surface drainage structures shall be indicated on the plans.~~
- ~~3. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.~~
- ~~4. In order to provide for storm drainage facilities and neighborhood park areas, at least five percent (5%) of the area of each PUD and subdivision (excluding minor subdivision) shall be set aside and permanently maintained for storm runoff control and/or park purposes. These dual purpose areas are to be planned in consultation with the city engineer as to location, water retention time, and ultimate water disposal location.~~

~~The five percent (5%) land area shall be provided and maintained in one of the following two ways at the developers’ option and subject to City approval:~~

- ~~a. Establish a homeowners association with the proper documents, including the articles of incorporation and bylaws, to own and maintain the five percent (5%) land area for parks and storm water runoff control purposes, or~~
- ~~b. Dedicate to Naples City the five percent (5%) land area for park and storm water control purposes, provided such land parcel is four (4) acres or larger.~~

~~If the five percent (5%) land area of the subdivision is less than four acres in size, and developer / subdivider does not desire to establish a homeowners association the developer shall pay to Naples City cash in lieu of the five percent (5%) the fair market value of said five percent(5%) of the subdivision acreage. Money paid in lieu of land shall be deposited in a capital improvement fund to be used solely for the acquisition and development of storm water control and park facilities. Subdivisions and Planned Unit Developments (PUD) with an average density of one (1) dwelling per acre or less shall be exempt from this requirement if run-off water is properly controlled within the development.~~

K. Fences

Fences shall be installed along irrigation ditches and canals when required by the Planning Commission. Said fences shall be constructed so as to not violate UCA section 73-1-15. Fences shall also be installed along the perimeter of a subdivision when the Planning Commission determines such fence is necessary to protect adjacent lands or the residents of the subdivision .

L. Landscaping

The Planning Commission may require a ~~subdivider~~ owner/developer to provide ground cover where it determines that soil erosion may be a problem or that surface water may flood portions of the city or damage city property, or to prevent the growth of noxious weeds which may become a nuisance or fire hazard or endanger public health. It may specify the types of ground cover.

M. 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 engineer. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner.

N. Street signs

The ~~subdivider~~ owner/developer shall furnish and install all necessary street signs in accordance with city specifications. (See 02-16 Sign Regulations)

O. Obstructions in street

1. In the event that any road or street in any subdivision shall terminate at or within 50 feet of any ditch, canal, creek, waterway, or other obstruction which, in the opinion of ~~an~~ the City engineer, requires a bridge or other structure in order to continue the road over or across the canal, ditch, creek, waterway or other obstruction, the ~~subdivider~~ owner/developer shall deposit with the City Treasurer a sum of money equal to the engineer's estimate of the cost for constructing a proper and suitable bridge over the same. The engineer shall, on request, furnish to the ~~subdivider~~ owner/developer a cost breakdown for any such structure.
2. When, in the opinion of the City Council, it becomes desirable to construct such structure, it shall be constructed by the municipality applying the deposit toward the construction costs and charging the other one half 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 half shall be borne as a municipal expense.

P. Street names

New street names should not duplicate those already existing. Before the street is named, the proposed name must be submitted to and approved by the Planning Commission.

O. Warranty of Improvements - (See 02-31-013 SUBDIVISION IMPROVEMENT REQUIRED

The subdivider shall warrant and guarantee that the improvements provided hereunder, and every part thereof, will remain in good condition for a period of two years after the date of the construction completion inspection report by the engineer and agrees to make all repairs to and maintain the improvements and every part thereof in good condition during that time with no cost to the municipality.

The engineer shall determine when repairs or maintenance are required for improvements which have not been accepted by the municipality. Unless unreasonable, arbitrary or capricious, the engineer's decision shall be binding on the subdivider. The improvements required hereby extend, but are not limited to, the street base, and all pipes, joints, valves, backfill and compaction as well as the working surface, curbs, gutters, sidewalks, and other accessories which are or may be affected by the construction operations. Whenever, in the judgment of the engineer, the work needs repair, maintenance, or rebuilding, he shall cause a written notice to be served the subdivider and thereupon the subdivider shall undertake and complete such repairs, maintenance or building. If the subdivider fails to do so within ten days from the date of the service of such notice, the engineer shall have such repairs made and the costs of such repairs shall be charged to the subdivider with an additional 25% of the cost of the repairs levied in addition thereto for stipulated damages resulting from such failure on the part of the subdivider to make the repairs.

Financial Assurance of Warranty

In order to assure the quality of the required improvements the subdivider shall Warranty the required improvements by one of the methods described below. The subdivider shall provide a warranty for two years from the date of accepted completion by one or more of following methods:

1. Bond

Subdivider may file with the City Recorder a bond with a corporate surety, qualified as set forth above, in an amount equal to ten percent (10%) of the cost of improvements installed, as determined by the City engineer. The bond shall warrant that the improvements have been installed and constructed to the City's Development Standards. The Subdivider shall also warranty that the infrastructure

and improvements are maintained in a state of good repair free from material or workmanship defects for a period of 24 months from the date of completion. The bond shall be subject to approval by the attorney and shall be held for two years to guarantee that the infrastructure and improvements are maintained in a state of good repair free from material or workmanship defects.

2.—Escrow

Subdivider may deposit with a depository financial institution approved to do business in the State of Utah and qualified as set forth above an escrow account in an amount of money equal to at least ten percent (10%) of the costs of the improvements installed. The costs of the infrastructure and improvements shall be determined by the engineer. The escrow agreement shall be subject to approval by the attorney and shall be signed by the subdivider, the municipality and the escrow holder. Said deposit shall be held for two years to guarantee that the infrastructure and improvements are maintained in a state of good repair free from material or workmanship defects.

3.—Letter of Credit

Subdivider may deliver to Naples City an irrevocable dedicated letter of credit payable to the City from a bank, credit union or savings and loan institution doing business in Utah and licensed and in good standing with the Utah Department of Financial Institutions and insured by the applicable federal agency (FDIC, FSLIC etc) which letter shall in an amount of money equal to at least ten percent (10%) of the cost of the improvements. The costs of the improvements shall be determined by the City engineer. The letter of credit shall be approved by the City attorney and shall be held for two years to guarantee that the infrastructure and improvements are maintained in a state of good repair free from material or workmanship defects.

Improvements completed before lots are sold

The Subdivider shall provide documentation on the final plat stating the conditions restricting the sale of lots until the infrastructure and required improvements have been completed. The documentation shall be reviewed and approved by the City Attorney.

Default on two year warranty

In the event the subdivider is in default, or fails or neglects to satisfactorily repair and maintain the required improvements during two (2) years from the date of approval and acceptance of the improvements by the City Council, or to pay all liens in connection therewith, the City Council may declare the bond, or escrow or other assurance, forfeited, and the City may repair or cause the required

~~improvements to be repaired, using the proceeds from the collection of the bond, escrow or other assurance, to defray the expense.~~

Release

~~After a period of two (2) year from the completion and acceptance of all required improvements, the City shall release the remaining ten percent (10) of the escrow, or other assurance, provided the required improvements do not show unusual depreciation.~~

02-31-018 INSPECTION

All construction work involving the installation of improvements in subdivisions shall be subject to inspection by the City of Naples. Certain types of construction shall have continuous inspection while others may have only periodic inspections.

- A. Continuous inspection shall be required on the following types of work:
 - 1. Laying of street surfacing.
 - 2. Pouring of concrete for curb and gutter, sidewalks and other structures.
 - 3. Laying of sewer pipe, drainage pipe, water pipe, valves, hydrants and testing.
- B. Periodic inspections shall be required on the following:
 - 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, sidewalks and structures
- C. On construction requiring continuous inspection, no work shall be done except in the presence of the inspector.
- D. **Requests for inspection**

Requests for inspections shall be made to the municipality by the person responsible for the construction. Requests for inspection on work requiring continuous inspection shall be made three days prior to the commencing of the

work. Notice shall also be given one day in advance of the starting of work requiring periodic inspection.

E. Construction completion inspection

An inspection shall be made by the City engineer after all construction work is completed. Any faulty or defective work shall be corrected by the persons responsible for the work within a period of 30 days of the date of the City engineer’s inspection report defining the faulty or defective work.

F. Guarantee of work

~~The subdivider shall warrant and guarantee that the improvements provided hereunder, and every part thereof, will remain in good condition for a period of two years after the date of the construction completion inspection report by the engineer and agrees to make all repairs to and maintain the improvements and every part thereof in good condition during that time with no cost to the municipality.~~

~~The engineer shall determine when repairs or maintenance are required for improvements which have not been accepted by the municipality. Unless unreasonable, arbitrary or capricious, the engineer’s decision shall be binding on the subdivider. The improvements required hereby extend, but are not limited to, the street base, and all pipes, joints, valves, backfill and compaction as well as the working surface, curbs, gutters, sidewalks, and other accessories which are or may be affected by the construction operations. Whenever, in the judgment of the engineer, the work needs repair, maintenance, or rebuilding, he shall cause a written notice to be served the subdivider and thereupon the subdivider shall undertake and complete such repairs, maintenance or building. If the subdivider fails to do so within ten days from the date of the service of such notice, the engineer shall have such repairs made and the costs of such repairs shall be charged to the subdivider with an additional 25% of the cost of the repairs levied in addition thereto for stipulated damages resulting from such failure on the part of the subdivider to make the repairs.~~

02-31-019 COST AND CHARGES IN CONNECTION WITH THE DEVELOPMENT OF A SUBDIVISION

Cost of improvements, which are required under the provisions of this section, as well as the cost of other improvements which may be installed in the subdivision, shall be shared between the subdivider owner/developer and the city according to the following schedule:

	Facility	Developer	City
1.	Easements and rights-of-way “onsite”	100%	0%

2.	Easements and right-of-ways “offsite”	100%	0%
3.	Grading and drainage of streets	100% for all minor streets	0%
4.	Bridges	100% for all minor streets*	0%
5.	Street Paving	100% for all minor streets and collector and arterial streets up to 44' of pavement width	0%
6.	Curb, gutter & curb cuts	100%	0%
7.	Sidewalks (when required)	100%	0%
8.	Street signs	100%	0%
9.	Electric utilities	100% for easements, rights of way & installation of facilities	0%
10.	100% Water up to 8” diameter	Special negotiations over 8” diameter w/ water zone	
11.	Fire Hydrants	100%	0%
12.	Domestic sewage disposal facilities	100%	0%
13.	Canal & flood channel protection	100%	0%
14.	Parks/flood control	as required by the City Council	0%
15.	Fences	100% when required by Planning Commission	0%

* except when street is federal or state highway