

ORDINANCE NO. 154-01

AN ORDINANCE OF UINTAH CITY UPDATING AND PROVIDING FOR MINIMUM STANDARDS RELATIVE TO THE DEVELOPMENT, PLATTING AND RECORDING OF SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS OF UINTAH CITY, STATE OF UTAH. IN THE OPINION OF THE UINTAH CITY COUNCIL THIS ORDINANCE IS NECESSARY TO PROMOTE AND PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF UINTAH CITY.

IT IS HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF UINTAH CITY AS FOLLOWS:

Section 1:

- 1.** Title 5-000 of the Uintah City Municipal Code “**STANDARDS RELATING TO THE PLATTING AND RECORDING OF SUBDIVISIONS**” is hereby repealed and replaced in its entirety.
- 2.** Ordinance No.126-98 Subdivision Standards of the Uintah City Municipal Code is hereby repealed and replaced in its entirety.
- 3.** Ordinance No.148-01 Flag Lot Provisions of the Uintah Municipal Code is hereby repealed and replaced in its entirety.

Section 2:

- 1.** That all subdivision of land comply with the requirements set forth in the following pages, and also bound separately in the document entitled “Uintah City Subdivision Ordinance December 2001,” to include the three (3) forms entitled Application and Checklist for Subdivision Development which are bound therein showing the following titles:
 - A.** Pre-application Concept/Sketch Review
 - B.** Preliminary Plan Requirements
 - C.** Final Plan Requirements
- 2.** That the City Council shall from time to time review and pass by resolution the subdivision processing fees to be charged;
- 3.** That all persons desiring to develop a subdivision within the City shall pay all required fees at the Office of the Uintah City Recorder;
- 4.** That no subdivision plans will be considered until such fees have been paid in full to the City at the Office of the City Recorder;
- 5.** That the developer will be responsible for and will be billed for all costs associated

with his/her subdivision, should those fees exceed the set subdivision processing fees, including all City staff expense and all professional fees required.

Section 3: General Purpose and Scope of Ordinance.

TITLE 5-000 An Ordinance providing for minimum standards relative to the development, platting and recording of subdivisions of land within the corporate limits of Uintah City, Weber County, State of Utah.

1. The underlying purpose and intent of this Ordinance is to promote the public health, safety, convenience and general welfare of the inhabitants of Uintah City in the matter of subdivision of land and related matters affected by such subdivision.
 - A. Any proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the Planning Commission.
 - B. Subdivisions shall provide for the harmonious and coordinated development of Uintah City, and assure sites suitable for subdivision development and human habitation.
3. Subdivisions will ensure adequate open space for traffic, recreation, light and air, and facilitate the conservation of, or production of, adequate transportation, water, sanitation, drainage and energy resources.
4. The intent of this Ordinance is to avoid scattered and premature subdivision which would cause insufficient public services and facilities, or necessitate an excessive expenditure of public funds for the supply of such services and facilities.
5. This Ordinance is to ensure the utilization of the land in the best interest of the public welfare and the neighborhood deployment of the area conceded, and to preserve outstanding natural, cultural or historic features.
2. This Title is designed to inform the subdivider and public of the requirements and conditions necessary to obtain approval of a subdivision. To this end, all requirements, where possible, are expressly delineated in this Title or other applicable ordinances, *however*, since it is impossible to cover every possibility, and there are some aspects which do not lend themselves to being easily articulated, this Title allows the Planning Commission and City Council to impose reasonable conditions upon a subdivider *in addition* to those expressly required, so long as such conditions do not conflict with any requirements set

forth in this Ordinance or other applicable ordinances. In cases where topographical or other exceptional conditions exist, variations and exceptions from this Ordinance may be added upon by the City Council.

- A. No person shall subdivide any tract of land, which is located wholly or in part within the corporate limits of Uintah City except in complete compliance with this Ordinance.
 - B. No lot within a subdivision approved by the Planning Commission and the City Council and recorded in the Recorder's Office in accordance with the provisions of this Ordinance, shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded or any non-conforming lot without first obtaining the approval of the Planning Commission and the City Council.
3. Should a subdivision plat, by inadvertence, be approved which shows on its face, or in any documents attached thereto or which are deemed to be a part thereof, that the subdivision does not comply in one or more respects with the requirements of this Title or with the requirements of approved City Standards relating to the quality, size, type, grade, distance or dimension, and no variation or exception thereto has been approved by the City Council, such plat ***approval shall not be deemed a waiver of such requirements***, but on the contrary such requirements shall remain in full force and effect and shall be enforced by the building officials. Any discrepancy between the Preliminary Plat as approved, and the Final Plat which may not be noticed in inspection of the Final Plat and which is not approved by the City Engineer and Planning Commission shall be the responsibility of the subdivider, and approval of the Final Plat in such case shall not be deemed a waiver of the requirements of this Title or any standards or specifications approved in connection herewith.

Be it ordained by Uintah City, Weber County, State of Utah:

The Uintah Municipal Code is amended by adding this Subdivision Ordinance with its amendments, previously reserved, as follows:

CHAPTER 1

USAGE AND DEFINITIONS

Sections:	5-1	Usage
	5-2	Definitions

5-1 Usage.

1. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
2. Unless the context clearly indicates the contrary: 1) words used in the present tense include the future tense; 2) all pronouns and any variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular or plural; 3) the word “herein” means in this Ordinance; and the word “regulations” shall mean this Ordinance.
3. A “person” includes a corporation, partnership, and an unincorporated association of persons such as a club; “shall” is always mandatory; a “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be occupied”.

5-2 Definitions.

Adjacent Landowners. Any property owner of record, according to the records of the County Recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

Alley. A public or private right-of-way which is less than 20 feet wide primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street. 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 to the Planning Commission.

Applicant. The owner of land proposed to be laid out and platted or his agent. An agent shall be required to provide legal documentation to prove he has consent from the legal owner of the property.

Block. A tract of land bound by streets, or by a combination of streets and public parks, cemeteries, or boundary lines of municipalities.

Board of Adjustments. A body appointed by the Uintah City Council for the purpose of hearing appeals.

Bond. A form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Attorney and City Council. All bonds shall be approved by the City Council wherever a bond is required by these regulations.

Buildable area / Building area. A portion of a lot, parcel, or tract of land which is to be utilized as the building site having an average slope of less than 20 percent, such building area to be designated as the only area in which any building may take place and is to be outlined on the subdivision plat in which the lot is located.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Capital Improvements Program. A proposed schedule of all future City projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual City's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

City. Uintah City, Weber County, State of Utah, formerly known as the Town of Uintah.

City Attorney. Professional attorney retained by Uintah City.

City Council. The City Council of Uintah City, Utah.

City Engineer. A Professional Engineer, registered with the State of Utah, retained by Uintah City.

County. Weber County, State of Utah.

County Health Officer. The Administrative and Executive Officer of the Weber County Health Department and Local Registrar of Vital Statistics or his duly authorized representatives.

Dedication. Land set aside by an owner for any general and public uses, reserving for himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat showing the dedication thereof.

Developer. The owner(s), or their agent(s), of land proposed to be laid out and platted in accordance with this Subdivision Ordinance. An agent of the owner(s) shall be required to provide legal documentation, to be approved by the City Attorney, which establishes his authority to act as agent for the owner(s).

Development. The improvement of any tract, lot, or parcel of land by construction thereon.

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

Flag Lot. A flag or L-shaped lot comprised of a staff having a minimum width of 20' (feet) and a flag portion consisting of the minimum dimensions required for a regular lot in the applicable zone. The square footage of the staff shall not be considered in determining whether the lot size (flag portion) requirements are met, nor for any other conditions of the Zoning Ordinance. The City of Uintah does not allow the use of flag lots in subdivisions greater than three (3) lots.

Frontage. All the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

General Plan. A comprehensive plan for development of Uintah City prepared and recommended for adoption by the Planning Commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Grade. The slope of a road, street, or other public way, specified in percentage (%) terms.

Half Street. That portion of a street within a subdivision comprising one-half ($\frac{1}{2}$) the required right-of-way width upon which improvements in accordance with one-half ($\frac{1}{2}$) of an approved typical street cross-section are constructed.

Improvement Plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City Council as a condition of the approval of the plat.

Joint Ownership. Joint Ownership shall be treated as a single owner for the purpose of imposing subdivision regulations.

Lot. A parcel of land occupied or capable of being occupied by a permitted or conditional use building or group of buildings (main or accessory), together with such yards, open spaces, parking spaces and other areas required by this Subdivision Ordinance and the Uniform Zoning Ordinance of Uintah City, having frontage upon a

street or upon a right-of-way approved by the Board of Adjustments. Not more than one dwelling structure shall occupy any one lot.

Lot, Building. Means a parcel of land which is of such dimensions as to comply with the minimum requirements of the Uintah Zoning Ordinance for area, width, and depth, where applicable in the zone in which it is located, and having frontage on a public street.

Lot, Centerline for Corner. Means an imaginary straight line lying midway between and in the mean direction of the longest interior lot line and the boundary line lying opposite thereto. When it is apparent that such centerline would intersect two front lot lines, all interior boundary lines shall be deemed to be side lot lines and the lot shall also be classified as a multi-frontage lot.

Lot, Centerline for Inside. Means an imaginary straight line lying midway between and in the mean direction of the side lot lines.

Lot, Corner. Means a building lot situated within a corner created by the intersecting lines of a street or streets.

Lot Depth for Inside Lots. Means the mean horizontal distance between the front lot line and the rear lot line.

Lot Depth for Multi-Frontage and Corner Lots. Means the horizontal distance between opposite boundaries of the lot measured along the centerline thereof.

Lot, Gore-shaped Inside Gore-shaped (a lot with more than four (4) sides). Means any inside lot, other than a multi-frontage lot, the interior lines of which converge toward the rear thereof. For the purpose of locating a dwelling thereon, an owner of a corner lot may have the option of classifying such lot as a gore-shaped inside lot in which case the interior lines of same shall be designated as side lot lines and the rear lot line shall be determined the same as required for any inside lot.

Lot, Inside. Means any building lot other than a corner lot. Any building lot situated at the intersection of two street lines where a corner is not clearly distinguishable, the street being constructed on a long radius curve, shall be classified as an inside lot.

Lot Improvement. Any building, structure, place, work of art, or other object, or improvement of the land on which it is located. Certain lot improvements shall be properly bonded or escrowed as provided in these regulations.

Lot Line Front. Means any street right-of-way of record or established by use, which forms one or more boundaries of a lot.

Lot, Restricted ("R" Lot). A lot which contains or is susceptible to special events or

conditions including, but not limited to, flooding, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, fault lines, water table, or any other adverse condition which would warrant special identification or notice. Such lots shall be subject to regulated conditions as specified by the City Engineer. All “R” lots shall be clearly identified on the recorded plat/mylar.

Lot Right-of-way. A strip of land of not less than 20 feet wide connecting a lot to a street for use as private access to that lot, and recorded as part of same.

Master Street Plan. A plan labeled “Transportation Element of the General Plan”.

Off-Site Facilities. Improvements not on individual lots, but generally within the boundaries of the subdivision which they serve. Certain off-site facilities shall be properly bonded or escrowed as provided in these regulations.

Owner. Any person, group or persons, firm or firms, corporation or corporations, condominium projects or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be laid out and platted under these regulations.

Parcel of Land. Contiguous quantity of land, in possession of, or owned by, or recorded as the property of, the same claimant person. Land in one ownership, but physically divided by a public highway, road, or street, is not considered contiguous under this definition, and may therefore be used as two (2) or more individual parcels of land.

Planning Commission. The Planning Commission of Uintah City.

Plat. A map, plan, or depiction of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.

Plat, Final. A proposed subdivision drawn accurately to scale and which has all measurements, data, certificates and dedications thereon which are required for approval and acceptance by the proper agencies and for recording in the office of the County Recorder. This must be done by a certified engineer.

Post Office. United States Postal Service.

Property, Intervening. Property located between the existing utilities and public service facilities, and the property under development.

Protection Strip. A strip of land bordering both the boundary of a subdivision and a street within the subdivision for the purpose of controlling access to the street from property abutting the subdivision.

Public Improvement. Any water system, irrigation ditch, subsurface drainage system,

storm drainage system, sewer system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which the City's responsibility is established. All such improvements shall be properly bonded or escrowed.

Re-Subdivision. A change in the map of an approved or recorded subdivision plat if such change affects any street layout on or area reserved thereon for public use, any lot line, or any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

Screening. Either: (a) a strip at least five (5) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet in height; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high.

Security. A bond, escrow or irrevocable letter of credit given by the developer to ensure the proper installation of public improvements.

Street. A thoroughfare of not less than twenty six (26) feet right-of-way width, which has been dedicated or abandoned to the public and accepted by proper public authority.

Street, Collector. A street, existing or proposed, of considerable continuity, which is the main means of access to the major street system, having a minimum right-of-way width of not less than sixty (60) feet, lot line to lot line. Any right-of-way designated for future use as a collector street prior to 1997 may be approved at a width of not less than fifty (50) ft.

Street, Cul-de-sac. A minor terminal street provided with a turn around with a 100 foot minimum diameter. Cul-de-sac streets shall not be any longer than four hundred feet (400) from the center line of the adjoining street to the center of the turn around, and cannot provide frontage for more than nine (9) dwelling units.

Street, Arterial, Major. A street, existing or proposed, which serves or is intended to serve as a major traffic way, and is designated on the Transportation Element of the General Plan as a controlled-access highway, major street parkway or other equivalent term to identify those streets comprising the basic structure of the street plan. Right-of-way widths are to be lot line to lot line, not being less than one hundred (100) feet wide.

Street, Minor, Residential. 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 streets shall have a minimum right-of-way width of sixty (60) feet, lot line to lot line. If serving less than ten (10) lots, (no future development possible) it may have a minimum right-of-way width of not less than fifty (50) feet.

Street, Private. A thoroughfare within a subdivision which has been reserved by dedication unto the developer or lot owners to be used as private access to serve the lots platted within the subdivision. Private streets shall comply with the adopted street cross-section standards of the City and shall be maintained by the developer or other private agency. The City will not provide any services to a private street.

Subdivider. Any person who undertakes to create a subdivision.

Subdivision. Any land that is divided, re-subdivided or proposed to be divided into one or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and condition. Subdivision includes (a) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and (b) divisions of land for all residential and non-residential uses, including land used, or to be used, for commercial, agricultural, and industrial purposes.

1. Major Subdivision. The above description of a subdivision, resulting in four (4) or more lots.
2. Minor Subdivision. The above description of a subdivision, resulting in greater than one (1) but not more than three (3) lots.

Uintah Public Works Standards. Standards governing public and private contractors performing work within the City as adopted in the Uintah Public Works Standards and Technical Specifications Ordinance.

Utilities. Gas lines, culinary water lines, storm drainage systems, irrigation systems, sewer lines, electric power transmission lines, telephone transmission lines, cable television systems, with all poles, wires, pipes, guy wires, bracing pertaining thereto.

Wetlands. Generally, those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. When in conflict, Federal definitions and standards shall prevail.

Zoning Ordinance. The Zoning Ordinance of Uintah as adopted by the City Council and

as amended from time to time.

CHAPTER 2

GENERAL PROVISIONS

Sections:	5-2-1	General
	5-2-2	Policy
	5-2-3	Purposes
	5-2-4	Jurisdiction
	5-2-5	Interpretation, Conflict and Separability
	5-2-6	Saving Provision
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	5-2-11	Vacation of Plats
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5-2-1 General. These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Uintah City.

General Responsibilities.

1. Subdivider.

A. The subdivider shall prepare subdivision plats consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The City shall process the plat in accordance with the regulations set forth herein.

B. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until he or she has obtained the necessary approval as outlined herein, and the Final Plat is recorded in the County Recorder's Office.

C. The subdivider is responsible for the distribution of proposed subdivision plats to improvement districts, special districts, utility companies, and other private and public entities for their information and comment, as directed by the City. The subdivider shall be responsible to ensure that written notices from each improvement district, special service district, gas company, power company, phone company, cable company, water districts, irrigation company and Weber County Health Department, etc., are forwarded to the City in a timely manner affirming that proposed subdivision plats have been received and reviewed by

each of the above required agencies.

2. City.

A. The City Engineer, and public works department shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this Title, the City Standards, and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with the Public Works Department and the City Engineer.

B. The Planning Commission shall act as an advisory agency to the City Council. It is charged with making investigations, reports, and recommendations on proposed subdivisions as to their conformance to the General Plan and Zoning Ordinance, and other pertinent documents. The Planning Commission shall recommend approval, approval with conditions, or disapproval of the proposed subdivision plat to the City Council.

C. The City Attorney shall approve the form of the final plat, that it is correct and acceptable, and that the subdivider(s) dedicating land for use by the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report which shall be submitted by the subdivider.

D. The City Council has final jurisdiction in the approval of subdivision plats, the establishment of requirements for and design standards of, public improvements, and the acceptance of lands and public improvements that may be proposed for dedication.

E. The City will take plats to the County for recording, only after all payments and fees are paid and all the required signatures and requirements are complete and accounted for.

5-2-2 Policy.

1. It is hereby declared to be the policy of Uintah to consider the subdivision of land and the subsequent development of the platted subdivision as subject to the control of the City Council and/or pursuant to the official General Plan of Uintah for the orderly, planned, efficient, and economical development of the City.

2. Land to be laid out and platted shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be laid out and platted until available public facilities and improvements exist and proper provision has been made, where required, for drainage,

culinary water, irrigation water, sewerage, and capital improvements such as schools, parks, recreation facilities, electrical and natural gas distribution facilities, transportation facilities, and other improvements.

3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the General Plan, Official Map, and the Capital Facilities Plan and program of the City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in Building Housing Codes, Public Works Standards, Zoning Ordinances, General Plan, Official Map, Land Use Plan, and Capital Facilities Plan, (as may be applicable) and other programs of the City.

5-2-3 Purposes. These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare, and the keeping of a rural atmosphere for the Uintah Citizens.
2. To guide the future growth and development of the City, in accordance with the General Plan, maintaining a rural quality of life.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.
4. To protect the rural character of the City and its social and economic stability.
5. To encourage the orderly and beneficial development of all parts of the City.
6. To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
7. To guide public and private policy and action in order to provide adequate and efficient transportation, culinary water, irrigation water, sewer, schools, parks, playgrounds, recreation, streets, curb and gutter, sidewalk, storm drainage, and other public facilities needs.
8. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion on the streets and highways, the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
9. To establish reasonable standards of design and procedures for subdivisions and re-

subdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monuments.

10. To insure public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

11. To prevent the pollution of air, streams, rivers, ditches, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and rural beauty of the community and the value of the land.

12. To preserve the natural beauty and topography of the City and to insure appropriate development with regard to these natural features.

5-2-4 Jurisdiction.

1. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of Uintah City.

2. No person shall lay out and plat any tract of land located wholly or partially within the City except in compliance with this Subdivision Ordinance. No person shall sell or exchange, or offer to sell or exchange, any parcel of land which is any part of a subdivision of a larger tract of land, nor offer for recording in the office of the Weber County Recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Ordinance.

3. No land shall be laid out and platted within the corporate limits of Uintah City, until:

A. The City Council has given final approval of the plat, all fees are paid and all required signatures are on the mylar, and

B. The approved plat is filed and recorded at the office of the County Recorder.

4. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date hereof, and not in conformity with the provisions of these subdivision regulations and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

5-2-5 Interpretation, Conflict and Separability.

1. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public

health, safety, and general welfare.

2. Conflict. Conflict with public and private provisions.

A. Public provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

B. Private Provisions. These regulations are not intended to abrogate any easement, covenant, condition, restriction or any other private provisions, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations that such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, condition, restriction or private agreement, or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Planning Commission or the City in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder. Nothing contained therein shall empower or require the City to enforce such private agreements or restrictions.

3. Separability. If any section, sentence, paragraph, term or provision of these regulations or application thereof to any person or circumstances is for any reason determined to be or rendered illegal, invalid or superseded by other law or ordinances, including state or federal, or adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

5-2-6 Saving Provision. These regulations shall not be construed as abating any action now pending under, or by virtue of prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section of provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

5-2-7 Reservations and Appeals. Upon the adoption of this Subdivision Ordinance, Subdivision Ordinance 126-98 and Flag Lot Ordinance No. 148-01 are hereby repealed and replaced except as to such sections expressly retained herein.

5-2-8 Amendments. These subdivision regulations may be amended from time to time by the City Council after holding a public hearing upon proper notice. All proposed changes and amendments shall be proposed by or submitted to the Planning Commission for its recommendation, which, within thirty (30) days, shall be forwarded to the City Council for its consideration. Failure of the Planning Commission to submit a recommendation within the prescribed time shall be deemed approval by such Commission of the proposed change or amendment. The City Council shall uphold or overrule the recommendation of the Planning Commission by a majority vote of its members within thirty (30) days following the final vote of the Planning Commission.

5-2-9 Conditions.

1. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Utah to Uintah City. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the City and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.
2. Any matter upon which action may or shall be taken under the provisions of this Ordinance may, at the City Council's discretion, unless otherwise provided for in the Subdivision Ordinance, be referred to the Planning Commission for its study, consideration, and recommendations.

5-2-10 Re-subdivision of Land.

1. Procedure for Re-subdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivision, such parcel shall be approved by the Planning Commission and City Council by the same procedure, rules, and regulations as for a subdivision.
2. Procedure for Subdivisions where future Re-subdivision is indicated. Whenever a parcel of land is laid out and platted and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be laid out and platted into lots of smaller size, as permitted in the zone for that area sites, the Planning Commission may require that such parcel of land allow for

the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extensions of such streets may be made a requirement of the plat.

5-2-11 Vacation of Plat.

1. Any plat or any part of any plat may be vacated in compliance with and according to the terms of 10-9-808 Utah Code Annotated, as amended.
2. Such an instrument shall be approved by the Planning Commission and City Council in like manner as plats of subdivisions.
3. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
4. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such in writing.

5-2-12 Variances.

1. General. Where the City Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purposes of these regulations; and further provided that the City Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

A. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.

B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property in the City.

C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and

D. The variance will not in any manner vary the provisions of the Zoning Ordinance, General Plan, or Official Map.

2. Conditions. In approving variances, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

3. Procedures. A petition for any such variance shall be submitted in writing by the developer at the time when the Preliminary Plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Within 30 days after receipt of the petition, the Planning Commission shall forward a recommendation of approval or denial to the City Council.

Failure of the Planning Commission to submit a recommendation within the prescribed time shall be deemed approval by the Commission of the requested variance, unless consideration of the petition is continued for further review within the prescribed time limits. The City Council shall uphold or overrule the recommendation of the Planning Commission by a majority of its members after holding a public hearing. At least ten (10) days notice of time and place of such hearing shall be published in a newspaper of general circulation in the City. Property owners within 300 feet of the proposed subdivision boundaries shall also receive notification of the public hearing. The decision of the City Council shall be final.

5-2-13 Enforcement, Inspections, Violations and Penalties.

1. General.

A. It shall be the duty of the Zoning Enforcement Officer, as designated by the Mayor, to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

B. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer, sell, or offer to sell any such parcel before a plat of such subdivision has been approved by the Planning Commission and the City Council, in accordance with the provisions of these regulations, and filed with the County Recorder.

C. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.

D. No building permit shall be issued for the construction of any building or structure located on a lot or parcel of property which has not been laid out and platted in accordance with this Subdivision Ordinance unless and until all applicable requirements of the Ordinance have been met.

2. Inspection. Appropriate departments of the City shall inspect or cause to be inspected all buildings, street, concrete work, fire hydrants, and water supply, storm drainage, and sewage disposal systems in the course of construction, installation or repair.

Excavation for underground improvements shall not be covered or back-filled until such installation has been approved by the City. 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 or City Engineer. All other required utilities placed underground or overhead shall meet all Uintah Public Works Standards as required by franchise agreements. Funds held in bond or escrow accounts will not be released for any work that has not been inspected by the appropriate City department.

3. Violations and Penalties. Any person violating any of the provision of this Subdivision Ordinance shall be guilty of a ***Class B Misdemeanor*** and, upon conviction of any such violation, shall be punishable by the penalty as prescribed.

CHAPTER 3

SUBDIVISION DEVELOPMENT PROCEDURE AND APPROVAL PROCESS

Sections:

- 5-3-1 General Procedure
- 5-3-2 Sketch/Pre-application Concept Review
- 5-3-3 Preliminary Plat

- 5-3-4 Improvement Plans
- 5-3-5 Final Plat
- 5-3-6 Signing and Recording of Subdivision Plat

5-3-1 General Procedure.

1. Classification of Subdivision. Whenever any subdivision is proposed or created, the owner, or the owner's authorized agent, shall prepare a plat which shall comply with the rules, regulations, and requirements of this Title before:

- A. It may be filed or recorded in the County Recorders's Office;
- B. Lots may be sold or offered for sale; and
- C. Any building permit for the erection of a non-agricultural structure shall be granted.

2. Reviews and Inspections. The Subdivider shall be required to pay all fees incurred by the City for all Engineer and Attorney reviews and inspections. The subdivision fees cover only City staff expenses of processing the subdivision; these fees cover: one (1) Sketch/Pre-application, one (1) Preliminary Plat review and two (2) Final Plat reviews (one review by the Planning Commission and one review by the City Council). The City shall establish the cost for any additional and/or repeat reviews, any additional expenses shall be paid by the subdivider to the City prior to signing of an approved plat by the City and recording of a plat with the County.

3. Fees. All persons desiring to develop a subdivision within the City of Uintah shall file an application with the City Recorder and pay the fees for the permit to file an application for a Sketch/Pre-application Review, Preliminary Review and Final Review. The City Council shall from time to time pass by resolution the fees to be charged. Separate fees will be charged for the Sketch/Pre-application, Preliminary Plan, Final Plan or other fees which may be deemed necessary by the City. No subdivision plan may be considered by the City Planning Staff Committee, Planning Commission and/or City Council until such fees have been paid in full. These fees do not include any Engineer fees or Attorney fees or any other professional needed in the approval process. These fees will be billed to the City and then passed on to the developer for prompt payment.

5-3-2 Sketch/Pre-application Concept Review.

1. Each person who proposes to subdivide land within the territorial limits of Uintah City after paying all fees shall confer with the City Planning Staff Committee (which committee shall consist of the City Building and Zoning Official, the Mayor, the Public Works Directors, City Engineer, Planning Commission Chair or representative, and the Fire Chief. This review is used before preparing any plats, charts, or plans in order to become familiar with the Uintah subdivision requirements for the territory in which the

proposed subdivision lies and to discuss the proposed plan of development of the tract. A Sketch Plat, is required to be presented to the Planning Staff Committee to illustrate the proposed subdivision concept. Two (2) such sketches shall be submitted on a topographic base map showing the relationship to proposed traffic arteries, existing arteries, parks, etc. A fee shall be set by Resolution by the City Council to offset the cost of all reviewing and other related work performed by the City staff associated with the review of these sketches. No Preliminary Plat shall be presented to the City Planning Commission or City Council without the payment of said fee, and concept review being received by the City. The concept review is helpful information and suggestions, however, only the City Council may bind the City, and only the Planning Commission can make official recommendations to the City Council. City employees and others may make recommendations, suggestions, and dispense information regarding City ordinances and the General Plan, but such comments shall in no way whatsoever be binding on the City.

2. A Sketch/Pre-application information list shall be submitted to the Planning Commission prior to a regular meeting, informing them of the advancement to Preliminary Plat.

5-3-3 Preliminary Plat.

1. General. The Preliminary Plat shall be prepared in ink by a licensed land surveyor or engineer at a convenient scale not more than one hundred (100) feet to an inch, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder. Each person who proposes to subdivide land in Uintah shall prepare a Preliminary Plat of such a proposed subdivision. The Preliminary Plat shall include design criteria, drawings and associated accompanying information as required by this Title. The purpose of the Preliminary Plat is to substantiate feasibility of the proposed subdivision and to require formal preliminary approval in order to minimize changes and revisions which might otherwise be necessary on the Final Plat. The Preliminary Plat and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this Title and any other applicable ordinances.

The Preliminary Plat shall:

A. Be accompanied by a minimum of five (5) copies of the Preliminary Plat as described in these regulations and one (1) reduced 11" X 17" copy of the full size drawings;

B. Be presented to the City Recorder at least ten (10) days prior to a regular meeting of the Planning Commission. This ten day period is necessary to allow the City Engineer, Planning Commission and designated consultants time to review the plat and prepare for consideration of the Preliminary Plat by the Planning Commission at a regular meeting held for such purpose.

2. Subdivision processing fee. At the time of filing the preliminary plat, the developer shall deposit with the City Recorder a non-refundable fee made payable to Uintah City. The City Council shall by resolution, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats.

3. Subdivision review and inspection fees. At the time of application for a subdivision, the subdivider/developer shall pay to Uintah City a deposit of fifty percent (50%) of the projected engineering inspection and review fees for the said subdivision, as determined by the City Engineer and approved by the City Office. All Engineer and Attorney costs and/or fees and expenses that are incurred by the City for services related to the subdivision shall be passed on directly to the Subdivider/Developer for prompt payment. At the time of conditional final acceptance, providing that all engineering, attorney, office, inspection and review fees incurred by the City have been paid by the Subdivider/ Developer, seventy-five percent (75%) of the deposit shall be refunded; the remaining twenty-five percent (25%) shall be refunded in one (1) year after the guarantee period has expired and final approval has been granted. Non-payment of any of the incurred expenses and/or fees shall be cause to order all work to cease in said subdivision until all expenses and/or fees are paid in full.

4. Features. The preliminary plat shall contain the following:

A. The location of property with respect to surrounding property and streets, the name of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.

B. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

C. The location of existing streets, easements, water bodies, streams, rivers, and other pertinent features such as wetlands, buildings, parks, cemeteries, drainage ditches, irrigation ditches, fences, bridges, etc. As determined by the Planning Commission.

D. The location, width and details of all existing and proposed streets, curb, gutter, sidewalk and easements, alleys, and other public ways, and easement and proposed street right-of-ways, and building setback lines.

E. The locations, dimensions, and areas of all proposed or existing lots, illustrating their relationship to surrounding properties.

F. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

G. The name and address of the owner or owners of land to be laid out and platted, the name, address and phone number of the developer if other than the owner, and the name, address and phone number of the land surveyor or engineer.

H. The date of the plat, approximate true north point, scale, and title of the subdivision.

I. Sufficient data, acceptable to the City Engineer, to determine readily the location, bearing, and length of all lines. And to reproduce such lines upon the ground, and the location of all proposed monuments, including contours at intervals of 2 feet, 5 feet, or 10 feet as determined by the City Engineer.

J. Name of the subdivision and name and number of all new streets.

K. Indication of the use of any lot (single-family, two-family) and all uses other than residential proposed by the developer, that are per zoning ordinances.

L. All lots consecutively numbered, with buildable areas clearly marked on the plat for each lot.

M. Existing water supply and sanitary sewage systems.

N. Detailed provisions for collecting and discharging surface water drainage.

O. Location and size of all proposed water, secondary water, sanitary sewer, storm sewer, irrigation and drainage ditch, piping or other sub-surface improvements as deemed necessary by the City Engineer.

P. Preliminary plats shall contain the following notations:

- (1) Explanation of drainage easements, if any.
- (2) Explanation of irrigation easements, if any.
- (3) Explanation of site easements, if any.
- (4) Explanation of reservations, if any.

5. Geotechnical report. This is a requirement for all Major Subdivisions. As a part of the preliminary subdivision approval, the developer is required to provide the City of Uintah with a Geotechnical report by a City approved Geotechnical Engineer. This report shall be submitted to the City Engineer for review and approval or disapproval, and shall accompany the Preliminary Plat. The Geotechnical report shall contain, but not be limited to, the following items (as determined by the City Engineer):

A. Soil test hole information shall be provided (minimum of one test hole and an average of one test hole per every 5 acres of development). Test holes shall be a

minimum depth of twelve (12) feet and shall identify soil types, the existing ground water elevation and the estimated highest depth of ground water.

B. Soil percolation tests shall be completed (minimum of one test and an average of one percolation test per every 5 acres of development at the depth of proposed drain field construction). The report shall make recommendations as to the feasibility of septic tank wastewater disposal systems and any concerns or limitations for these systems.

C. Street pavement design recommendations shall be provided showing pavement base course thickness and thickness of proposed bituminous surface course, etc.

6. Drainage report. The purpose of the drainage report is to define, on a conceptual level the nature of the proposed development or project and to describe all existing conditions and proposed drainage improvements needed. Drainage reports shall discuss the general location and description of the property, identification and discussion of major basins and sub-basins, explanation of drainage criteria indicating needed storm drainage improvements with location, size, design flows and storage requirements, and outlets of the storm drainage system, description of public drainage improvements, where applicable and preliminary drainage plans and maps.

7. Sanitary sewer report. The purpose of the preliminary sanitary sewer report is to define on a conceptual level the nature of the proposed development or project and to describe all existing conditions and proposed sanitary sewer facilities needed to conform to City Standards. The preliminary sanitary report shall indicate needed sanitary sewer facilities along with a discussion of the location, type of collection system and design flows. The sanitary sewer report shall comply with adopted City Standards.

The preliminary drainage report, sanitary sewer report, and soils report shall be prepared and signed by a Professional Engineer registered in the State of Utah, and approved by the City Engineer. Reports shall be cleanly and clearly reproducible and legible throughout. Blurred or unreadable portions of the report will be deemed unacceptable and will require resubmittal. Incomplete or absent information will require resubmittal of the report.

8. Postal requirements. The developer must contact the local Post Office for approval before placing any mailbox. Mailboxes must be placed at a minimum of two (2) to a property line if you do not do Central Box Units. Mailboxes are not allowed in a cul-de-sac, the Post Office will instruct on their placement.

The developer must provide the City with a letter from the Post Office on acceptance and approval of placement. The Post Office recommends the use of Central Box Units (CBU). They provide good security, the Postal Service may provide the CBU at no

expense in some situations.

9. Preliminary approval. After the Planning Commission has reviewed the Preliminary Plat, the information from the City Staff and any municipal recommendations, the applicant shall be advised of any required changes and/or additions. The Commission shall then approve, conditionally approve, or disapprove the Preliminary Plat. An approval of the Preliminary Plat by the Planning Commission shall not constitute final acceptance of the subdivision. One (1) copy, signed by the Chairman of the Planning Commission, of the proposed Preliminary Plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. And one (1) copy signed by the Chairman of the Planning Commission shall be retained with the Planning Commission. Before the Commission approves a Preliminary Plat showing park reservation or land for other City uses proposed to be dedicated to the City, the developer shall obtain approval of the park or land reservation from the City Council.

Any modification made to the approved preliminary plat, excluding corrections as required by the City, shall require resubmittal of the Preliminary Plat to the Planning Commission for additional/repeat review and approval or disapproval.

10. Effective periods of preliminary approval. The approval of a preliminary plat shall only be effective for a period of twelve (12) months from the date of approval. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to pay all fees and resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations then in existence. Preliminary approval of any undeveloped phases of a phased subdivision shall become null and void should more than two (2) years elapse between the date of conditional acceptance of the off-site improvements of the last phase by the City and the application for final approval of a subsequent phase. Extensions of time up to twelve (12) months may be granted upon application and approval from the Planning Commission.

11. Zoning Regulations. Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Ordinance rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within a period of six (6) months from the date of such approval.

12. Grading Limitations. No excavation, grading or re-grading shall take place on any land for which a subdivision plan has been submitted until such plan has been given Final approval by the City Council and recorded with the Weber County Recorders Office.

13. Denial of Approval. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a Preliminary Plat.

5-3-4 Improvement Plans.

1. General. Improvement plans shall be prepared for all required improvements. Plans shall be drawn at a scale of not more than fifty (50) feet to an inch, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

A. Profiles showing existing and proposed elevations along center line of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.

B. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, irrigation ditches, manholes, and catch basins; the location of street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, sewer, secondary water, cable TV or other underground utilities or structures.

C. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to, existing streets, sewers, drains, water mains, easements, fences, street lights, water bodies, streams, wetlands, irrigation and drain ditches and any other pertinent features at the point of connection to proposed facilities and utilities within the subdivision.

D. All specifications and references required by the City's Public Works Standards, including a site-grading plan for the entire subdivision when required by the City Engineer.

E. All Improvement Plans shall be prepared and stamped by a Civil Engineer, registered in the State of Utah.

5-3-5 Final Plat.

1. General. Five (5) copies of the Final Plat shall be submitted to the City Recorder. When all the following items are approved on the Final Plat a final Mylar shall be prepared. The final Mylar size shall be twenty-four (24) by thirty-six (36) inches with a one-half ($\frac{1}{2}$) inch border on top, bottom and right side. The left side shall have a border of one and one-half ($1 \frac{1}{2}$) inches. The mylar shall be so drawn that the top of the

drawing faces either North or West, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the mylar with approved waterproof black “India drawing ink”. The mylar shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred (100) feet to the inch, and workmanship on the finished drawing shall be neat, clean-cut and readable. The Final Plat and, after Council approval, the final Mylar shall contain the following information:

- A.** The subdivision name, approved by the City Planning Commission, and the general location of the subdivision, in bold letters at the top of the sheet.
- B.** A north point and scale of the drawing, and the date.
- C.** Accurately drawn boundaries, showing the property 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.
- D.** The address or name, width, 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, as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots. All proposed streets shall be numbered or named in accordance with the adopted addressing system of the City of Uintah.
- E.** The standard forms approved by the Planning Commission lettered for the following:
 - 1)** Description of land to be included in a subdivision.
 - 2)** Registered Land Surveyor’s “Certificate of Survey”.
 - 3)** Owner’s dedication and acknowledgment.
 - 4)** Notary Public’s acknowledgment.
 - 5)** Certificate of approval by the City Planning Commission.
 - 6)** Certificate of approval by the City Engineer.
 - 7)** Certificate of approval by the City Attorney.
 - 8)** Certificate of acceptance by City Council, attested by City Recorder.
- F.** A three (3) inch by three (3) inch space in the lower right-hand corner of the drawing for Weber County recording information.

2. Preparation. The Final Plat and the Mylar shall be prepared by a registered land surveyor, licensed by the State of Utah.

5-3-5a Requirements for Final Approval.

1. Final approval of the Final Plat may not be granted until the following materials are submitted to the Planning Commission:

A. A minimum of five (5) copies of the Final Plat and two (2) copies of the Improvement Plans, as described in these regulations which comply in all respects with the preliminary plan, as approved, and which have been reviewed and approved by the City Engineer.

B. All formal irrevocable offers of dedication to the public of all streets, City uses, utilities, parks, and easements in a form approved by the City Attorney.

C. A note shall be placed on the Final Plat and the Mylar indicating that a soil test, by a licensed Geotechnical Engineer, has been prepared and approved for the proposed subdivision.

D. The subdivider shall furnish a finalized, complete set of construction drawings and specifications of all improvements within the subdivision to the Planning Commission at the time of submission of the Final Plat. The construction drawings and specifications shall be of sufficient detail to allow construction of all improvements. Finalized construction drawings shall be stamped and certified by a licensed civil engineer, approved by the State of Utah.

E. Final drainage report complete with all design criteria, assumptions and computations for proper analysis in accordance with sound engineering practice, along with appropriate plan, section and profile sheets for all public improvements. The final drainage report shall define and expand the concepts shown in the preliminary report and assure conformance to City requirements. The final report must be reviewed and approved prior to final approval of the plat by the City Engineer.

F. A final sanitary sewer report complete with all design criteria, assumptions and computations for proper analysis in accordance with sound engineering practice, along with appropriate plan, section and profile sheets for all public improvements. The final sanitary report serves to define and expand the concepts shown in the preliminary report and to assure conformance to City requirements. The final report must be reviewed and approved prior to final approval of the plat by the City Engineer.

G. A current Title Report naming the persons whose consent is necessary for the preparation and recordation of such plat and for dedication of the streets, alleys, and other public places shown on the plat and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision. The Title Report shall be reviewed by the City Attorney.

H. If covenants, conditions, and restrictions for the proposed subdivision are developed by the subdivider, a copy of such covenants, conditions, and restrictions shall be provided to the City along with the final plat. These documents may include, but not be limited to, landscaping requirements or other conditions or restrictions as determined by the subdivider.

I. All required securities, and/or bonds must be approved by the City Attorney, and set in place.

J. Written assurance from the County Health Department, public utility companies, irrigation company and improvement districts that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon preliminary plat approval.

K. U.S. Post Office letter approving placement and type of mail container.

L. All required fees and billings have been paid to the City of Uintah.

2. Final Approval by the Planning Commission. The Planning Commission shall recommend to the City Council the approval, conditional approval, or disapproval of the Final Plat within thirty (30) days after the date the plat was approved by the Planning Commission. The Commission shall set forth in detail any conditions to which the recommendation is made or reason for its recommendation. The subdivision plat shall then be forwarded to the City Council for their approval or disapproval.

3. Determination by the City Council. Upon receiving the recommendation of the Planning Commission, the City Council shall consider the recommendation at a regularly scheduled City Council meeting and shall approve, modify and approve, or disapprove the Final Plat by resolution which shall set forth in detail any conditions to which the approval is subject or reasons for disapproval. In no event shall the period of time stipulated by the City Council for completion or required improvements exceed two (2) years from the date the Final Plat is recorded. One copy of the Final Subdivision Plat shall be returned to the developer with the date of approval, conditional approval or disapproval, noted thereon and the reasons therefore accompanying the plat.

4. Material Testing. The developer shall be responsible for payment of material testing

required by the City Engineer during construction of subdivision improvements.

5. Plat Approval Required. No street improvements or utilities shall be installed, until after approval of the Final Plat by the City Council and recordation thereof with the County Recorder. No lots included in such plat shall be purchased, sold, exchanged, nor offered for sale or exchange; and no construction of buildings or grading of land upon such lots shall begin until all fees to the City are paid in full and the Final Plat is so approved and recorded

5-3-6 Signing and Recording of Subdivision Plat.

1. Signing of Plat. When a bond or escrow is required, the Mayor shall endorse approval on the plat after the bond or escrow has been approved by the City Attorney and all the conditions of the resolution pertaining to the plat have been satisfied.

2. Recording of Plat. The City shall record the plat after all required signatures are obtained (City Engineer, City Attorney, Planning Commission Chairman, Fire Department, City Council and/or Mayor attested by the City Recorder, and any other signatures the Council deems necessary). At the same time, the City shall also record all dedications, covenants, and lien agreements, as the City shall require to be recorded from time to time. Within ninety (90) days of the final approval of the Subdivision Final Plat by the City Council the subdivider shall submit to the City Recorder a certified or cashiers check made payable Uintah City, in sufficient amount to cover the recording fees of the Final Plat and Security Agreements with the Weber County Recorders Office. The City Recorder shall record said plat in the office of the Weber County Recorder. No plat shall be recorded unless the subdivider's check is sufficient to cover the costs. The developer is required to pay all expenses of recording. If Final Plat is not offered for recording within ninety (90) days after final approval, final approval shall be considered null and void.

3. Final Plat - Time Limit for Recording. Any Final Plat having received final approval by the City Council shall be offered for recording within three (3) months after final approval. If a Final Plat is not offered for recording within three (3) months after final approval, final approval shall be considered null and void, and the developer must resubmit the Final Plat and pay all fees for recommendation by the Planning Commission and approval by the City Council.

4. Phasing. Subdivisions containing more than twenty (20) lots must be done in phases. Each phase must be approved by the Planning Commission and shall consist of that number of lots that can be completely developed with off-site improvements within a two-year (2) period. Off-site improvements are construed to be those improvements required by the Uintah Public Works Standards. On-site improvements shall be construed to mean the construction of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and all of the

said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by lessees or grantees of any of the lands located within the subdivision within the time hereinafter specified. Phases shall be designed to minimize the dead-ending of streets and waterlines. Phasing shall be done in such a manner as to provide sufficient traffic circulation in each of the phases.

CHAPTER 4

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Sections:

5-4-1	Improvements and Guarantee
5-4-2	Inspection of Improvements
5-4-3	Acceptance of Off-site Improvements
5-4-4	Special Exceptions for Sidewalks
5-4-5	Issuance of Building Permits and Certificates of Occupancy

5-4-1 Improvements and Guarantee.

1. The owner of any land which has been laid out, platted and recorded pursuant to the provisions of this Title shall at his own expense install the required improvements within a period of two (2) years from the date the final mylar is recorded. Said owner(s) shall insure or guarantee the installation of such improvements by one or a combination of one or more of the following methods designated by the City of Uintah:

A. Performance Bonds. The developer may furnish and file with the City Recorder, a corporate surety bond, approved by the City Council and the City Attorney, in an amount equal to the cost of the required improvements plus 10 percent (10%) as estimated by the developer and approved by the City Engineer to secure the installation of required improvements within two (2) years from the date the final plat is recorded and to secure the ten percent (10%) guarantee amount for one (1) year beyond the date of conditional final acceptance of improvements.

B. Deposit in Escrow. The developer may deposit in escrow with an escrow holder approved by the City Council an amount of money equal to the cost of improvements required plus ten percent (10%) as estimated by the developer and approved by the City Engineer under an escrow agreement conditioned for the installation of said improvements within two (2) years from the date the final plat is recorded. The escrow agreement aforesaid shall be approved by the City Council and City Attorney and shall be filed with the City Recorder. The ten percent (10%) improvement guarantee amount will be held for one (1) year beyond the date of conditional final acceptance of improvements.

C. Letters of Credit. The developer may cause the issuance of a letter of credit by a financial institution approved by the City Council and City Attorney in an amount equal to the cost of required improvements plus ten percent (10%) as estimated by the developer and approved by the City Engineer to secure the installation of required improvements within two (2) years from the date the final

plat is recorded and to secure the ten percent (10%) guarantee amount for (1) one year beyond the date of conditional final acceptance of improvements.

2. Default. In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the Final Plat is recorded, the City may declare the bond or escrow deposit forfeited, and the City may install or cause the required improvements to be installed using the proceeds from the collection of the bond or escrow to defray the expense thereof. The City Council may, upon proof of difficulty, extend the completion date for a maximum period of one (1) additional year.

5-4-2 Inspection of Improvements.

1. General Procedure. The City Building Inspector, or the City Engineer, shall provide the inspection of required improvements during construction and insure their satisfactory completion. If they find, upon inspection, that any of the required improvements have not been constructed in accordance with the City's Construction Standards and Specifications, the applicant shall be responsible for completing the improvements, or bring them up to the City's Construction Standards. The expense of all inspections will be billed to the developer.

2. Reduction of Performance Bond or Escrow Funds. The City shall not release nor reduce a performance bond or escrow funds on any required improvement until the developer provides a statement for monies requested signed by the City Engineer or City Building Inspector noting the improvements have been satisfactorily completed. In no event shall escrow funds or a performance bond, be reduced below ten percent (10%) of the principal amount.

5-4-3 Acceptance of Off-Site Improvements.

1. Conditional Acceptance. After the completion of all off-site improvements and upon receiving a written statement from the City Engineer that all required improvements have been satisfactorily completed, the City Council shall conditionally accept the improvements for a one (1) year guarantee period. Such approval shall not be given until the applicant's engineer has certified to the City Engineer, through submission of detailed "as built" construction plans of the subdivision, indicating location, dimensions, materials and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with the construction plans filed with the final plat; saying "as built" plans shall be submitted in ink on reproducible mylar. A minimum of ten percent (10%) of the total principal amount of the escrow funds or performance bond or letter of credit commitment, will be held during this one (1) year guarantee period.

2. Guarantee Period. The developer, shall warrant and guarantee that the improvements provided for hereunder and every part thereof will remain in good condition, and that the

subdivider shall assume all liability which may arise, and shall agree to hold the City of Uintah harmless from any and all liability which may arise as a result of the improvements which are installed for a period of two (2) years after the date of conditional acceptance by the City, and agrees to make all repairs to maintain the improvements and every part thereof in good condition during the guarantee period at no cost to the City. The guarantee shall extend to and include, but shall not be limited to, the entire street, sub-grade base and surface, all pipes, curbs, gutters, approaches, sidewalks, fences, and other accessories that are or may be affected by the construction operations. Whenever in the judgment of the City Engineer, said work shall be in need of repair, maintenance, or rebuilding, he shall cause a written notice to be served upon the developer and thereupon the developer shall undertake and complete such repairs, maintenance or rebuilding. The determination of the necessity for repairs and maintenance of the work rests with the City Engineer whose decision upon the matter shall be final and binding upon the developer. Upon the developer's failure to perform the required repair work within sixty (60) days from the date of service of such written notice, the City shall have such repairs made, and the cost of such repairs shall be paid for by the use of the 10 percent (10%) guarantee funds.

3. Final Acceptance. Except for sidewalks and seal coat, final inspection by the City Engineer shall be made eleven (11) months after conditional acceptance or as close as weather conditions permit. All defects as noted in the final inspection report of the engineer shall be corrected to the satisfaction of the City Engineer. Final acceptance shall be in writing by the City Council after written approval is received from the City Engineer. After final acceptance by the City Council the remaining balance in the escrow fund or performance bond shall be released.

5-4-4 Special Exception for Sidewalk (as needed).

1. Conditional acceptance. The City Council, in its discretion, may allow the developer an additional one (1) year from the date of conditional acceptance of the off-site improvements to install the sidewalk in the subdivision provided that:

- A.** The subdivision does not front on a major street where installation of the sidewalks is necessary for the safety of the general citizenry.
- B.** All lots built on in the subdivision have sidewalks installed on the lot where shown on the construction plan.
- C.** Sidewalks must be installed, prior to the issuance of a Certificate of Occupancy, for any dwelling in the subdivision.
- D.** No more than 75% of the lots are built on in the subdivision. When the percentage of lots built on exceeds 75%, the sidewalk must be installed before any additional building permits are issued;

E. The City shall not conditionally accept **any** of the sidewalks prior to the installation of **all** the sidewalks required in the subdivision.

F. The City retains 10 percent (10%) of the escrow funds for the sidewalks until final acceptance is given by the City Council.

2. Guarantee period. The developer shall warrant and guarantee that the sidewalks will remain in good condition for a period of two (2) years after the date of conditional acceptance by the City Council and shall make all repairs to and maintain the sidewalks in good condition during the guarantee period at no cost to the City. The determination of the necessity for repairs and maintenance or work rests with the City Engineer, whose decision upon the matter shall be final and binding on the developer.

3. Final acceptance. Final acceptance of the sidewalks will follow the same procedure as outlined in 5-4-3-3.

5-4-5 Issuance of Building Permits and Certificates of Occupancy.

1. The extent of street and water improvements shall be adequate for vehicular access and fire control by the prospective occupant and by police and fire equipment prior to the issuance of a Certificate of Occupancy. For purposes of this section, adequate shall mean grading, sub-grading preparation and installation of road base on streets, and installation of all water mains, valves, hydrants and other appurtenances for the water system.

2. Certificates of Occupancy will **not** be issued on any home within a subdivision prior to the fencing or piping of all ditches, and rivers (as required by the City Council) or installation of any improvement determined to be necessary for public safety, in complete and satisfactory condition as determined by the City Engineer; and a letter of final approval on the septic system from the Weber County Health Department.

3. **No** building permit shall be issued nor escrow or bonds released for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) is less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the City Council for the plat have been fully completed and conditionally accepted by the City Council.

CHAPTER 5

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

Sections:

5-5-1	General Improvements
5-5-2	Lot Improvements
5-5-3	Streets
5-5-4	Drainage and Storm Sewers
5-5-5	Subsurface Drainage
5-5-6	Water Facilities
5-5-7	Secondary Water Systems
5-5-8	Sewerage or Septic Facilities
5-5-9	Sidewalks
5-5-10	Curb and Gutter
5-5-11	Utilities
5-5-12	Public Uses
5-5-13	Irrigation Water
5-5-14	Preservation of Natural Features and Amenities
5-5-15	Nonresidential Subdivisions
5-5-16	Flag Lot Requirements-(not allowed in subdivisions)

5-5-1 General Improvements.

1. Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- A. All applicable statutory provisions;
- B. The City Zoning Ordinance, Building and Housing Codes, and all other applicable laws of the City;
- C. The General Plan, Transportation Element of the General Plan , and Capital Facilities Plan of the City (as may be applicable), including all streets, drainage systems and parks shown on the Transportation Element of the General Plan or General Plan as adopted;
- D. The special requirements, of these regulations and any rules of the Health Department and/or appropriate State agencies.
- E. The rules of the State Highway Department if the subdivision or any lot contains therein abuts a State Highway;

F. The Uintah Public Works Standards and Technical Specifications.

2. Monuments. The applicant shall place permanent reference monuments in the subdivision as required herein and as approved by the City Engineer.

A. Monuments shall be located on street right-of-way center lines, at street intersections, and at such other points as determined necessary by the City Engineer.

B. All monuments shall be set in an approved ground box as specified in the Public Works Standards for Uintah.

C. All monuments shall be properly set in the ground by the developer and approved by the City Engineer prior to the time the City Council grants conditional acceptance of the subdivision.

3. Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other such features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be laid out or platted or developed unless adequate methods are formulated by the developer and approved by the Planning Commission and City Council, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

4. Soil Conditions. Buildings or structures shall not be situated on soft or unsuitable soils, as determined by the City Engineer, where there is a high water table, or a site subject to flooding as noted on the City's Flood Plain Map, or on non-compacted fill in accordance with the Uintah Public Works Standards.

5. Subdivision Name. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in Weber County.

5-5-2 Lot Improvements.

1. Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on such lots from an approved street. A lot shall not be divided by a City limit or County line.

All subdivisions shall result in the creation of lots, which are developable, and provide

satisfactory and desirable sites for buildings.

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

The minimum area and dimensions of all lots shall conform to the requirements of the Zoning Ordinance for the district in which the subdivision is located, and to the minimum requirements of the County Health Department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the Zoning Ordinance.

Where the land covered by 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 transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the Planning Commission by the County Recorder.

2. Lot Dimensions. Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving streets lines) unless variation from this rule will give a better street to allow for erection of buildings, observing the minimum front-yard and side setbacks from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance; all property located within a subdivision shall be included within the boundaries of a road, lot or other improved area such that no parts or parcels of land therein remain unusable.

3. Double/Reversed Frontage Lots and Access to Lots.

A. Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from streets or to overcome specific disadvantages of topography and orientation, as determined by the Planning Commission.

B. Access From Arterial Streets. Lots should not, in general, derive access exclusively from arterial streets. Where driveway access from a primary or secondary arterial street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such street. Where possible, driveways

should be designed and arranged so as to avoid requiring vehicles to back into traffic on Major Streets.

4. Gore-Shaped Lots. On lots having more than four (4) sides, the buildable area shall be determined by the Building and Zoning Official.
5. "R" Lots. All "R" lots shall be clearly identified on the recorded plat and on a recordable instrument in form acceptable to the City. The instrument shall be recorded in the Office of the Weber County Recorder at the time the final plat is recorded in order to provide notice to potential lot purchasers of the existence of limitations imposed upon "R" lot development.
6. Flag Lots. The City of Uintah does not allow the use of flag lots in subdivisions greater than three (3) lots.
7. Debris and Waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried on any land, or left or deposited on any lot or street at the time of conditional acceptance of the subdivision by the City Council, and removal of the same shall be required prior to final acceptance by the City Council.
8. Fencing. A solid board, chain link or other non-climbable fence not less than six (6) feet in height shall be installed on both sides of existing or newly recreated irrigation ditches or canals or rivers which carry five second feet or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision, except where the Planning Commission determines that park areas including streams or bodies of water shall remain unfenced.

The Planning Commission may also require a fence, of the type to be determined in each instance by the Planning Commission, to be erected when any subdivision abuts a use to which uncontrolled access might result in damage or nuisance to the subdivision or adjoining property to the subdivision where the Planning Commission determines that the absence of a fence may create a nuisance or hazard to the welfare of the residents of the subdivision or adjoining property.

The Planning Commission may require a fence, of type to be determined in each instance by the Planning Commission, when a subdivision abuts an agricultural or farming property.

No Certificate of Occupancy shall be issued until said fence improvements have been duly installed.

9. Staking of Lots. Permanent corner markers shall be placed at all rear lot corners to completely identify the lot boundaries on the ground. Front lot corners shall be identified

with permanent reference plugs or nails in the concrete curb, or road. All lot corner markers must be in place prior to the issuance of building permits and after the completion of all subdivision improvements. All lot corners shall be designated in accordance with State/County survey laws.

5-5-3 Streets.

1. General requirements.

A. Frontage on Improved Streets. No subdivision shall be approved unless the area to be laid out and platted shall have frontage on and access from an improved and dedicated City street, unless the street is an existing state or county highway.

Wherever the area to be laid out and platted is to utilize existing street frontage, such street shall be fully improved as required by the Public Works Standards unless otherwise provided for by the City Council.

Access to a subdivision must be from an existing, maintained public roadway of sufficient width and improvement to meet required lot line to lot line minimum requirements for the assurance of public safety as determined by the City Engineer, Police and Fire Departments.

Whenever a subdivider submits plans for a subdivision in an area which has only a single street, providing access to a collector or arterial street, and the subdivider's development will create a situation of over crowding and/or excessive traffic on that single access, the subdivider's plans and specifications must include a second access street to a collector or arterial street.

Over crowding is over 80 lots, as described in the Institution of Transportation Engineers Trip Travel Manual #6, for a quiet residential area as: 80 lots times 3 average cars per household times 9.5 average trips per day per household, or 2,280 cars per day per single access; over 80 lots will require a second access street.

B. Grading and Improvement Plans. Streets shall be graded and improved and conform to the Uintah Public Works Standards and shall be approved as to design and specifications by the Uintah Fire Chief and the City Engineer, in accordance with the construction plans required to be submitted prior to Final Plat approval.

C. Topography and Arrangement.

(1) Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as

closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the Public Works Standards of Uintah.

(2) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way established on the Transportation Element of the General Plan and/or the General Plan. Such integration shall take topographical conditions into consideration. The street arrangements shall not cause unnecessary hardship to owners of adjoining property.

(a) Half streets proposed along a subdivision boundary or within any part of a subdivision shall not be permitted.

(b) Standard residential streets shall approach the arterial or collector streets at an angle of not less than eighty (80) degrees .

(3) All streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

(4) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(5) Proposed streets shall be extended to the boundary lines of the subdivision. All streets required to be extended to the boundary lines of the subdivision shall be properly terminated with a temporary turn-around (if no further development could occur) which shall have a minimum radius of 100 feet and shall have a structural section of at least six (6) inches of road base on prepared sub-grade and shall have sufficient stability to support snow plows, emergency vehicles, school buses, and trash collection trucks. If the turn-around is to be placed within the limits of the proposed development, it shall be fully improved and dedicated as a cul-de-sac. If the terminal street extends no more than the length of one lot beyond the intersection, the City Council may wave the turn-around requirement as stated herein.

(6) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, and the provision for alleys, truck loading and maneuvering areas, walks, and parking areas so as to minimize conflict or movement between the various

types of traffic, including pedestrian.

(7) All streets in Uintah subdivisions shall be dedicated to the City, except that private streets may be approved under special circumstances as determined by the Planning Commission.

(8) Arterial and collector streets shall conform to the width designated on the Transportation Element of the General Plan whenever a subdivision falls in an area for which a Transportation Element Plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plat is submitted to the Planning Commission, arterial or collector streets shall be provided as required by the Uintah Public Works Standards.

(9) Standard residential streets shall have a minimum right-of-way width of sixty (60) feet, lot line to lot line. Any right-of-way approved to be a future residential street prior to 1997, having not less than fifty (50) feet (lot line to lot line) may be allowed per decision of the Planning Commission.

(10) Cul-de-sacs shall be not longer than four hundred (400) feet to the beginning of the turn-around, from the centerline of the intersecting street. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter. If surface water drainage is into the turn-around, due to the grade of the street, necessary catch basins and drainage easements shall be provided.

(11) Utility and drainage easements shall be provided along lot lines of all subdivision lots and at such other locations as deemed necessary and as directed by the City. The easements shall have a minimum width of ten (10) feet, but may encumber adjoining lots by extending across adjoining lot lines. In some cases, larger size easements may be required as directed by the City. Proper coordination shall be established between the developer and the applicable utility company for the establishment of utility easements on adjoining properties.

(12) Standard Street Sections. All proposed streets, whether public or private shall conform to the Street Cross-Section Standards as recommended by the City Engineer and adopted by the City Council.

(13) Streets shall be numbered unless the Planning Commission determines, based upon topography and other like considerations, that streets should be named.

D. Blocks.

(1) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width may be permitted in blocks adjacent to major streets, waterways, or topography concerns.

(2) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand three hundred twenty (1,320) feet or twelve (12) times the minimum lot width required in the zoning district, whichever is less, nor to less than four hundred (400) feet in length. Wherever practicable, blocks along major streets and collector streets shall be not less than 660 feet in length.

(3) In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks, not less than six (6) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, transportation, or other community facilities.

E. Access to Major Streets. Where a subdivision borders on or contains an existing or proposed major Street, the Planning Commission may require that access to such streets be limited by one of the following means:

(1) The subdivision of lots so as to back onto the street and front onto a parallel local street; no access shall be provided from the street in the rear, and screening shall be provided in a strip of land no less than five (5) feet in width along the rear property line of such lots.

(2) A marginal access or service road (separated from the street by a planting or grass strip and having access thereto at suitable points).

F. Street Regulatory Signs. The applicant shall deposit with Uintah City at the time of final subdivision approval a sum determined by the Director of Public Works for each sign required by the City. The City shall install all street signs before issuance of Certificates of Occupancy for any residence on the streets is approved.

Street signs are to be placed at all intersections within or abutting the subdivision,

the type and location of which is to be approved by the Uintah Public Works Director.

G. Street Lights. The subdivider will be responsible to coordinate with PacificCorp (Pacific Power/Utah Power), and the City Public Works Director, to insure installation of street lighting in locations determined by the City. All street lighting shall be installed on City approved poles. The subdivider shall pay all costs of providing street lighting and all construction shall be in accordance with applicable Power Company specifications.

2. Design Standards.

A. General. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, design standards for street sections shall be as outlined in the Uintah Public Works Standards or as otherwise approved by the City Engineer.

B. Road surfacing and improvements. After pipes, lines and related facilities pertaining to sewer, water, gas, cable TV, electricity, and like utility services, where required, have been installed by the developer, the applicant shall construct curbs and gutters, where requested by the City, and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be in accordance with the Uintah Public Works Standards. Adequate provision shall be made for culverts, drains, and bridges. Driveway approaches shall not be installed at the time of placement of curb and gutter. Driveway approaches will be determined by the building inspector at the time of request for a building permit and will be the responsibility of the homeowner or builder.

C. Intersections.

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than eighty (80) degrees shall not be acceptable. An oblique street shall be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.

(2) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center-line offsets of less

than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect Major Streets, their alignment shall be continuous. Intersection of Major Streets shall be at least eight hundred (800) feet apart.

(3) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

3. Street Dedications and Reservations.

A. New Perimeter Streets. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the developer.

(1) The City Council with or without recommendation, by the Planning Commission, may authorize a new perimeter street where the developer improves and dedicates the entire required street right-of-way width which must be within his own subdivision boundaries. At the discretion of the City Council, after recommendation of the Planning Commission, and in accordance with all City ordinances, the developer may retain a protection strip of one foot in width between the street and adjacent property. An agreement with the City, approved by the City Attorney, shall be made by the developer contracting to dedicate the one foot protection strip free of charge to the City for street purposes upon payment by the present owners of the contiguous property to the developer of a consideration named in the agreement. Such consideration is to be equal to the cost, at the time of the agreement, of the street improvements, including utility lines properly chargeable to the contiguous property, plus the value of the land from the right-of-way line to the center line of the street at the time of the agreement together with interest computed at the then statutory rate. Interest shall accrue only from the time of agreement until the time of subdivision of such contiguous property or ten years from the date of the agreement whichever is less. All charges to be associated with the protection strip, as well as the interest rate, shall be reviewed and approved by the City Engineer and shall be recorded as part of the aforementioned agreement. All property owned by the developer shall be included on both the Preliminary Plat and Final Plat.

(2) Where the developer is required to improve the full width of an existing City owned right-of-way on the perimeter of his subdivision, the City Council may enter into a similar agreement as outlined above. In this agreement, the developer will not own a one foot protection strip and the consideration named in the agreement will not include the value of the land or any utilities installed in the right-of-way prior to the agreement. However, the agreement will stipulate that before approval is given to the development on the adjacent property abutting the street, the adjacent property owners will reimburse the aforementioned developer as outlined in the agreement.

B. Widening and Realignment of Existing Streets. Where a subdivision borders an existing narrow street or when the General Plan, Transportation Element of the General Plan, zoning set back regulations or Public Works Standards indicate plans for the realignment or widening of a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate, at his expense, such areas for widening or realignment of such streets. Such frontage streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the municipality in fees simple or an easement is granted to the City.

5-5-4 Drainage and Storm Sewers.

1. General requirements. The Planning Commission shall not recommend for approval any plat of subdivision, which does not make adequate provision for storm or flood water runoff channels or basins. The City Engineer shall make the determination of adequate provision. The storm water drainage system shall be separate and independent of any sanitary sewer system and/or irrigation (ditches-canals-pipes) systems. Storm drainage point of discharge from channel or conduit shall be protected from erosion by suitable structure or lining, as approved by the City Engineer. Storm sewers, where required, shall be protected from erosion by a suitable structure or lining, with the design and method approved by the City and the City Engineer. A copy of design computations shall be submitted along with the construction plans. All locations and sizes of storm sewer lines and basins shall be in conformance with the requirements as specified by the City and the City Engineer.

2. Nature of Storm Water Facilities.

A. Location. The applicant may be required by the Planning Commission to carry away by pipe any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in

the road right-of-way where feasible or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the Uintah Public Works Standards and shall be approved by the City and the City Engineer.

B. Accessibility to Public Storm Sewers. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the Uintah Public Works Standards. However, in Commercial Zones, underground storm sewer systems shall be constructed throughout and be conducted to an approved out-fall. Construction of all storm water sewers or connections thereto are the full responsibility of the developer. Inspection of facilities shall be conducted by the City Engineer and Public Works Director.

C. Accommodation of Upstream Drainage Areas. A storm sewer line or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area whether inside or outside the subdivision, and/or the City boundaries. The City Engineer shall determine the necessary size of the facility.

D. Effect on Downstream Drainage Areas. The City Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City Council may withhold approval of the subdivision until provision has been made for the improvement of said potential conditions in a manner the City Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage facility.

3. Flood Plain Areas. The City Council may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste materials, or stumps, except at the discretion of the Planning Commission. The Council may also, when it deems necessary for the health, safety, or welfare of present or future population, deny the construction of basements in the flood plain areas. All construction of homes permitted in flood areas must have sump pumps.

4. Dedication of Drainage Easements.

A. General Requirements. Where a subdivision is traversed by a watercourse,

drainage way, river, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose.

B. Drainage Easements.

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-ways, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to the nearest existing drainage facility.

(2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(3) The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of the proposed or existing drainage system to a distance to be determined by the Planning Commission. Said easements, shall be deemed rights-of-way for lawful municipal purposes.

5-5-5 Subsurface Drainage. The applicant is required to provide the design and installation of a sub-surface drainage system, when determined to be necessary by the City Engineer, which meets the Uintah Public Works Standards.

5-5-6 Water Facilities.

1. General Requirements.

A. The owner/developer of any land proposed to be developed as a subdivision shall at his expense be required to comply with all regulations of the current Uintah Standards.

B. The developer shall be required to install adequate water facilities, including fire hydrants. All water lines must be extended across the entire frontage of all existing and proposed streets and to the boundary of the subdivision on all existing or proposed streets. Main valves and other appurtenances shall be installed in accordance with Uintah Standards or as otherwise required by the City Engineer.

C. All proposed water improvements shall comply with the Uintah Standards

and be approved by the City Water Department.

2. Fire Hydrants. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than 500 feet apart and within 250 feet of any structure and shall be approved by the Uintah Fire Department. Such fire hydrants shall be of the type, size, and number and installed in such locations as determined by the City Engineer and in accordance with development standards. Fire hydrants or blow-outs shall be provided at all dead end lines as specified by the City Engineer. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.

5-5-7 Secondary Water System. The applicant is required to provide pressurized secondary water to the subdivision as a condition of approval, provided the design of the system meets with the approval of the City Engineer and the engineer of the secondary water district. *If a pressurized irrigation system is not available to the subdivision,* the developer will need to provide sufficient water rights (as determined by the City Engineer) to each lot, prior to recordation of the plat. The subdivider **must** pipe the irrigation water to each lot and provide a headgate at each lot, meeting all requirements of the Irrigation Company in that area regarding size of pipe and all structures necessary to connect to the Irrigation Company's system. The developer shall provide a letter from the Irrigation Company informing the City of their requirements.

5-5-8 Sewerage or Septic Facilities. All references in this section to "R317" are to the Rule R317 "Water Quality" of the Utah Administrative Code, as revised.

1. General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the Uintah Public Works Standards. If no sewer facilities are available, the subdivider will be required to provide them, capping them off until sewer is available. Sanitary sewerage facilities shall connect with public sanitary sewerage system. Sewers shall be installed to serve each lot and to grades and sizes required by the State of Utah's Department of Environmental Quality. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted in areas where sewer is provided. All sewer lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed streets.

2. Scope. A plat of the subdivision shall be submitted to the City for review and shall be drawn to such scale as needed to show essential features. Ground surface contours must be included, preferably at 2 foot intervals unless smaller intervals are necessary to describe existing surface conditions. Intervals larger than 2 feet must be authorized by the City on a case-by-case basis where it can be shown that they are adequate to describe all necessary terrain features. A vicinity location map, preferably a U.S. Geological Survey 7-1/2 or 15 minute topography map, shall be provided with the plat for ease in locating the subdivision area. A narrative feasibility report addressing the short-range and long-range water supply and wastewater disposal facilities proposed to serve the

development must be submitted for review.

3. Feasibility Report. The feasibility report shall include the following information:

A. Name and location of proposed plat.

B. Name and address of the developer of the proposed project and the engineer who submitted the feasibility report.

C. Statement of intended use of proposed plat, such as residential-single family, two-family, commercial, or agricultural.

D. The proposed street and lot layout, the size and dimensions of each lot and the location of all water lines and easements, and the proposed sewage disposal easements. All lots shall be consecutively numbered. The minimum required area of each lot shall be sufficient to permit the safe and effective use of an individual wastewater disposal system and shall comply with R317-502-16. Replacement area for absorption systems on each lot shall conform with the requirements of R317-502-15. Plats used for multiple dwellings, commercial, and industrial purposes will require a study of anticipated sewage flows prior to developing suitable area requirements for sewage disposal.

E. Ground surface slope of areas proposed for individual wastewater disposal systems shall conform with the requirements of R317-502-17.

F. The location, type, and depth of all existing and proposed nonpublic water supply sources within 200 feet of individual wastewater disposal systems, and of all existing or proposed public water supply sources within 1500 feet of individual wastewater disposal systems.

G. The location of all rivers, streams, creeks, washes (dry or ephemeral), lakes, canals, ditches, marshes, subsurface drains, natural storm water drains, lagoons, artificial impoundments, either existing or proposed, within or adjacent to the area to be platted, and cutting or filling of lots that will affect building sites. Areas proposed for individual wastewater disposal systems shall be isolated from pertinent ground features as specified.

H. Surface drainage systems shall be included on the plat, as naturally occurring, and as altered by roadways, or any drainage, grading or improvements, installed or proposed by the developer. The details of the surface drainage system shall show that the surface drainage structures, whether pipes or culverts, will be adequate to handle all surface drainage so that it in no way will affect individual wastewater disposal systems on the property. Details shall also be provided for the final disposal of surface runoff from the property.

I. If any part of a subdivision lies within or abuts a flood plain area, the flood plain shall be shown with contour lines and elevations and shall be clearly labeled on the plat with the words “**Flood Plain Area**”.

J. All soil exploration pits and percolation test holes shall be located on the subdivision plat and identified by a key number or letter designation. All soil tests shall be conducted at the owner’s expense.

K. A report by an engineer, geologist, or other person qualified by training and experience to prepare such reports must be submitted to show a comprehensive log of soil conditions throughout the project area.

(1) A sufficient number of soil exploration pits shall be dug (preferably with a backhoe) on the property to provide an accurate description of subsurface soil conditions. Soil description should conform with the Unified Soil Classification System. Soil exploration pits shall be of sufficient size to permit visual inspection, and to a minimum depth of 10 feet, and at least 4 feet below the bottom of proposed absorption systems. One end of each pit should be sloped gently to permit easy entry if necessary. Deeper soil exploration pits are required if deep absorption systems, such as seepage trenches, are proposed.

(2) For each soil exploration pit, a log of the subsurface formations encountered must be submitted for review which describes the texture, structure, and depth of each soil type, the depth of the ground water table if encountered, and any indications of the maximum ground water table.

(3) Soil exploration pits shall be made at the approximate rate of one (1) test per two (2) acres or one (1) test per one (1) lot if lots are larger than three (3) acres. If soil conditions and surface topography indicate, a greater or lesser number of soil exploration pits may be required by the regulatory authority. Whenever available, information from published soil studies of the area of the proposed subdivision shall be submitted for review. Soil exploration pits must be conducted as closely as possible to the sites on the lots or parcels proposed for absorption systems, and shall be distributed as uniformly as possible over the property such that no significant areas remain untested. The regulatory authority shall have the option of inspecting the open soil exploration pits. Complete results shall be submitted to the City Engineer for review, including all unacceptable test results. Absorption systems are not permitted in areas where the requirements of R317-503 cannot be met. Where soil and other site conditions are clearly unsuitable, there is no need for conducting soil exploration pits.

L. A statement by an engineer, geologist, or other person qualified by training and experience to prepare such statements, must be submitted indicating the present and maximum ground water table throughout the development. If there is evidence that the ground water table ever rises to less than two (2) feet from the bottom of the proposed absorption systems, or to less than four (4) feet from finished grade, individual wastewater absorption systems will not be approved. Ground water table determinations must be made in accordance with R317-203-2.

M. An adequate number of percolation tests shall be conducted on the development property to determine the permeability of the soils for absorption systems. All percolation tests shall be conducted in accordance with the procedures specified in R317-503-4. Such tests shall be made at the approximate rate of one (1) test per two (2) acres or one (1) test per one (1) lot if lots are larger than three (3) acres. If soil conditions and surface topography indicate, a greater or lesser number of percolation tests may be required by the regulatory authority. Percolation tests must be performed as closely as possible to the sites on the lots of parcels proposed for absorption systems, and shall be distributed as uniformly as possible over the property such that no significant areas remain untested. Where questionable soil conditions exist, the regulatory authority shall have the option of monitoring the percolation test procedure. Complete results shall be submitted to the City Engineer for review, including all unacceptable test results. Absorption systems are not permitted in areas where the soil percolation rate is slower than sixty (60) minutes per inch or faster than one (1) minute per inch. Where soil and other site conditions are clearly unsuitable, there is no need for conducting percolation tests.

N. If ground surface slopes exceed about four percent (4%), or if soil conditions, drainage channels, ditches, ponds or watercourses are located in or near the project so as to complicate design and location of individual wastewater disposal systems, a detailed disposal system layout shall be provided for those lots presenting the greatest design difficulty. A typical lot layout will include, but not be limited to the following information, and shall be drawn to scale:

- (1)** All critical dimensions and distances for the selected lot(s), including the distance of the individual wastewater disposal system from rivers, lakes, ditches, ponds, watercourses, etc.
- (2)** Location of dwelling, with distances from street and property lines.
- (3)** Location of water lines, water supply, individual wastewater disposal system, property lines, and lot easements.
- (4)** Capacity of septic tank and dimensions and cross-section of

absorption system.

(5) Results and locations of individual soil exploration pits and percolation tests conducted on the selected lot(s).

(6) If non-public wells or springs are to be provided, the plat shall show a typical lot layout indicating the relative location of the building, well or spring, and individual wastewater absorption system.

O. If proposed developments are located in aquifer recharge areas or areas of other particular geologic concern, the regulatory authority may require such additional information relative to ground water movement, or possible subsurface sewage flow as may be necessary to determine that adequate protection against contamination of any existing or proposed water supply source will be provided, and that no pollution of the waters of the State will occur.

P. After review of all information, plans, and proposals, the regulatory authority will send a letter to the individual who submitted the feasibility report stating the results of the review or the need for additional information. An affirmative statement of feasibility does not imply that it will be possible to install individual wastewater disposal systems on all of the proposed lots, but shall mean that such disposal systems may be installed on the majority of the proposed lots in accordance with minimum State requirements and any conditions that may be imposed.

5-5-9 Sidewalks. Sidewalks shall be required for reasons of safety and public welfare.

5-5-10 Curb and gutter. Curb and gutter shall be installed on existing and proposed streets by the subdivider where in the opinion of the Planning Commission and the City Engineer they will be necessary to remove surface water to promote safety or other justifiable reasons as determined by the Planning Commission and/or City Engineer. Curb and gutter shall be installed by the subdivider in subdivisions along and abutting to Utah State Highways if required by the Utah State Department of Transportation.

5-5-11 Utilities.

1. Location. The applicant is required to provide for the installation of all utility facilities including, but not limited to, gas, electric power, telephone, and CATV cables, which shall be located underground through the subdivision. Wherever existing utility facilities are located above ground, and except where existing on public roads and rights-of-way, developer shall cause facilities to be removed and placed underground upon request by the City. Underground service connections to the street property line of each platted lot shall be installed at the developer's expense. Buried electrical transformers shall be located as to avoid all drainage channels or flooding due to final grade.

5-5-12 Public Uses.

1. Recreation.

A. Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the City Council, which improvements shall be included in the performance bond or escrow. All land to be reserved for dedication to the City for park purposes shall have prior approval of the City Council and shall be marked on the plat "Reserved for Park and/or Recreation Purposes".

B. Other Recreation Reservations. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

2. Other Public Uses.

A. Plat to Provide for Public Uses. Except when an applicant utilizes planned unit development or density zoning in which land is set aside by the developer as required by the provision of the Zoning Ordinance, whenever the subdivision includes a school, recreation use or other public use as indicated on the General Plan or any portion thereof, such space shall be suitably incorporated by the applicant into his preliminary plan. After proper determination of its necessity by the Planning Commission and the appropriate City Officials, or other public agencies involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the Final Plats.

B. Referral to Public Body. The Planning Commission shall refer the plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency 30 days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

C. Notice to Property Owner. Upon receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on the Preliminary Plat and Final Plat that area proposed to be acquired by the public body.

D. Duration of Land Reservation. The acquisition of land reserved by a public agency on the Final Plat shall be initiated within 12 months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a plat of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed 12 months shall result in the removal of the “reserved” designation from the property involved and the freeing of the property for development in accordance with these regulations.

5-5-13 Irrigation Water.

1. No open irrigation ditches shall be permitted within the boundary of a subdivision. All necessary irrigation ditches used for the purpose of transporting irrigation water must be maintained within a subdivision (if open ditches exist they must be replaced with a pipe culvert). The pipe size, construction material and design must be determined by the Irrigation Company who controls the water flow in the area. A written letter from the President of the Irrigation Company to the City is necessary for plat approval, said letter must state the size and type of pipe being allowed and any design information. The developer of a subdivision must provide for maintaining the existing rights of all irrigation users, both upstream and downstream of the proposed development.

2. A solid board, chain-link, or other non-climbable fence not less than 6 feet in height shall be installed on the side of an existing open canal, or an irrigation ditch adjacent to (within 5 feet of the subdivision boundary to nearest centerline) the subdivision, and which is not piped in accordance with the foregoing section. Like fencing shall be constructed where the subdivision borders upon open reservoirs, rivers, and non-access streets, and adjoining schools, churches, and park sites, except where the City Council determines that said areas shall remain open and unfenced. All such fences shall be maintained and kept in good repair by the owner of property contiguous to or upon which said fence is erected.

5-5-14 Preservation of Natural Features and Amenities.

1. General. Existing features which would add value to a residential development or to the City as a whole, such as trees, historic spots, and similar irreplaceable assets, are encouraged to be preserved in the design of the subdivision. Such existing features shall not be removed from any subdivision nor any change of grade of the land affected until approval of the Final Plat has been granted.

5-5-15 Nonresidential Subdivision.

1. General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make

such provisions as the Planning Commission may require.

A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Planning Commission, and shall conform to the proposed land use and standards established in the General Plan, Transportation Element and Zoning Ordinance.

2. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed are specifically adapted to the uses anticipated and take into account other uses in the vicinity. The following principles and standards shall be observed:

A.A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

B. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

C. Special requirements may be imposed by the City with respect to street, curb, gutter, and sidewalk design and construction.

D. Special requirements may be imposed by the City with respect to the installation of public utilities, including but not limited to, water, sewer, and storm water systems.

E. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a fence or other barrier, or a permanently landscaped buffer strip, when necessary.

F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

5-5-16 Flag lots. Flag lots may be approved by the City Council ***only*** in subdivisions containing three (3) or fewer lots when it is in the best interest of the City and the surrounding area. ***A flag lot may be approved for development only upon meeting all of the following criteria:***

1. A flag lot or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.
2. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff portion of a flag lot shall be twenty (20) feet. The maximum length of the staff shall be one hundred seventy (170) feet.
3. No building or construction, except for paved driveways and landscaping shall be allowed on the staff portion of said lot. Staff portions must be landscaped and kept well trimmed and maintained.
4. The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street upon which the staff portion fronts.
5. The staff portion of said lot shall be deemed to end and the flag portion of said lot shall be deemed to commence at the extension of the front lot line.
6. The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage required in the zoning district—the square footage of the staff shall not be considered in determining whether the lot size (flag portion) requirements are met, nor any other conditions of the Zoning Ordinance.
7. The side and rear yard requirements of the flag portion of said flag lots shall be the same as is required in the zoning district.
8. The front yard minimum setback requirements for all buildings shall be thirty (30) feet from the front lot line of the flag portion thereof.
9. All provisions of the current Uniform Fire Code shall be met, particularly, but not limited to, those regarding the distance the home can be located from a fire hydrant, and fire apparatus access ways and turnarounds.
10. All provisions of the Subdivision Ordinance must be complied with.
11. No more than two (2) flag lots can be contiguous to each other. No lots may share the staff portion or frontage requirements.

CHAPTER 6

5-6-1 Minor Subdivisions.

1. The intent of the Minor Subdivision process is to allow for small subdivisions (1 to 3 lots) to be processed in a time frame appropriate to the less complex nature of the development. In this process, the Preliminary and Final Plats as required for a Major Subdivision may be simplified and/or combined at the discretion of the City.
2. The following requirements shall be imposed as a condition of approval of a Minor Subdivision:
 - A. Greater than one (1) but not more than three (3) parcels/lots shall be created in the Minor Subdivision.
 - B. The area to be subdivided should be immediately adjacent to existing streets and utilities. It shall not involve the extension of any such street or utilities, or the dedication of any land for streets or other public purposes.
 - C. The Minor Subdivision shall conform to the general character of the surrounding area. New lot lines shall conform to the general pattern of existing lot lines, (i.e. frontage width and lot size).
 - D. Lots created shall not adversely affect the adjoining property and shall conform to the applicable provisions of the Zoning Ordinance.
 - E. Utility easements shall be dedicated.
 - F. All Minor Subdivisions shall comply with all subdivision requirements of this Ordinance.
 - G. A Pre-Application Concept/Sketch Review shall be required for all Minor Subdivisions as in Major Subdivisions. After having met all of the requirements the subdivider shall be notified in writing by the City Staff as to whether or not the Preliminary and Final Plats may be combined.
 - H. If Preliminary and Final Plats are not permitted to be combined, then all requirements of the Major Subdivision shall be complied with.
 - I. All requirements for sewer or septic systems must pass County Health

Department Requirements. Any sewage facilities are to City Standards.

J. Geotechnical report: If the City has concerns regarding the soil conditions and or ground water in a specific proposed subdivision, preliminary subdivision approval shall include the requirements for the developer to provide the City of Uintah with a geotechnical report by a City approved geotechnical engineer. This report shall be submitted to the City Engineer for review and approval or disapproval. The geotechnical report shall contain, but not be limited to, the following items:

- (1)** Soil test hole information shall be provided (minimum of one test hole and an average of one test hole per every five acres of development). Test holes shall be a minimum depth of 12 feet and shall identify soil types, the existing ground water elevation and the estimated highest depth of ground water.
- (2)** Soil percolation tests shall be completed (minimum of one test and an average of one percolation test per every five acres of development at the depth of proposed drain field construction). The report shall make recommendations as to the feasibility of septic tank wastewater disposal systems and any concerns or limitations for these systems.

CHAPTER 7

PENALTIES

SECTIONS:

5-7-1	Penalties
5-7-2	Validity

5-7-1 Penalties.

1. Any owner or agent of the owner of any land located in a subdivision as defined in this Title who transfers or sells, or offers to sell any land in the subdivision before a plat of the subdivision has been approved and recorded with the County as required in this Title is guilty of a Class B misdemeanor for each lot or parcel transferred or sold.
2. The description by metes and bounds and the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation or from the penalties or remedies provided for in this Title.

5-7-2 Validity.

1. Any plat of a subdivision filed or recorded without the approvals as required by this Title is void.
2. The Building Official shall not issue any permits unless the plans for the proposed subdivision fully conform to all provisions of this Ordinance. No Uintah officer shall issue any permit or license for the use of any building, structure or land when such land is a part of a subdivision as defined herein until such subdivision has been approved and recorded in the County Recorder's Office and all other provisions of the law and all fees have been complied with. Any sale and/or transfer of any land in a subdivision not platted in accordance with the provisions of this Title is null and void. Any license or permit issued in conflict with this Ordinance shall be null and void.

CHAPTER 8

VALIDITY AND EFFECTIVE DATE

Sections:

- 5-8-1 Validity
- 5-8-2 Effective date

5-8-1 Validity. If any section, sub-section, sentence, clause, or phrase of this Subdivision Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Subdivision Ordinance.

5-8-2 Effective Date. This Subdivision Ordinance shall take effect upon its adoption and posting.

Passed, adopted and ordered posted by the City Council of Uintah, Weber County, Utah, this 4th day of December 2001.

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_____/s/_____
Marilyn K. Roper, Mayor

ATTEST:

_____/s/_____
City Recorder/Clerk

**UINTAH CITY
APPLICATION AND CHECKLIST FOR SUBDIVISION DEVELOPMENT**

PRE-APPLICATION CONCEPT/SKETCH REVIEW

TO BE COMPLETED BY THE DEVELOPER:

Name of Subdivision: _____

Approx. location of Subdivision: _____

Name, address and phone number of
Developer or his/her agent:

Name, address and phone number of
Developers Engineer:

Name, address and phone number of
Developers Surveyor:

Name(s) of property owner(s). Use
additional sheets if necessary.

Submittal No.
1 2 3 4
(circle appropriate no.)

Date of the Submittal

Date

Submitted by:

Name

NOTE: A new application and checklist must accompany each submittal. Additional copies of this form are available through the City Offices.

TO BE COMPLETED BY THE CITY:

REVIEW PERFORMED BY: _____

Planning Commission &/or Building Official

Date

Engineer

Date

Public works

Date

City Council

Date

CORRECTIONS REQUIRED? _____ YES (see attached comment sheet)

NO

Date plans and comments returned to Developer: _____

PRE-APPLICATION CONCEPT/SKETCH REVIEW (CONTINUED)

TO BE COMPLETED BY BOTH DEVELOPER AND CITY:

Developer: Check and initial each of the following items for compliance with adopted City Standards, Titles, General Plan and Ordinances. This form, when completed, shall serve as the form for the pre-application concept review-sketch phase of the subdivision review and approval.

City Staff: Check and initial each of the following items for compliance with City Standards, Titles, General Plan and Ordinances. Note deficiencies, by reference number, on a separate sheet and attach to this document. Upon completion of review, a completed copy of this document will be provided to the Developer and shall serve as notice to the Developer of approval, approval with conditions or rejection of the Pre-application concept review/sketch plan as submitted.

Pre-Application Concept Review/Sketch Application and Checklist Requirements:

<u>DEVELOPER</u>	<u>CITY</u>	<u>DESCRIPTION</u>
_____	_____	1. Two (2) copies of the sketch plan on Topographic base map
_____	_____	2. A vicinity sketch at a scale of not less than 100 feet to the inch. The vicinity sketch shall show streets, track lines and ditch right-of-ways and names and addresses of land owners, adjacent Subdivisions....,
_____	_____	3. A sketch of the proposed subdivision and lot size, and all dimensions.
_____	_____	4. Boundaries of proposed subdivision and owner information
_____	_____	5. Proposed transportation system and street layout
_____	_____	6. Proposed outlet for storm drainage.
_____	_____	7. Existing utilities.
_____	_____	8. Natural features, drainage channels, special views.
_____	_____	9. Existing topography
_____	_____	10. Date and North Point, written and graphic scales
_____	_____	11. The name, address and phone number of the developer: the engineer, and or surveyor or author of the sketch.

**UINTAH CITY
APPLICATION AND CHECKLIST FOR SUBDIVISION DEVELOPMENT**

PRELIMINARY PLAN REQUIREMENTS

TO BE COMPLETED BY THE DEVELOPER:

Name of Subdivision: _____

Approx. Location (address) of Subdivision: _____

Name, address and phone number of Developer and/or his/her agent: _____

Name, address and phone numbers of Developer's Engineer: _____

Name, address and phone numbers of Developer's Surveyor: _____

Name(s) of **all** property owner(s). (Use additional sheets if necessary) _____

Submittal No.

1 2 3 4

(circle appropriate No.)

Date of the Submittal

Date

Submitted by:

Name

NOTE: A new application and checklist must accompany each submittal. Additional copies of this form may be obtained through the City Offices.

TO BE COMPLETED BY THE CITY:

REVIEW PERFORMED BY:

COMMISSION-BUILDING INSPECTOR DATE

CITY ENGINEER DATE

PUBLIC WORKS DATE

CITY COUNCIL DATE

CORRECTIONS REQUIRED? _____ YES (SEE ATTACHED COMMENTS SHEET) _____ NO

DATE PLANS AND COMMENTS RETURNED TO THE DEVELOPER: _____

PRELIMINARY PLAN REQUIREMENTS - APPLICATION & CHECKLIST (CONTINUED)

TO BE COMPLETED BY BOTH THE DEVELOPER AND THE CITY:

Developer: Check and initial each of the following items for compliance with adopted City Standards, Titles, General Plan and Ordinances. This form, when properly completed, shall serve as the application form for the Preliminary Plat phase of the subdivision review and approval process.

City: Check and initial each of the following items for compliance with City Standards, Titles, General Plan and Ordinances. Note deficiencies, on a separate sheet and attach to this document. Upon completion of review, a completed copy of this document will be provided to the Developer and shall serve as notice to the Developer of approval, approval with conditions, or rejection of this Preliminary Plat as submitted.

<u>DEVELOPER</u>	<u>CITY</u>	<u>DESCRIPTION</u>
_____	_____	1. A minimum of five (5) copies of the plat and one (1) 11" X 17" copy of the plat.
_____	_____	2. Submit to the City Recorder at least ten (10) days prior to a regular meeting of the Commission, and pay fees.
_____	_____	3. The location of property with respect to surrounding property and streets. Names of all adjoining property owners and names of adjoining developments, and names of adjoining streets.
_____	_____	4. The location and dimensions of all boundary lines of property to be expressed in feet and decimals of a foot.
_____	_____	5. Location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, buildings, parks, cemeteries, drainage ditches, irrigation ditches, fences, bridges, etc.
_____	_____	6. Location, width and details of all existing and proposed streets, curb, gutter, sidewalk and easements and proposed street right-of-ways, and building setback lines.
_____	_____	7. Locations, dimensions, and areas of all proposed or existing lots, illustrating their relationship to surrounding properties.
_____	_____	8. Location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation with designation of the purpose thereof, and conditions, if any.
_____	_____	9. Name and address of owner of land to be laid out and platted; name, address and phone number of developer; name, address, and phone number of land surveyor, or engineer.
_____	_____	10. Date of plat, approximate true North point, scale, and title of the subdivision.

PRELIMINARY PLAN REQUIREMENTS - APPLICATION & CHECKLIST (CONTINUED)

<u>DEVELOPER</u>	<u>CITY</u>	<u>DESCRIPTION</u>
_____	_____	11. Data acceptable to City Engineer to determine readily the location, bearing, and length of all lines to reproduce such lines upon the ground, location of all proposed monuments, including contours at intervals of 2 ft, 5 ft, or 10 ft as determined by the City Engineer.
_____	_____	12. Name of subdivision and names and numbers of all new streets.
_____	_____	13. Indication of use of any lot, and all uses other than residential proposed by developer, that are approved by the zoning.
_____	_____	14. All lots consecutively numbered, buildable areas shown on plat.
_____	_____	15. Existing water supply and sanitary sewage systems.
_____	_____	16. Detailed provisions for collecting and discharging of surface water drainage.
_____	_____	17. Location and size of all proposed water, secondary water, sanitary sewer, storm sewer, irrigation and drainage ditches, piping or other subsurface improvements as deemed necessary by the Engineer.
_____	_____	18. Preliminary plats shall contain the following notations: explanation of drainage easements, irrigation easements, site easements, right-of-way easements, reservations.
_____	_____	19. A geotechnical report by a City approved geotechnical engineer.
_____	_____	20. Chain link fencing shown along canals, irrigation ditches, waterways, parks, and public spaces.
_____	_____	21. Lots identified by phase, if applicable.
_____	_____	22. The words "Preliminary Plat-Not to be Recorded" shown on the plat.
_____	_____	23. Preliminary sanitary sewer report.
_____	_____	24. Approval of all necessary utilities:

UINTAH WATER DEPT: _____

UINTAH FIRE DEPT: _____

TELEPHONE PROVIDER _____

ELECTRIC POWER PROVIDER _____

NATURAL GAS _____

CABLE PROVIDER _____

US POSTAL SERVICE _____

IRRIGATION COMPANY _____

WEBER COUNTY HEALTH DEPT _____

SEWER DISTRICT _____

**UINTAH CITY
APPLICATION AND CHECKLIST FOR SUBDIVISION DEVELOPMENT**

FINAL PLAN REQUIREMENTS

TO BE COMPLETED BY THE DEVELOPER:

Name of Subdivision: _____

Approx. address/location of Subdivision: _____

Name, address and phone number of Developer or his/her agent: _____

Name, address and phone number of Developer's Engineer: _____

Name, address and phone number of Developer's Surveyor: _____

Name(s) of *all* property owner(s). Use additional sheets if necessary: _____

Submittal No.

Date of the Submittal

Submitted by:

1 2 3 4
(circle appropriate no.)

_____ Date

_____ Name

NOTE: A new application and checklist must accompany each submittal. Additional copies of this form are available through the City Offices.

TO BE COMPLETED BY THE CITY:

REVIEW PERFORMED BY:

_____ Planning Commission

_____ Date

_____ City Engineer

_____ Date

_____ City Council

_____ Date

_____ Building Inspector

_____ Date

_____ City Public Works

_____ Date

_____ City Fire Chief

_____ Date

CORRECTIONS REQUIRED? _____ YES (SEE ATTACHED COMMENT SHEET) _____ No

DATE PLANS AND COMMENTS RETURNED TO THE DEVELOPER _____

FINAL PLAN REQUIREMENTS - APPLICATION & CHECKLIST (CONTINUED)

TO BE COMPLETED BY BOTH THE DEVELOPER AND THE CITY:

Developer: Check and initial each of the following items for compliance with adopted City Standards, Titles, General Plan and Ordinances. This form, when properly completed, shall serve as the application form for the Final Plat phase of the subdivision review and approval process.

City: Check and initial each of the following items for compliance with the City Standards, Titles, General plan and Ordinances. Note deficiencies on a separate sheet and attach to this document. Upon completion of review, a completed copy of this document will be provided to the Developer and shall serve as notice to the Developer of approval, approval with conditions, or rejection of this Final Plat as submitted.

<u>DEVELOPER</u>	<u>CITY</u>	<u>DESCRIPTION</u>
_____	_____	1. Final plat shall be prepared by a registered land surveyor licensed by the State of Utah.
_____	_____	2. Two (2) copies of the Improvement Plan, with City Engineer approval.
_____	_____	3. Five (5) copies and one (1) original Mylar, (for each phase of development) of the final plat, with all changes and requirements met, and all supporting documentation submitted.
_____	_____	4. Mylar will be 24" X 36". Border line one and one-half (1½") inch on the left margin and ½ " inch minimum top, bottom, right side. Plat shall be drawn so that the top faces either North or West. All markings will be with approved India ink. Scale shall be no smaller than one hundred (100) feet to the inch.
_____	_____	5. Approved subdivision name, the words Uintah City shown at the top of the plat along with the vicinity map.
_____	_____	6. A North point and scale of drawing and date.
_____	_____	7. Plat signed by all required parties.
_____	_____	8. Boundaries of proposed subdivision accurately shown with bearings and dimensions tied to survey monuments.
_____	_____	9. Names, widths, lengths, bearings and curve data on center lines of proposed street, alley, easements, etc. Street numbering.
_____	_____	10. Monuments and stakes shown at all key locations, intersections, lot corners, etc.

FINAL PLAN REQUIREMENTS - APPLICATION & CHECKLIST (CONTINUED)

<u>DEVELOPER</u>	<u>CITY</u>	<u>DESCRIPTION</u>
_____	_____	11. Legal description of property to be subdivided with references. Property description agrees with drawing.
_____	_____	12. Certificate of Survey, by a licensed surveyor
_____	_____	13. Owner’s dedication and acknowledgment.
_____	_____	14. Notary Public’s acknowledgment
_____	_____	15. Planning Commission’s approval
_____	_____	16. City Engineer’s approval.
_____	_____	17. City Attorney’s approval
_____	_____	18. Acceptance by the City Council and attested by the City Recorder.
_____	_____	19. Three (3) inch by three (3) inch box in the lower right-hand corner of the Plat for the Weber County Recorder.
_____	_____	20. Note affirming that the geotechnical report has been completed and accepted by the City Engineer.

ACCOMPANYING DOCUMENTS:

_____	_____	1. Finalized set of certified, stamped construction drawings and specifications as prepared by a licensed civil engineer.
_____	_____	2. Design data and final drainage report.
_____	_____	3. Design data and final sanitary sewer report complete with improvements.
_____	_____	4. Current Title Report.
_____	_____	5. All bonds and escrows.
_____	_____	6. Letters of approval from all utilities.
_____	_____	7. All formal irrevocable offers of dedication to the public of all streets, City uses, utilities, parks, and easements in a form approved by the City Attorney.
_____	_____	8. Proof of payment to Uintah City of all required fees and/or billings.