

# Title 17

## Subdivisions

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# Title 17

## Subdivisions

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## Chapter 17.02 –General Provisions

**17.02.010 Short Title:** This Ordinance shall be known and may be cited as the Pleasant View Subdivision Ordinance and may be identified within this document as "the Ordinance", "this Ordinance" or "Subdivision Ordinance." (Ord.2008-5, dated 4/8/08)

**17.02.020 Purpose:** The Pleasant View City Subdivision Ordinance is established to promote the purposes of Section 10-9a of State Code to provide for the orderly division of lands, and to secure the provision of necessary infrastructure and services in an efficient and economical manner for existing and future residents. (Ord.2008-5, dated 4/8/08)

**17.02.040 Authority:** This Ordinance is enacted and authorized under the provisions of Title 10, Chapter 9a, Utah Code Annotated, 1953, as amended. (Ord.2008-5, dated 4/8/08)

**17.02.050 Jurisdiction, Definition and Applicability:**

A. Upon its adoption by the Pleasant View City Council, this Ordinance shall govern and apply to the subdivision and platting of all lands within the corporate limits of the City.

B. In cases where unusual topography or other exceptional conditions exist, exceptions or variations from this title may be made by the City Council after recommendation by the Planning Commission. (Ord.2008-5, dated 4/8/08)

**17.02.060 Subdivision Defined. Subdivision Approval Required for all Development**

**Approvals and Building Permits:** For the purposes of this Ordinance, and as provided by the laws of the State of Utah, a subdivision shall be, and shall mean;

1. Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of and for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. No person shall subdivide any land, nor shall any building permit be issued by the City for any lot or parcel of land, which is located wholly or in part within the corporate limits of the City, except in compliance with this Ordinance, and all applicable Local, State and Federal laws.

2. Any subdivision filed or recorded, without the approvals required by this Ordinance, is void.

3. Any owner, or agent of the owner, of any land located in a subdivision, as defined herein, who transfers or sells any land located within the subdivision before such subdivision has been approved and recorded, consistent with the requirements of this Ordinance, is guilty of a violation of this Ordinance, and State law, for each lot or parcel transferred or sold.

4. The description by metes and bounds, or other instrument used in the process of selling or transferring of any lot or parcel of land, does not exempt the transaction from a violation of this Ordinance and the laws of the State of Utah, or from the penalties as provided by this Ordinance and the laws of the State of Utah. (Ord.2008-5, dated 4/8/08)

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

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel, nor the parcel remaining from the division or partition violates an applicable zoning ordinance.

2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if no new lot is created, no remnant of land is created or remains, and the adjustment does not result in a violation of any applicable zoning requirements.

3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or the joining of a subdivided parcel of property to another parcel of property that has not been subdivided so as to subject the un-subdivided parcel to the subdivision ordinance of the City. (Ord.2008-5, dated 4/8/08)

**17.02.080 Notice.** Except as otherwise found herein, or as required by State Law, notice of required public hearings shall be provided at least ten days prior to the meeting by;

1. Placement of signs provided by the City on the property and/or at locations as determined by the city which would offer the best chance for public observation. Such signs shall remain in place until the conclusion of the process, as determined by the city; and
2. Posted on the City web site; and
3. Sending notice to affected entities. (Ord.2008-5, dated 4/8/08)

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

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

a. the governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

b. in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

2. The city shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:

a. 180 days have passed since the proceedings were initiated; and

b. the proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.

3. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

4. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding, with reasonable diligence, to implement the approval in accordance with the requirements of the approval and city ordinances and standards.

5. The city shall not impose on a holder of an issued land use permit a requirement that is not expressed:

a. in the land use permit or in documents on which the land use permit is based; or

b. in the city's ordinances.

6. The city will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:

a. in the building permit or in documents on which the building permit is based; or

b. in the city's ordinances.

7. The city is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

8. False information provided by the applicant could void vesting.

9. Applications are not transferable. (Ord.2008-5, dated 4/8/08)

**17.02.100 Fees and Charges:** The City Council shall establish all necessary fees and charges payable for subdivision applications, public notices, planning and engineering review, and inspection services of this Ordinance by Resolution. Such fees and charges may be amended from time to time, as considered necessary, by Resolution of the City Council. The applicant(s) for subdivision approval shall pay all costs that may be incurred by the City to review the Subdivision Application materials for conformity to the requirements of this Ordinance, other applicable City

Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering practices. Such costs shall include those necessary for the provision of engineering services, provided by a licensed engineer and attorney services for review of required documents. All subdivision costs, including reviews and construction inspections, shall be the responsibility of the applicant/developer. (Ord.2008-5, dated 4/8/08)

**17.02.110 Determination of Completeness of an Application:** Applications shall be submitted to the city planner.

1. Prior to the consideration of the application by any hearing body, or the scheduling of any public hearings or meetings, the City Planner shall determine and find that the Application is complete and contains all application materials as required herein. The procedure for determination of application completeness is found in Attachment 3.

2. The lack of any information required for the specific Application, as required by this Ordinance and the check list provided with the application, shall be cause for the City Planner to find the Application incomplete.

3. A City Planner determination of an incomplete Application shall prohibit any review body from considering any material, items, or other information related to the proposed subdivision. The City Planner shall notify the applicant(s), in writing, of the required information lacking from the Application. The City Planner shall allow thirty (30) calendar days, from the date of notification of an incomplete Application, for the applicant(s) to provide the required information to the City. If the Application remains incomplete after that period, the Application shall be considered null and void and fees forfeited. Re-application is required for further consideration.

4. Applications are not transferable. (Ord.2008-5, dated 4/8/08)

**17.02.120 Exactions:** The City may impose an exaction or exactions on proposed land use development if:

a. an essential nexus exists between a legitimate governmental interest and each exaction; and

b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development. (Ord.2008-5, dated 4/8/08)

**17.02.130 Violation:** Any violation of this title shall be a class C misdemeanor. (Ord.2008-5, dated 4/8/08)

**17.02.140 Enforcement:**

1. Any City Staff designated and authorized by the City are responsible for the enforcement of this Ordinance. Failure of the City Staff to enforce any provision or seek remedies to a violation of this Ordinance shall not legalize any such violation.

2. In addition to any criminal prosecution, the city may pursue any other legal remedy to ensure compliance with this chapter. Such actions may include, but are not limited to:

a. Injunctions, mandamus, abatement, or any other appropriate action;

b. Proceedings to prevent, enjoin, abate, or remove the unlawful use, building, or act;

c. The withholding of permits or approvals.

3. Administrative Actions.

a. Permit Issuance. The department shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this title, including the payment of required fees. No officer of the city shall grant any permit or license for the use of any building, structure or land when such land is part of a subdivision which has not been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void.

b. Special Developments. In cases where the city has approved a special development (e.g. PRUD, Cluster Development, Business Park, or other planned

development) with specific design criteria or special development requirements, the city may take action to enforce such design criteria or special development requirements. If the city determines, in its discretion, that: (i) a special development is not proceeding according to the plans approved by the city or according to the language of the documents approved with the special development: or (ii) a proposed building is not consistent with said plans or documents, the city may take any or all of the following actions:

i. Withhold approval of the building permit until either;

A. The architectural review committee of the special development certifies that the proposed building meets the design criteria or special development requirements of the project; or

B. The city determines that the proposed building meets the design criteria or special development requirements of the project.

ii. Require the applicant or developer to submit specific plans, specifications, and details of construction sufficient to allow the city to analyze compliance with the approved design criteria and special development requirements of the project.

(Ord.2008-5, dated 4/8/08)

**17.02.150 Licenses and Permits:** From the effective date of this Ordinance, no license or permit, including the issuance of a building permit for the construction, alteration, or modification of any building or structure, shall be issued by the City unless such permit or license complies with the requirements and provisions of this Ordinance, including a determination that the lot or parcel, proposed for the license or permit, is a legal lot created pursuant to the provisions of this Ordinance, or subsequent Subdivision Ordinances, or is a legal lot of record. Any license or permit issued in conflict with the provisions and requirements of this Ordinance shall be void. (Ord.2008-5, dated 4/8/08)

**17.02.160 Appeal of City Actions:** Determinations or requirements of the city staff, the Development Review Committee, or the Planning Commission regarding this title may be appealed to the City Council. Appeals of decisions of the City Council may go directly to district court. (Ord.2008-5, dated 4/8/08)



## **17.04 - CONCEPT PLAN APPLICATION AND REVIEW**

**17.04.010 Concept Plan Required:** In order to proceed with subdivision approval, a Concept Plan review is required. An application is required for a Concept Plan Conference to be scheduled, but no fee is required. The Concept Plan is a discussion document only, designed to allow for a review of project designs as they relate to the existing natural environment and the compatibility with surrounding property uses and potential uses, the identification of application procedures, requirements and standards, the compatibility of the proposed project with the elements of the general plan, and other items that may be considered in the subdivision approval process once a complete subdivision application is received by the City. To achieve these objectives, Concept Plan submission requirements and procedures are found herein. (Ord.2008-5, dated 4/8/08)

### **17.04.020 Procedure:**

1. A pre-application meeting shall be scheduled with the City Planner to create an opportunity for an understanding of the City's applicable subdivision requirements and to obtain ordinance and process information and applications. Following the meeting, a Concept Plan Application shall be filed with the City Planner. A Concept Plan Conference with the Development Review Committee, herein after referred to as DRC, and the Applicant(s) shall be required to promote efficiency in the subdivision process (see attachments at end of title).

2. The DRC shall discuss the Concept Plan with the Applicant(s) at a regular DRC meeting; the time and place of such meeting will be identified by the City Planner. The DRC and the Applicant(s) may review the design of the development and its relationship to the nature of the property and compatibility with the general area in which located, the procedure anticipated for subdivision approval, application requirements and standards, other applicable City, County, State and Federal requirements and any other matters deemed appropriate. (Ord.2008-5, dated 4/8/08)

### **17.04.030 Application Requirements:**

1. An application for a Concept Plan, on forms provided by the City, must be completed and submitted to the City Planner.

2. Applicant must provide a minimum of six copies, including one in an 11x17 size, of the Concept Plan and all documents and drawings, as found in the check list provided with the application, with the completed application.

3. Applicant must provide a conceptual layout of proposed lots including minimum development requirements in the Zoning District, provided by Title 18 City Zoning Ordinance, in which the subject subdivision is located. The conceptual layout of streets, accounting for adjacent development and Master Planned streets, must be provided.

4. Applicant must provide a limited existing resources and site analysis map for discussion. (Ord.2008-5, dated 4/8/08)

### **17.04.040 Not an Application for Subdivision Approval:**

1. A Concept Plan Application shall not constitute an application for subdivision approval and is in no way binding on the City or the applicant. Any discussion with the DRC shall not be considered as any indication of subdivision approval or disapproval, either actual or implied by the City.

2. An application for subdivision approval shall only be considered filed with the City upon the submission of ALL information and materials as required for a Preliminary Subdivision Application or Final Subdivision Application, as identified in this title. (Ord.2008-5, dated 4/8/08)

**17.04.050 Interpretation:** If, upon review of an application, it is determined that there is an actual or potential conflict with city requirements that could require an interpretation of such requirements, the city planner may refer the application to the approval authority to resolve the interpretation issue before proceeding with the review and application process. (Ord.2008-5, dated 4/8/08)

## 17.06 - PRELIMINARY SUBDIVISION APPLICATION AND APPROVAL

### 17.06.010 Intent:

1. It is the intent of this Ordinance that Preliminary Subdivision Application approval is a discretionary action of the City Council, accompanied with findings of fact, following the receipt of a Planning Commission and Development Review Committee (hereinafter referred to as DRC), recommendation.

2. It is the intent of this Ordinance that all items applicable to a Preliminary Subdivision Application be fully addressed by the applicant(s), the City, and all other applicable reviewing agencies prior to any action by the Planning Commission or City Council.

3. For the purposes of this Ordinance, the procedures and requirements for the consideration of Preliminary Subdivision Applications are provided to allow for the consideration of all items in relation to the subdivision of land. The DRC and Planning Commission shall identify and address all items applicable to a Preliminary Subdivision Application prior to providing a recommendation to the City Council.

4. It is intended that the Planning Commission give consideration to the design of the subdivision in relationship to the existing natural environment in the project area and the surrounding properties and to the compatibility of the design with the existing physical characteristics of the community. It is further intended that the Planning Commission review all applications in relationship to their compatibility with the elements of the General Plan.

5. It is intended that the DRC shall provide both a general compatibility and design analysis and a technical evaluation of the construction elements of a subdivision in preparing recommendations to city officials.

6. It is intended that the City Council shall identify and address all items applicable to a Preliminary Subdivision Application, including special consideration of Planning Commission and DRC recommendations, prior to approving, approving with conditions, or denying a Preliminary Subdivision Application. (Ord.2008-5, dated 4/8/08)

**17.06.020 Requirements for Preliminary Subdivision Applications:** No preliminary subdivision application shall be considered until a concept application and review has been completed. All Preliminary Subdivision Applications, filed with the City, are required to provide the following information:

1. Application. A Preliminary Subdivision Application form, provided by the City, shall be completed and signed by the owner(s) as identified on the property assessment rolls of Weber County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Preliminary Subdivision Application shall be accompanied by the application fees, those items found on the check list provided with the application, and as found herein:

a. A list of all current property owners, as found in the records of the County Recorder, within 500 feet of any part of the proposed subdivision.

b. Mailing labels for all property owners as found in item a.

c. A copy of all plat maps, as provided by the County Recorder, that cover the area of the proposed subdivision and the adjacent owners found in item a.

2. Preliminary Subdivision Plat. A preliminary plat, prepared by a licensed land surveyor, or engineer, shall be provided. The preliminary subdivision plat shall be prepared in permanent ink and all sheets shall be numbered. A minimum of one (1) 11x17 size and five (5) 24x36 size paper copies, and a digital copy in a format acceptable to the City Engineer shall be required. The preliminary subdivision plat shall show the following:

a. A layout plan of the proposed subdivision, at a scale of no more than 1" = 100', or as recommended by the City Planner and/or City Engineer.

b. The proposed name of the subdivision and the section, City, range, principal median, and County of its location shall be located at the top and center of the preliminary plat.

c. A title block, placed on the lower right hand corner of the plat showing:

- i. Name and address of owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
- ii. Date of preparation of the preliminary subdivision plat, and all revision dates.
- d. North arrow, graphic and written scale, and basis of bearings used.
- e. All proposed lots, rights-of-way, and easements created by the proposed subdivision and their bearings, lengths, widths, name, number, or purpose. Each proposed lot shall identify required setback lines (the buildable area) including front, side, and rear as required by the Zoning District in which the proposed subdivision is located.
- f. A vicinity map of the site at a minimum scale of 1" = 1000'.
- g. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument.
- h. The location of the property with respect to surrounding property and roads, and the names of all adjoining property owners of record.
- i. The legal description of the entire subdivision site boundary.
- j. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation.

3. Required Subdivision Site Information. The following subdivision site information is required and shall be provided at the same scale as the preliminary subdivision plat, and may be on separate sheets, if necessary:

- a. The identification of known natural features on a map including, but not limited to, jurisdictional or potential wetlands as identified by the U.S. Army Corps of Engineers, flood channels as identified by a Federal or State Agency, all water bodies and drainage ways, any sensitive lands including well protection areas, any potential natural hazards including geological conditions, and any other prominent or unique natural features, or as may be specifically required by the City, for the entire subdivision site, including the total acres in each such feature.
- b. Existing site contours, at intervals of no greater than ten feet, unless otherwise approved or required by the City Engineer, overlaid with the proposed subdivision layout. Slope calculations, according to the requirements of this title, shall also be provided.
- c. The location of any known man-made features on, or contiguous to the subdivision site, including existing platted lots, utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, road rights-of-way and easements, field drains, and well or spring protection areas.
- d. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.
- e. The layout of existing overhead and underground utilities such as power, gas, cable, telephone, and other public utilities, overlaid with the proposed subdivision layout.
- f. All existing and proposed roadway locations and dimensions, with cross sections of all new roads, showing the grades of all proposed streets and roads, and all proposed cuts and fills exceeding three feet.
- g. The location and size of existing culinary water and sewer lines, the location of all wells and springs, and/or the location of any secondary water locations, overlaid with the proposed subdivision layout plan.
- h. The location of all existing fire hydrants, including the sizes of water lines serving fire hydrants.

4. Subdivision Roads and Streets. The preliminary subdivision plat, and other application

materials, shall identify the proposed road and street layout. Proposed subdivision streets shall make provision for the continuation of existing streets, as required by the City. All subdivision streets shall be designed as required by the City. The City shall review the proposed street and road design for compliance with the requirements of the City. The proposed street and road layout shall provide adequate and safe access to all proposed lots and proposed and existing roads, streets, and adjacent properties. If the subdivision will be accessed from a State Highway, proof of preliminary application for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.

5. Evidence of Availability of Necessary Services. The following information is necessary to establish the availability of basic services to the proposed subdivision. The city may refer plans to other agencies for their review as applicable. The applicant shall be responsible for any fees charged by such agencies.

a. Culinary and Secondary Water Requirements. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the City to evaluate the proposed culinary and secondary water system.

b. Wastewater Requirements. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the City to evaluate the proposed sanitary sewer system.

c. Storm Drainage. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the City to evaluate the proposed storm drainage system.

d. Fire Protection. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the Fire Department and the city to evaluate the proposed fire protection capacity and system design in the development area. A letter shall be provided by the developer from the Fire Department to the city of any requirements relating to fire protection.

e. Special Service District or Special Service Area. If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a letter shall be provided from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision. The applicant shall be responsible for any fees charged by such agencies.

f. Additional Information and Materials when Necessary. When the City Staff, Planning Commission, or City Council deem necessary, the applicant(s) may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection, traffic impact studies, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, and access to existing and planned trails. (Ord.2008-5, dated 4/8/08)

#### **17.06.030 Preliminary Subdivision Application Approval Procedures:**

The review and approval procedures of the City for the consideration of a Preliminary Subdivision Application are identified in Attachment 2. The procedures to determine a complete application are identified by Attachment 3. (Ord.2008-5, dated 4/8/08)

#### **17.06.040 Planning Commission Recommendation:**

1. Following a determination of a complete Preliminary Subdivision Application by the City Planner, and review by the DRC, the Preliminary Subdivision Application shall be scheduled for a public hearing and consideration by the Planning Commission, following adequate notice. The Planning Commission shall conduct the public hearing and consider

the Preliminary Subdivision Application at a regular Planning Commission meeting.

2. The DRC, any affected State and County Agency, Special Service District, Special Service Area, or any other affected public agency may present information and materials to the Planning Commission for review in considering the Preliminary Subdivision Application.

3. Following the close of the public hearing and consideration of the Preliminary Subdivision Application, and all information and materials presented, the Planning Commission may recommend approval of the Preliminary Subdivision Application as presented, approval with conditions, or recommend denial. The Planning Commission may recommend specific project designs and onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, as determined necessary by the Planning Commission to protect the health, safety and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the City, including but not limited to:

- a. Road and street improvements, including layout and design and construction elements.
- b. Flood control facilities.
- c. Culinary and Secondary Water facilities.
- d. Sanitary Sewer facilities.
- e. Storm Drainage facilities.
- f. Lot and/or Site Drainage facilities.
- g. Park and open space areas and facilities, trail accesses and connections to existing and planned trails.
- h. Fire protection facilities, including fire hydrants and water storage facilities.
- i. Power, gas, telephone, cable, and any other public utility facilities.
- j. Fencing and buffering treatments.
- k. Street lighting and streetscape enhancements including street trees and park strip improvements.
- l. The protection and preservation of the natural environment.

4. The Planning Commission staff shall transmit the commission's recommendation to the City Council for consideration. (Ord.2008-5, dated 4/8/08)

#### **17.06.050 Effect of Planning Commission Preliminary Subdivision Application**

**Recommendation:** For all proposed subdivisions, the recommendation of a Preliminary Subdivision Application by the Planning Commission shall not constitute final approval of the subdivision by the City, but permits the applicant(s) to proceed to the next step in the application review and approval process, completion of any necessary revisions, reviews from the DRC, and presentation to the City Council of the Preliminary Subdivision Application. (Ord.2008-5, dated 4/8/08)

#### **17.06.060 City Council Approval:**

1. Following receipt of the Planning Commission's recommendation, and a review by the DRC of any corrections required by the Planning Commission, the City Council shall consider the Preliminary Subdivision Application materials, and all other information, at a regular City Council meeting, with notice of the Preliminary Subdivision Application agenda item being provided by:

- a. Posting on the City web site, at least five days prior to the meeting.
- b. Notice to affected entities.

2. The DRC, any affected State and County Agency, Special Service District, Special Service Area, or any other affected public agency may present information and materials to the City Council for review in considering the Preliminary Subdivision Application.

3. Following the consideration of the Preliminary Subdivision Application, all

information and materials presented, and giving special consideration to the recommendations of the Planning Commission and DRC, the City Council shall approve the Preliminary Subdivision Application as presented, approve with conditions, or deny the Preliminary Subdivision Application.

4. The City Council may require specific project designs and onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, as determined necessary by the City Council as outline in 17.06.040. (Ord.2008-5, dated 4/8/08)

**17.06.070 Effect of City Council Preliminary Subdivision Application Approval and Effective Period:**

1. For all proposed subdivisions, the approval of a Preliminary Subdivision Application by the City Council shall not constitute final approval of the subdivision by the City, but permits the applicant(s) to proceed with the preparation of the final subdivision application and all required documents. For such subdivisions, a Preliminary Subdivision Application approval shall not authorize the division or development of land, but shall allow the presentation to the City of a Final Subdivision Application.

2. The approval of a Preliminary Subdivision Application shall be effective for a period of one (1) year from the date of approval by the City Council, at the end of which time the applicant(s) shall have submitted a final subdivision application for approval. If a final subdivision application is not received by the City Planner within the one (1) year period, the preliminary subdivision approval shall be void, and the applicant(s) shall be required to submit a new Preliminary Subdivision Application, subject to the then existing application and approval requirements in effect, and all other applicable City, State and Federal requirements. For developments designed to be done in phases, each phase must meet the above requirements (receipt of application within one year of prior phase approvals). (Ord.2008-5, dated 4/8/08)

**17.06.080 Site Preparation Work Prohibited:**

1. No excavation, grading or re-grading shall take place on any land until Final Subdivision approval has been granted by the City Council.

2. No installation of improvements shall take place on any subdivision site until a final subdivision plat has been recorded in the Office of the Weber County Recorder.

3. No building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of the Weber County Recorder and improvements as required by the city have been installed. (Ord.2008-5, dated 4/8/08)

## 17.08 - FINAL SUBDIVISION APPLICATION AND APPROVAL

**17.08.010 Intent:** It is the intent of this Ordinance that the City Council shall review all Final Subdivision Applications. The Council shall assure compliance with all applicable requirements of this title, applicable city ordinances, and any conditions imposed by the Council for preliminary subdivision approval prior to any approvals. (Ord.2008-5, dated 4/8/08)

**17.08.020 Requirements for Final Subdivision Applications:** All Final Subdivision Applications shall provide the following information;

1. Application. A Final Subdivision Application, provided by the City, completed and signed by the owner(s) as identified on the property assessment rolls of Weber County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Final Subdivision Application shall be accompanied by the application fees, those items found on the check list provided with the application, and documents and items as found herein.

2. Final Subdivision Plat. The applicant shall submit a final subdivision plat, prepared by a licensed land surveyor, conforming to current surveying practice and in a form acceptable to the Weber County Recorder for recordation together with plans as required herein. The final subdivision plat shall be prepared in permanent ink and all sheets shall be numbered. All required certificates shall appear on a single sheet (along with the index and vicinity maps). A minimum of one (1) 11x17 size, five (5) 24x36 size paper copies, and a digital copy in a format acceptable to the City Engineer shall be required. The final subdivision plans shall include any revisions or additions, as required by the City Council, as part of preliminary subdivision approval. The final subdivision plat shall show the following:

a. Notation of any self-imposed restrictions, including proposed final restrictive covenants, and all other restrictions as required by the City Council in accordance with this Ordinance, signature lines for all owners of interest and the acknowledgment of a public notary.

b. Endorsement lines on the final plat by every person having a security interest in the subdivision property subordinating their liens to all covenants, servitudes and easements imposed on the property.

c. The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted. Bearings shall be shown to the nearest second; lengths to the nearest hundredth of a foot; areas to the nearest hundredth acre.

d. The owner's certificate of dedication(s) including the dedication of any public ways or spaces. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.

e. A legal description of the subdivision boundaries.

f. Signature blocks prepared for the dated signatures of the Land Use Authority, Planning Department, and City Engineer, in a form acceptable to the city.

3. Title Report. A Title Report, no older than 30 days, shall be provided.

4. Tax Clearance. A tax clearance from the Weber County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.

5. Final design and construction drawings for all proposed or required public improvements, prepared as required by the City Engineer and designed as required by the City, including the profiles and cross sections of all existing and proposed streets, all storm drainage and flood control facilities, the elevations and location of fire hydrants, required culinary and secondary water facilities, sanitary sewer facilities, land drain facilities, storm water pollution prevention plans, and all other provided and required public facilities and improvements. A minimum of one (1) 11x17 size and five (5) 24x36 size paper copies, and a digital copy in a format acceptable to the City Engineer shall be required. One approved, two sets of mylar copies and a digital copy shall be supplied to the city engineer.

6. Other agencies. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by other agencies including but not limited to the following:

a. Fire Protection. A letter shall be provided by the developer from the Fire Department to the city of any requirements relating to fire protection. The applicant is responsible to provide information for fire protection capacity analysis and to include on plats and special requirements from such analysis.

b. Special Service District or Special Service Area. If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a letter shall be provided from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

c. UDOT. If the subdivision will be accessed from a State Highway, proof of preliminary application for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.

d. The applicant shall be responsible for any fees charged by such agencies.

7. Other Final Subdivision Application Information and Materials. The following information is required to be presented as part of the Final Subdivision Application:

a. Any proposed or required bonds and agreements.

b. Copies of CCR's and any other project specific document, signed by the applicant. (The final mylar plat and all relevant documents must be reviewed and approved by appropriate city staff before final signatures and attestations are added for recording purposes).

c. Proof of inclusion in a secondary water district and the payment of all required fees or proof of ability to provide permanent secondary water in a system acceptable to the city. (Ord.2008-5, dated 4/8/08)

#### **17.08.030 Final Subdivision Approval Procedures:**

1. The review and approval procedures of the City for the consideration of a Final Subdivision Application are identified in Attachment 4. The procedures to determine a complete application are identified by Attachment 3.

2. After a Final Subdivision Application and accompanying documents has received a final review and approval by the Development Review Committee, the application shall be placed on a regular agenda of the City Council for review and action. Once the Council has approved the plat and documents, and any required changes have been made to the plat and documents, the applicant shall submit a final subdivision plat drawn on reproducible mylar complete with owner signatures, dedications and acknowledgements as required herein for receipt of signatures from required City Officials. All required documents, with appropriate signatures and notarizations, shall also be submitted. The final subdivision plat and appropriate documents shall then be signed by appropriate city staff and officials, and be presented for recordation in the Office of the Weber County Recorder.

3. Except as found otherwise in this title, the City Council of Pleasant View City is identified and authorized as the approval authority for Final Subdivision Applications, assuring compliance with all applicable requirements of this Ordinance. The Council may approve the Final Subdivision Application or deny the Final Subdivision Application, accompanied by findings of fact. (Ord.2008-5, dated 4/8/08)

#### **17.08.040 Nature and Effective Period of Final Subdivision Approval:**

1. The approval of a Final Subdivision Application shall be effective for a period of one (1) year from the date the final subdivision is approved by the City, at the end of which time the final subdivision plat shall have been recorded in the Office of the Weber County Recorder. If the approved final subdivision plat is not recorded within the one (1) year period



of date of approval the final subdivision approval shall be void, and the applicant(s) shall be required to submit a new preliminary subdivision application and fees, subject to the then existing preliminary subdivision application provisions of this Ordinance and all other applicable City, State and Federal requirements. For developments designed to be done in phases, each phase must meet the above requirements (receipt of application within one year of prior phase approvals). (Ord.2008-5, dated 4/8/08)

2. The City Council, for cause and under circumstances as determined appropriate by the Council, may extend the effective approval period in one year or less increments upon request by the applicant. Pursuant to *Chapter 18.70 Adequacy Public Facilities*, a new positive (or conditional) adequacy determination must be obtained and adopted by Council prior to approval of an extension. Otherwise, an extension cannot be granted. (Ord.2014-6, dated 7/22/14 prior code: Ord.2009-5, dated 5/12/09)

**17.08.050 Recordation of Final Subdivision Plats:** The City Planner, or City designee, shall take all appropriate Final Subdivision Application documents including the signed final plat to the Office of the Weber County Recorder for recordation. The Applicant(s) is required to pay all fees, including copies, for the recording of all final subdivision documents and final plats. (Ord.2008-5, dated 4/8/08)

**17.08.060 Site Preparation Work Prohibited:**

1. No excavation, grading or re-grading shall take place on any land until final subdivision approval has been granted by the City Council. A grading permit, approved by the City Engineer, is required.

2. No installation of improvements shall take place on any subdivision site until the final subdivision plat has been recorded in the Office of the Weber County Recorder, as provided herein.

3. No building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of the Weber County Recorder and improvements as required by the city have been installed. (Ord.2008-5, dated 4/8/08)

## 17.10 - MINOR SUBDIVISION APPLICATION AND APPROVAL

### 17.10.010 Intent:

1. It is the intent of this Chapter that Minor Subdivision Application approval is a discretionary action of the Planning Commission, accompanied with findings of fact, following the receipt of a Development Review Committee, hereinafter referred to as DRC, recommendation. For Minor Subdivisions, the Planning Commission shall be the Land Use Authority. (Ord.2008-5, dated 4/8/08)

**17.10.020 Minor Subdivision Qualification:** In order to be considered for approval as a minor subdivision under this chapter, a subdivision must meet the following standards:

- a. Must meet all applicable requirements of the zone in which located and may not be a special approval development (no PRUD, cluster development, or other special approval development).
- b. Must consist of four or less lots.
- c. Must be located on an existing dedicated public right of way.
- d. Must provide all normally required improvements or receive a specific deferral from the Planning commission for such improvements.
- e. Must meet all other appropriate requirements of this title. (Ord.2008-5, dated 4/8/08)

**17.10.030 Requirements for Minor Subdivision Applications:** All Minor Subdivision Applications, filed with the City, are required to provide the following information:

1. Application. A Minor Subdivision Application, provided by the City, shall be completed and signed by the owner(s) as identified on the property assessment rolls of Weber County, or authorized agent of the owner(s), of the lands proposed to be subdivided and shall be accompanied by the required fees, as established by a Resolution of the City Council. The application shall be accompanied by all items as found on the check list provide with the application and by the following:
  - a. A list of all current property owners, as found in the records of the County Recorder, within 500 feet of any part of the proposed subdivision.
  - b. Mailing labels for all property owners as found in item a.
  - c. A copy of all plat maps, as provided by the County Recorder, that cover the area of the proposed subdivision and the adjacent owners found in item a.
2. Preliminary Subdivision Plat. A preliminary plat, prepared by a licensed land surveyor, or engineer, shall be provided. The preliminary subdivision plat shall be prepared in permanent ink and all sheets shall be numbered. A minimum of one (1) 11x17 size and five (5) 24x36 size paper copies, and a digital copy in format acceptable to the City Engineer shall be required. The Minor subdivision plat shall show the following:
  - a. A layout plan of the proposed subdivision, at a scale of no more than 1" = 100', or as recommended by the City Planner and/or City Engineer.
  - b. The proposed name of the subdivision and the section, City, range, principal median, and County of its location shall be located at the top and center of the preliminary plat.
  - c. A title block, placed on the lower right hand corner of the plat showing:
    - i. Name and address of owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
    - ii. Date of preparation of the preliminary subdivision plat, and all revision dates.
  - d. North arrow, graphic and written scale, and basis of bearings used.
  - e. All proposed lots, rights-of-way, and easements created by the proposed subdivision and their bearings, lengths, widths, name, number, or purpose. Each proposed lot shall identify, including dimensions, required setback lines (the

buildable area) including front, side, and rear as required by the Zoning District in which the proposed subdivision is located.

f. A vicinity map of the site at a minimum scale of 1" = 1000'.

g. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument.

h. The location of the property with respect to surrounding property and roads, and the names of all adjoining property owners of record.

i. The legal description of the entire subdivision site boundary.

3. Required Subdivision Site Information. The following subdivision site information is required and shall be provided at the same scale as the preliminary subdivision plat, but may be on separate sheets, if necessary:

a. The identification of known natural features on a map including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, flood channels as identified by a Federal or State Agency, all water bodies and drainage ways, any sensitive lands, and any potential natural hazards including geological conditions, and any other prominent or unique natural features, or as may be specifically required by the Planning Commission, or City Council, for the entire subdivision site, including the total acres in each such feature.

b. Existing site contours, at intervals of no greater than ten feet, unless otherwise approved or required by the City Engineer, overlaid with the proposed subdivision layout. Slope calculations, according to the requirements of this title, shall also be provided.

c. The location of any known man-made features on, or contiguous to the subdivision site, including existing platted lots, utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, road rights-of-way and easements, field drains, and well or spring protection areas.

d. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.

f. All existing roadway locations and dimensions.

4. Title Report. A recent title report (no older than 30 days) for the property proposed to be subdivided, provided by a Title Company.

5. Tax Clearance. A tax clearance from the Weber County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.

6. Subdivision Roads and Streets. The Minor subdivision plat, and other application materials, shall identify the existing street layout. The proposed subdivision shall make provision for the continuation of existing streets, as required by the Planning Commission and shall provide adequate and safe access to all proposed lots and adjacent properties. If the subdivision will be accessed from a State Highway, proof of preliminary application for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.

7. Evidence of Availability of Necessary Services. The following information is necessary to establish the availability of basic services to the proposed subdivision. The city may refer plans to other agencies for their review as applicable. The applicant shall be responsible for any fees charged by such agencies.

a. Culinary and Secondary Water Requirements. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the City to evaluate the proposed culinary and secondary water system.

b. Wastewater Requirements. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the City to evaluate the proposed sanitary sewer system.

c. Storm Drainage. It shall be the responsibility of the applicant(s) to provide

the necessary information and materials as required by the City to evaluate the proposed storm drainage system.

d. Fire Protection. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the Fire Department and the city to evaluate the proposed fire protection capacity and system design in the development area. A letter shall be provided by the developer from the Fire Department to the city of any requirements relating to fire protection.

e. Special Service District or Special Service Area. If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a letter shall be provided from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

8. Additional Information and Materials when Necessary.

a. When the City Staff or Planning Commission deem necessary, the applicant(s) may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection, traffic impact studies, ground water protection, plant cover maintenance, geologic or flood hazard, and erosion control.

b. Copies of any proposed project specific documents such as deferral agreements. (Ord.2008-5, dated 4/8/08)

**17.10.040 Minor Subdivision Application Approval Procedures:**

The review and approval procedures of the City for the consideration of a Minor Subdivision Application are identified in Attachment 5. The procedures to determine a complete application are identified by Attachment 3. (Ord.2008-5, dated 4/8/08)

**17.10.050 Planning Commission Action:**

1. Following a determination of a complete Application by the City Planner, and review by the DRC, the Minor Subdivision Application shall be scheduled for a public hearing and consideration by the Planning Commission, following adequate notice. The Planning Commission shall conduct the public hearing and consider the Minor Subdivision Application at a regular Planning Commission meeting.

2. The DRC, any affected State and County Agency, Special Service District, Special Service Area, or any other affected public agency may present information and materials to the Planning Commission.

3. Following the close of the public hearing and consideration of the Minor Subdivision Application, and all information and materials presented, the Planning Commission may approve as presented, approve with conditions, or deny the application. The Planning Commission may require specific project designs and onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, as determined necessary by the Planning Commission to protect the health, safety and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the City, including but not limited to those items found in 17.06.040. (Ord.2008-5, dated 4/8/08)

**17.10.060 Final Plat Approval Procedures:** After a Minor Subdivision Application has received approval from the Planning Commission, the applicant shall prepare a final plat as found in this title, and all required documents, for review by the DRC. The final plat and documents shall be approved by the DRC, according to the Planning Commission approval. Once the DRC has approved the plat and documents, the applicant shall submit a final subdivision plat drawn on reproducible mylar complete with owner signatures, dedications and acknowledgements as required herein for receipt of signatures from required City Officials. All required documents, with appropriate signatures and notarizations shall also be submitted. The final subdivision plat shall

then be signed by appropriate city staff and officials, and, together with appropriate documents, be presented for recordation in the Office of the Weber County Recorder. (Ord.2008-5, dated 4/8/08)

**17.10.070 Nature and Effective Period of Approval:**

1. The approval of a Minor Subdivision Application shall be effective for a period of one (1) year from the date the final plat is approved by the City, at the end of which time the subdivision plat shall have been recorded in the Office of the Weber County Recorder. If the approved final plat is not recorded within the one (1) year period of date of approval the subdivision approval shall be void, and the applicant(s) shall be required to submit a new minor subdivision application, subject to the then existing application provisions of this Ordinance and all other applicable City, State and Federal requirements. (Ord.2008-5, dated 4/8/08)

2. The City Council, for cause and under circumstances as determined appropriated by the Council, may extend the effective approval period in one year or less increments upon request by the applicant. Pursuant to *Chapter 18.70 Adequacy Public Facilities*, a new positive (or conditional) adequacy determination must be obtained and adopted by Council prior to approval of an extension. Otherwise, an extension cannot be granted. (Ord.2014-6, dated 7/22/14; prior code: Ord.2009-5, dated 5/12/09)

**17.10.080 Site Preparation Work Prohibited:**

1. No excavation, grading or re-grading shall take place on any land until final subdivision approval has been granted by the Planning Commission. A grading permit shall be submitted by the Applicant(s) and approved by the City Engineer.

2. No installation of improvements shall take place on any subdivision site until the final subdivision plat has been recorded in the Office of the Weber County Recorder, as provided herein.

3. No building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of the Weber County Recorder and improvements as required by the city have been installed. (Ord.2008-5, dated 4/8/08)

## 17.12 - BUILDING PERMITS

### 17.12.010 Building Permit Issuance:

1. Legal Lot Required. The Building Official shall not issue any permit for a proposed building or structure, excluding agricultural buildings (which shall be subject to zoning, sensitive area and other special requirements), on a lot located within the boundaries of the City unless;

a. The lot is within a subdivision legally created pursuant to this Ordinance, or prior Subdivision Ordinances, and in accordance with the Development Standards and Specifications.

b. The lot is a legal lot of record, such lot being legally created and recorded in the Office of the Weber County Recorder prior to the adoption of this ordinance.

c. All required improvements have been properly installed, inspected, and approved by the City Engineer or special approval is granted by the city for granting of permits under partial improvement completions.

2. For the granting of special approval for permits prior to completion of all required improvements, the following minimum standards shall apply, as determined by the city:

a. All City utilities shall be installed. All other utilities located under the pavement shall be installed, or conduit(s) in place for future installation.

b. The culinary water system has been installed, inspected and approved and the fire hydrants are operational.

c. Curb and gutter have been installed.

d. Roads are sufficiently completed (with road base installed) to assure continued access for construction and emergency vehicles.

e. Sewer systems have been installed, inspected and approved, including all off site connections, so as to be functional upon connection to buildings.

f. Storm water facilities are deemed sufficiently operational to prohibit damage to adjacent properties. (Ord.2015-4, dated 4/14/15; prior code: Ord.2008-5, dated 4/8/08)

**17.12.020 Building Permit Application:** All proposed buildings, structures, facilities and uses located within the boundaries of the City, excluding agricultural buildings to the extent exempted by the laws of the State of Utah and providing all zoning and special requirements of the city including fees have been addressed, and requiring the approval and issuance of a building permit, as required by the building codes of the City, shall present a building permit application, together with all relevant drawings and site plans complete with adequate dimensions and required setbacks, for review by the Building Official. (Ord.2008-5, dated 4/8/08)

## **17.14 - SUBDIVISION CONSTRUCTION**

**17.14.010 Construction of Required Subdivision Improvements:** Construction of any required subdivision improvements, including infrastructure and facilities, necessary to meet the requirements of this Ordinance, and any conditions required by the City Council for final subdivision approval, shall comply with the City Development Standards and Specifications and be under the direction of the City Engineer or designee as required herein. (Ord.2008-5, dated 4/8/08)

**17.14.020 Proceeding With Subdivision Construction:** Following the recording of the final subdivision plat in the office of the Weber County Recorder, a preconstruction meeting shall be held, as directed by the City Engineer, prior to the installation of any public improvements. No improvements shall be installed until their locations have been approved by the City Engineer. Water mains, sewer lines, laterals, drainage facilities, fire hydrants shall be installed and tested prior to any road surfacing and the installation of road base. (Ord.2008-5, dated 4/8/08)

**17.14.030 Subdivision Construction and Improvement Inspections:** The City Engineer shall inspect or cause to be inspected all public improvements and facilities, including, but not limited to, all water supply and sewage disposal systems in the course of construction, all streets and roads, all drainage and flood control facilities, all fire hydrants, and all other subdivision improvements and facilities. Excavations for fire hydrants and water and sewer mains and laterals, drainage and flood control facilities shall not be covered or backfilled until such installations has been approved by the City Engineer. If any such installation is covered before being inspected, it shall be uncovered after notice to uncover has been issued to the responsible person by the City Engineer. The applicant/developer of any subdivision shall be responsible for all cost associated with inspections required herein. (Ord.2008-5, dated 4/8/08)

**17.14.040 Compliance with Storm Water Pollution Prevention Requirements:** The developer and builders shall be responsible for compliance with all requirements for storm water pollution prevention and shall obtain permits from all relevant agencies. (Ord.2008-5, dated 4/8/08)

## **17.16 - VACATING OR CHANGING A SUBDIVISION PLAT**

**17.16.010 Changes to Recorded Plats:** Any proposed change shall be approved by the city, and except as otherwise found herein, such changes shall require the recording of a new plat.

1. For changes involving the vacating or alteration of a street or alley, the City Council shall be the Land Use Authority and shall consider such proposals following the requirements of §10-9a, Utah Code Annotated, 1953, as amended.

2. For all other changes, the Planning Commission shall be the Land Use Authority and shall consider such proposals following the requirements of §10-9a, Utah Code Annotated, 1953, as amended and as found herein. (Ord.2008-5, dated 4/8/08)

### **17.16.020 Notice and Hearing Requirements for Proposed Changes to Recorded Plats:**

1. Except for lot line adjustments, as found herein, and for any proposed change that is accompanied by a petition containing the signatures of all owners within the subdivision, all proposed changes shall require a public hearing before the Land Use Authority.

2. Except as otherwise found herein, notices for all public meetings and public hearings, shall be provided to each owner within the subdivision at least 5 days in advance of the meeting and posted on the city web site. For changes involving the vacating or alteration of a street or alley, notices shall be given as found in §10-9a, Utah Code Annotated, 1953, as amended.

3. For lot line adjustments, a public meeting is required and notice by posting on the city web site. (Ord.2008-5, dated 4/8/08)

**17.16.030 Lot Line Adjustments within a Recorded Plat:** The adjustment or changes of lot lines between adjoining properties, including the combining of lots, within a recorded plat may be adjusted provided the provisions found herein are met and such changes shall require the recording of appropriate documents. Lot line adjustments must meet the following requirements:

1. No new lot is created.

2. The adjustment does not violate applicable land use ordinances. (Ord.2008-5, dated 4/8/08)

**17.16.040 Effective Period of Approvals:** Approvals under this chapter shall expire within one year of approval. The City Council, for cause and under circumstances as determined appropriate by the Council, may extend the effective approval period in one year or less increments upon request by the applicant. Pursuant to *Chapter 18.70 Adequacy Public Facilities*, a new positive (or conditional) adequacy determination must be obtained and adopted by Council prior to approval of an extension. Otherwise, an extension cannot be granted. (Ord.2014-6, dated 7/22/14 prior code: Ord.2009-5, dated 5/12/09)



## **17.18 - SUBDIVISION DEVELOPMENT STANDARDS**

### **17.18.010 Relation to Adjoining Street Systems:**

1. Arrangement of Streets: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) as required for public utilities and improvements. The street arrangement shall not cause unnecessary hardships to owners of adjoining property when such property is subdivided and access is required.

2. Master planned streets: All street designated on the City's Master Street Plan shall be incorporated in the development design.

3. Angle of Minor Streets: Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees. (Ord.2008-5, dated 4/8/08)

### **17.18.020 Street and Alley Widths, Cul-de-sacs, and Easements:**

1. Street Dedication: All streets in subdivisions in the City shall be dedicated to the City, except that private streets may be approved under special circumstances as determined by the City Council. Except for width, walks and curbing designs specifically approved otherwise by the city as part of a special approval development, construction of all streets shall comply with City Standards and be approved by the City Engineer.

2. Major and Collector Streets: Major and collector streets shall conform to the width designated on the major street plan wherever a subdivision falls in an area for which a major street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plat is submitted to the Planning Commission, major or collector streets shall be provided as required by the Planning Commission, with minimum widths of eighty (80) or one hundred feet ten (110) feet for major streets and sixty six feet (66) feet for collector streets.

3. Minor Streets: Minor streets shall have a minimum width of sixty feet (60) feet.

4. Minor Terminal Streets (Cul-De-Sacs):

a. Minor terminal streets (cul-de-sacs) shall be not longer than five hundred feet (500) feet measured from the center of the intersecting street to the center of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred feet (100) feet in diameter. If surface water drainage is into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided.

b. Minor terminal streets (cul-de-sacs) shall not be allowed to be back to back or adjacent to each other (without an intervening street). In such circumstances, looping of streets or eliminating one of the cul-de-sacs is required.

c. Where a street is designed to remain only temporarily as a dead end street, an adequate temporary turning area shall be provided at the dead end thereof to remain and be available for public use so long as the dead end condition exists. Such streets may only be allowed where reasonable opportunity for potential development exists, as determined by the city. Except in special circumstances, as determined by the city, no subdivision may be approved containing more than one such dead end street (looping of streets would be required).

d. Subdivisions with a single permanent access may contain no more than twenty (20) lots.

5. Except as specifically approve otherwise by the Land Use Authority, all subdivision of five or more lots must have a minimum of two permanent access points,

subdivisions of more than fifty (50) lots including all phases must have three or more access points as determined appropriate by the city.

6. Marginal Access Streets: Marginal access streets of not less than forty feet (40) feet in width may parallel all limited access major streets, as required by the City Engineer and approved by the City Council.

7. Half Streets: Half streets proposed along a subdivision boundary or within any part of a subdivision are prohibited.

8. 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.

9. Street Grades: Minimum grades for all streets shall not be less than 0.5 percent. Except where due to special circumstances, street grades for any length of road at any point shall not exceed the following percentages:

- a. Major public streets eight percent (8%);
- b. Collector streets twelve percent (12%);
- c. Minor public streets twelve percent (12%);
- d. Private streets twelve percent (12%).

10. Alleys: Alleys may be required in the rear of business lots, but will not be accepted in residential blocks unless part of a PRUD or other Special Approval Development as determined by the City.

11. Trails. Trail accesses and connections to existing and planned trails shall be considered in the subdivision design.

12. Protection strips. Where subdivision street parallel contiguous property of other owners, the city may approve the retention of a protection strip of not less than one foot in width between the street and adjacent property, provided, that an agreement with the city and approved by the city attorney has been made by the applicant, contracting to dedicate the one foot or larger protection strip free of charge to the city for street purposes upon payment by the then owners of the contiguous property to the applicant of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of the agreement, together with interest at a fair rate from time of agreement until time of subdivision of such contiguous property.

13. Pioneering agreement. The city may require and enter into a pioneering agreement for construction of roads off site of the project as the need is determined by the city. (Ord.2008-5, dated 4/8/08)

**17.18.030 Lots:** All lots shall comply with standards as found herein.

1. Arrangement and Design: The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and future development.

2. Compliance with Zoning Ordinance: All lots shown on the subdivision plat must comply with requirements of the Zoning Ordinance.

3. Abut on Public or Private Street: Each lot shall abut on a public street or private street dedicated by the subdivision plat or an existing publicly dedicated street. Interior lots having frontage on two (2) streets shall be prohibited unless specifically determined by the City that such design is the most appropriate use of the property, would not create any additional nuisance or hazardous conditions, and vehicular access to one of the streets (except for commercial or industrial uses), as determined by the City, is prohibited as recorded on the plat.

4. Side Lines: Side lines of lots shall be approximately at right angles, or radial to the street line.

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

5. Natural Drainage And Other Easements: The City may require easements for drainage from or through adjoining property be provided by the Applicant for any natural or historical drainage area and may allow or require piping and other improvements to protect adjoining property and/or water rights. Easements of not less than ten feet (10') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision where required by the City.

6. All lots shall have a reasonable building area (defined as land with a slope less than 15%) of at least 7500 square feet with a minimum width of 50 feet.

7. Trail accesses and connections to existing and planned trails shall be considered in the subdivision design.

8. Flag lots are not allowed. (Ord.2008-5, dated 4/8/08)

**17.18.040 Blocks:**

1. The maximum length of blocks generally shall be thirteen hundred feet and the minimum length of blocks shall be five hundred feet. Blocks over eight hundred feet in length may, at the discretion of the City, be required or approved with a dedicated walkway through the block at approximately the center of the block. Such walkway shall not be less than ten feet in width.

2. The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the City because of design, terrain or other unusual conditions.

3. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities. (Ord.2008-5, dated 4/8/08)

**17.18.050 Slope Special Requirements:** In order to appropriately evaluate and protect against any potential impacts to adjacent properties and city infrastructure and services, the following special requirements apply to all development in the city.

1. Based on a contour map at intervals no greater than ten feet, a slope calculation is required for the average slope of the site prior to any grading, utilizing the following formula:

$$S = .00229 (L) / A$$

Where S is the average slope

I is the contour interval in feet

L is the summation in length in feet of all contour lines

A is the total number of acres

2. If the calculation results in an average slope exceeding 15%, then additional standards and evaluations shall be placed on the subdivision including:

a. As overall slope increases, density shall decrease. Slopes between 15 and 20% shall have no more than 1 unit per acre. Slopes greater than 20% and up to 25% shall have no more than 1 unit for every 2 acres. Slopes greater than 25% and up to 30% shall have no more than one unit for every 5 acres. No development is allowed on slopes greater than 30%.

b. As slope increases, allowable impermeable surfaces shall decrease.

For lots with slopes of 15-20%, no more than 25% of the lot shall be impermeable

surfaces. For lots with slopes greater than 20% and up to 25%, no more than 15% of the lot shall be impermeable surfaces. For lots with slopes of greater than 25% and up to 30%, no more than 7.5% of the lot shall be impermeable surfaces.

c. All lots shall have a reasonable building area (defined as land with a slope less than 15%) of at least 7500 square feet and a minimum width of 50 feet.

d. Additional fire safety/emergency vehicle related reviews may be required including but not limited to, access, fire hydrants, driveway (grades, lengths, and widths), road surfacing, turnarounds, building distances from the street, and so on.

e. Spark arresters shall be installed on all indoor and outdoor fireplaces.

f. A grading and drainage plan shall be submitted with the subdivision improvement drawings. The plan shall clearly identify how the developer intends on grading each lot to insure that storm water runoff is directed to the fronting or intersection roadways in such a manner that it will not have an adverse effect on adjacent or neighboring properties. Building pad elevations; cuts and fills, drainage swales, slopes, and proposed drainage easements shall be minimum design elements and shall assure reasonable access and safety.

g. Existing vegetation shall be preserved to the greatest extent possible. A map of areas to be disturbed shall be submitted. Disturbed areas shall be re-vegetated within two months, in accordance with an approved re-vegetation plan. Rock outcropping shall be avoided.

h. Trail accesses and connections to existing and planned trails shall be considered in the subdivision design.

3. For any portions of one-half acre or greater of the subdivision that have slopes over 15%, the appropriate design and safety provisions above (2b thru f) shall apply to the development of sub-areas within the subdivision where such slopes are found. (Ord.2008-5, dated 4/8/08)

**17.18.060 Adequate Public Facilities Ordinance:** Every subdivision, new development, and subdivision at time of rezoning shall also meet and are subject to the terms and conditions of the Adequate Public Facilities requirements of the City described in *Chapter 18.70 Adequate Public Facilities*. (Ord.2014-6, dated 7/22/14)

## 17.20 - REQUIRED IMPROVEMENTS AND GUARANTEES

**17.20.010 Required improvements:** The applicant/owner of any land to be part of a subdivision shall, at his own expense, install all required improvements and guarantee the installation of such improvements, as provided herein, according to the City Development Standards and Specifications and as inspected and approved through the office of the City Engineer. All utilities, including power, gas, phones, cable, and as found herein, shall be provided for all lots in the subdivision and shall be underground facilities unless specifically approved otherwise by the city engineer.

1. Water Supply:

a. The applicant(s) shall install culinary water lines, or shall contract with the local culinary water distributing agency to make the water supply available to each lot within the subdivision, including laterals to a point at least fifteen feet beyond the property line of each lot with a permanent mark approved by the city placed on the curb. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall be provided to the city engineer. The applicant(s) shall have an engineer determine the adequacy of the existing water system to provide culinary water and fire protection as required by the State Office of Environmental Quality and Division of Drinking Water, and shall submit the information to the City Engineer for review and approval.

b. The applicant(s) shall install secondary water lines, and shall contract with the local secondary water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property of each lot as required by the water distributing agency or fifteen feet beyond the property line with a permanent mark approved by the city placed on the curb.

2. Sewage Disposal: All sanitary sewer systems are required to connect to the public sanitary sewer system and provide adequate lateral lines to a point at least fifteen feet beyond the property line of each lot with a permanent mark approved by the city placed on the curb. Such sewer connections and subdivision sewer systems shall comply with the City Development Standards and Specifications and shall be approved by the City Engineer.

3. Storm Water: The applicant(s) is/are required to dispose of storm water and surface drainage into an approved City storm drain system. If easements are required across adjoining property to permit drainage of the subdivision, it shall be the responsibility of the applicant(s) to acquire such easements. Initial detention of storm water may be required for all subdivisions, as determined by the City Engineer. All construction shall comply with the City storm water management plan.

4. Street Grading and Surfacing: As required by the City Development Standards and Specifications.

5. Curbs, Gutters and Sidewalks: Curbs, gutters and sidewalks shall be installed on existing and proposed streets by the applicant(s) unless specifically determined by the City Council that such is not necessary for safety or other reasons such as in a PRUD or other Special Approval Development.

6. Street Drainage: Drainage structures shall be required by the City Engineer where necessary.

7. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat. Monuments shall be of a type approved by the City Engineer. All subdivision plats shall be tied to at least two approved county monuments.

8. Street Trees: Street trees may be required by the Approval Authority to be planted along street rights-of-way by the applicant(s).

9. Fire Hydrants: Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number and be installed in such locations as determined by the City Engineer in concert with the City Fire Marshall.

10. Street Signs: Street signs shall be installed by the City and the cost of labor and materials charged to the applicant(s).

11. Street Lighting: The applicant shall provide appropriate street lighting, as a part of any development, as required by the City.

12. Fencing:

a. A solid board, chain link, or other non-climbable fence not less than six feet (6') in height shall be installed on both sides of existing irrigation canals, bordering open reservoirs, sloughs, railroad rights of way or non-access streets, and which are located within or adjacent to the subdivision, except where the Approval Authority determines that park areas, including streams or bodies of water, shall remain unfenced. The Approval Authority shall determine the appropriate fence in each case. Such fences shall be installed prior to the issuance of any building permit in the subdivision.

b. The Approval Authority may also require a fence of the type to be determined in each instance to be erected when any subdivision adjoins a use to which uncontrolled access might result in damage or nuisance to the subdivision or adjoining property, or where the Approval Authority 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. Specific consideration shall be given for requiring fencing where the subdivision is adjacent to existing animal uses and producing agriculture uses. Such fences shall be installed prior to the issuance of any building permit in the subdivision.

13. Staking of Lots: Survey stakes shall be placed at all lot corners, and nails shall be placed in curbing, so as to completely identify the lot boundaries on the ground.

14. Pioneering agreement. The city may require and enter into a pioneering agreement for installation of off-site improvements and upsizing of utilities to serve other properties as the need is determined by the city.

15. Special Improvements. The applicant shall install and guarantee any and all special improvements required by the City as part of subdivision or development approvals. (Ord.2011-1, dated 2/22/11; prior codes: Ord.2008-5, dated 4/8/08)

#### **17.20.020 Installation of improvements and guarantee**

1. Installation of improvement shall be completed within two years of the date of approval of the final plat by the City. The city engineer may, for good cause, extend this requirement for no more than one additional year.

2. The applicant shall guarantee the installation of all required

improvements by depositing in escrow with an escrow holder approved by the City an amount of money equal to 115% of the cost of the improvements to be installed, according to an estimate approved by the city engineer, under an escrow agreement to assure the installation and guarantee of said improvements. The escrow agreement form shall be approved by the City Attorney and shall be filed with the City. (Ord.2011-1, dated 2/22/11; prior codes: Ord.2008-5, dated 4/8/08)

**17.20.030 Administration:** The Mayor or City Administrator is authorized to prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision, and compliance with the requirements of this title. (Ord.2011-1, dated 2/22/11; prior code: Ord.2008-5, dated 4/8/08)

**17.20.040 Phased Development:** Whenever the applicant(s) develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the said improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinabove specified. (Ord.2011-1, dated 2/22/11; prior codes: Ord.2008-5, dated 4/8/08)

**17.20.050 Inspection of Improvements:**

1. The City Engineer shall inspect or cause to be inspected all improvements to public systems including but not limited to streets, fire hydrants and water supply, storm water and sewage disposal systems in the course of construction, installation or repair.

2. Excavations for fire hydrants, water, storm water and sewer mains and laterals shall not be covered over or backfilled until such installation shall have been approved by the City Engineer or his designee. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the applicant(s) or responsible party by the City Engineer.

3. Televiewing Lines. Prior to approval and acceptance by the city, applicant shall inspect all sanitary sewer and storm water pipe lines by means of remote televiewing equipment and shall record the entire televiewing inspection on video tape or other acceptable reproduction means for review by city officials.

4. The city engineer shall inspect or cause to be inspected, in the course of construction, installation or repair, all special improvements required by the City as part of a subdivision or development approval.

5. The applicant shall be responsible for the payment of all costs for such inspections. (Ord.2011-1, dated 2/22/11; prior code: Ord.2008-5, dated 4/8/08)

**17.20.060 Condition of Improvements Guaranteed:**

1. Except as found elsewhere in this section, the applicant shall warrant and guarantee the improvements provided for herein and every part thereof, will remain in good condition for a period of one year, after the City Engineer has initially accepted the improvements, and agree to make all repairs to and maintain the improvements and every part thereof in good working condition during the

guarantee period with no cost to the City.

2. Conditional acceptance to begin the guarantee period may be granted by the City Engineer once all improvements required for the development have been installed, inspected and approved, and as-built drawings in a form acceptable to the city engineer have been provided.

a. The applicant, in accordance with Utah Code 10-9a-509.5, may request a determination of acceptance or rejection of completed improvements and the city shall respond with due diligence.

3. A special exception for Conditional acceptance may be granted by the City Engineer if the following items are not completed:

a. Special Exception for Sidewalk. The city engineer, at his discretion, may allow the applicant developer an additional one year from the date of conditional acceptance of the improvements to install the sidewalk in the subdivision provided that:

i. The subdivision does not front on a major street where installation of the sidewalks is necessary for the safety of the general citizenry;

ii. All lots built on in the subdivision have sidewalk installed on the lot where shown on the construction plan;

iii. Sidewalk must be installed prior to the issuance of a Certificate of Occupancy for any dwelling in the subdivision;

iv. No more than 75% of the lots are built on in the subdivision. When the percentage of lots built on exceeds 75%, all sidewalks must be installed before any additional building permits are issued;

v. Guarantee Period. Once completed, the applicant shall warrant and guarantee that the sidewalk will remain in good condition for a period of one year after the date of conditional acceptance by the city and shall make all repairs to and maintain the sidewalk 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.

vi. The escrow for any uncompleted sidewalk is to be kept in place, plus 15% of the engineer's estimate for all sidewalk in the project. The city may allow the establishment of a separate escrow guarantee, by agreement as found herein and based on current estimates approved by the City Engineer.

vii. Final acceptance of the sidewalk will follow the same procedure as outlined in number 4.

b. Seal coat. Where the city determines that the application of the seal coat is not appropriate due to weather or other factors, the guarantee period may be started without completing the seal coat provided the escrow for such, plus any anticipated cost increases, is kept in place.

c. Signs and lighting. Where the city is ordering and or installing signs and street lighting, the guarantee period may be started provide the escrow remains in place for such items.

4. Upon completion of all required improvements, the applicant must



request in writing to the city planner a review of the project status. The planner shall refer the request to the city engineer and shall also notify all property owners in the project by mail or in person of the request and allow such owners two weeks for comments, to the planner, regarding the status of the project. The planner shall endeavor to resolve, with the applicant and city engineer, any problems received. If matters cannot be resolved, and at the discretion of the planner, the request may be referred to the City Council for resolution. Final acceptance may be granted by the City Engineer provided all required improvements have been completed, any problems addressed with the city planner and/or City Council are resolved, and improvements are judged to be in acceptable condition. The city may allow a separate escrow for special exception items as found in number three, to be established by agreement, and acceptance may then be granted on original items.

5. The applicant shall be responsible for all inspection costs.

6. As allowed in Utah Code 10-9-604.5, if the city determines, based on the specifics of the applicant's property or prior performance, that a two year guarantee period is necessary to protect the public health, safety, and welfare, the city may require such two year guarantee period. (Ord.2011-1, dated 2/22/11; prior code: Ord.2008-5, dated 4/8/08)

## 17.22 - DEFINITIONS

**Affected Entity:** Those entities as define in state law that may be required to provide expanded services for proposed development.

**Applicant/Owner:** Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity, that has legal title to real property proposed for residential subdivision, installs the required infrastructure improvements, and builds the residences within the subdivision.

**Application:** A Concept Plan, Preliminary Subdivision, or Final Subdivision Application as required by this Ordinance.

**Buildable Area:** A portion of a building site which conforms to all minimum criteria required for the placement of a structure according to the municipal codes.

**City:** Pleasant View City, Utah.

**City Council:** The City Council and legislative body of Pleasant ViewCity, Utah.

**City Engineer:** The City Engineer of Pleasant View City, Utah, or a consulting engineering firm designated as the City Engineer by the City Council.

**City Planner:** The Director of Community and Development Services or assigned staff of Pleasant View City.

**Concept Plan Conference:** An opportunity for an Applicant(s) to meet with City Staff to obtain necessary information regarding the City's applicable subdivision requirements. No fee is required.

**Development Review Committee:** A committee of City Staff and other public or private service providers responsible to provide general and technical reviews and recommendations for all subdivision applications.

**Development Standards and Specifications:** Documents provided by the City which contain text and diagrams for detailed construction and installation of public infrastructure and improvements. The documents shall be approved by the City Engineer and Public Works Director of the City.

**Discretionary Action:** A final decision on any application rendered by the City Council based on information provided by the Applicant(s), DRC, and Planning Commission and accompanied with the finding of facts.

**Easement:** A grant of the use of land by the property owner to the public, a corporation or person for specific uses and purposes.

**Exaction:** Requiring the payment of fees, the specific uses of or the contribution of property, or the installation of improvements as a condition of approval of development requests.

**Excavation:** Any disruption of the soil or surface of land for the purpose of preparing land for

development.

**Flag Lot:** A lot in the shape of a flag with a narrow “staff”, the greater portion or “flag” is behind other lots, and where the staff portion is less than the required frontage and provides the access to the buildable portion of the lot.

**Frontage:** All property fronting on one side of the street or right-of-way.

**Guarantees:** An escrow and appropriate agreement given by the Applicant(s) and approved by the City to ensure the proper installation of public and appropriate private improvements.

**Land Use Authority:** A person, board, commission, agency or other body designated by the local legislative body to act upon a land use application.

**Legal Lot/ Legal Lot of Record:** Any land parcel that existed, as recorded in the Office of the County Recorder, with a separate property identification number as provided by the Office of the County Recorder and Office of the County Assessor, prior to the date of first City Subdivision Ordinance enactment (August 6, 1959), and all land parcels that were legally created for the purposes of development pursuant to the subdivision requirements of the City and the laws of the State of Utah after the date of first Subdivision Ordinance enactment.

**Lot:** A legal lot or lot of record as defined herein.

**Lot Line Adjustment:** The relocation of the property boundary line between two (2) adjoining lots with the consent of the owners of record.

**Major Street Plan:** A map or plan showing the current and/or proposed future layout of all classifications of streets within Pleasant View City. This may also be referred to as the Master Street Plan or Transportation Plan of Pleasant View City.

**Off-site Improvements:** All improvements required to provide necessary services and utilities to a subdivision and located either within, or outside, the boundaries of the subject property being divided.

**On-site Improvements:** All improvements required to provide necessary services and utilities to a lot and required to qualify for a building permit and located within the boundaries of a lot.

**Planning Commission:** The Planning Commission of Pleasant View City, Utah.

**Plats:** As required by section 10-9a Utah code annotated, 1953, as amended.

1. Whenever any lands are laid out and platted, the owner of those lands shall provide an accurate plat that describes or specifies:
  - a. the boundaries, course, and directions of the parcels of ground;
  - b. whether the parcels of ground are intended to be used as streets or for other public uses, and whether any areas are reserved for public purposes;
  - c. the lot or unit reference, the block or building reference, the street or site address, the street name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale; and
  - d. existing right-of-way and easement grants of record for underground

- facilities, and for other utility facilities.
- 2.. The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgement of conveyances of real estate.
  3. The surveyor making the plat shall certify it.
  4. The owner or operator of the underground and utility facilities shall approve the plat of its property interest if it specifies:
    - a. the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;
    - b. the location of existing underground and utility facilities; and any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.
  5. The land use Authority shall approve the plat as provided in this part. Before the Land Use Authority may approve a plat, the owner of the land shall provide the Authority with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
  6. Recording.
    - a. After the plat has been acknowledged, certified, and approved, the owner of the land shall, subject to Subsection (6)(b), record it in the county recorder's office in the county in which the lands platted and laid out are situated.
    - b. An owner of land may not submit for recording a plat that gives the subdivision described in the plat the same name as a subdivision in a plat already recorded in the county recorder's office.

**Right-of-way:** A portion of land dedicated for public uses such as streets, sidewalks, trees, and public or private utilities and improvements.

**Street:** A thoroughfare which has been dedicated or abandoned to the public and accepted by the City Council and a thoroughfare which has been made public by right of use and complies with the City construction standards, as adopted.

**Subdivision:** Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. (10-9a, Utah Code Annotated, 1953, as amended)

As provided by 10-9a, Utah Code Annotated, 1953, as amended, and for the purposes of this Ordinance "subdivision" **does not** include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel, nor the parcel remaining from the division or partition violates an applicable zoning ordinance.
2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
  - no new lot is created; and
  - no remnant of land is created or remains; and
  - the adjustment does not result in a violation of any applicable zoning requirements.
3. A recorded document, executed by the owner of record, revising the legal

description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or

4. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided so as to subject the un-subdivided parcel to the subdivision ordinance of Pleasant View City.

**Subject Property:** The land area proposed to be divided as provided by this Ordinance and included within an application for subdivision approval.

**Utilities or Improvements:** All types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services.

**Zoning Ordinances:** The adopted Zoning Ordinances of Pleasant View City.

(Ord.2008-5, dated 4/8/08)

## ATTACHMENT 1

### CONCEPT PLAN APPLICATION AND REVIEW PROCEDURES

1. Applicant meets with City Planner to obtain Concept Plan Application and ordinance requirements for subdivisions.
2. Concept Plan filed with City Planner. The City Planner determines application completeness (see attachment 3 for procedure on determination).
3. City Planner schedules a meeting with the Development Review Committee (DRC) and distributes application information to appropriate staff and others needed to provide review of the concept plan, prior to the meeting.
4. The DRC conducts meeting with the Applicant(s) to provide information to prepare for Preliminary Subdivision Application. A field trip with the applicant is considered a part of the review and is required.
5. A concept plan shall not constitute an application for subdivision approval and is in no way binding on the City or the applicant(s). Any discussion before the DRC, at the meeting when the concept plan is discussed, shall not be considered any indication of subdivision approval, either actual or implied by the City.

## ATTACHMENT 2

### PRELIMINARY SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCEDURES

1. Preliminary Subdivision Application filed with City Planner. The City Planner determines application completeness (see attachment 3 for procedure on determination).
2. Development Review Committee (DRC) provides preliminary technical review of Preliminary Subdivision Application for compliance with all applicable ordinances, standards, requirements, and the General Plan.
3. Once the plans have been revised to meet any requirements of the DRC, the City Planner schedules a meeting with the Planning Commission and provides notices as required.
4. The Planning Commission conducts a public hearing and considers the Preliminary Subdivision Application and all information received. By motion, the Planning Commission recommends approval, approval with conditions, or denial of the Preliminary Subdivision Application to the City Council.
5. Once the plans have been revised to meet any requirements of the Planning Commission, as reviewed by the DRC, the City Planner schedules a meeting with the City Council.
6. The City Council considers the Planning Commission recommendation and Preliminary Subdivision Application. The City Council shall approve, approve with conditions, or deny the Preliminary Subdivision Application.

## ATTACHMENT 3

### DETERMINATION OF APPLICATION COMPLETENESS PROCEDURES

1. Application submitted to City Planner.
2. Application reviewed for determination of completeness by City Planner. Such review to be completed within two weeks of submission.
3. Application Determined Complete: Proceed with applicable application review procedures.
4. Application determined incomplete:
  1. Applicant is notified in writing identifying deficiencies.
  2. Applicant has 30 days to correct application deficiencies.
  3. Application remains incomplete after 30 days: Application is considered null and void. Re-application is required for further consideration.
  4. Applicant provides necessary materials to correct deficiencies within 30 days: Proceed with applicable application review procedures.



## ATTACHMENT 4

### FINAL SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCEDURES

1. Final Subdivision Application filed with City Planner. The City Planner determines application completeness (see attachment 3 for procedure on determination).
2. Development Review Committee (DRC) provides final technical review of the Final Subdivision Application in compliance with the Preliminary Application conditions required by the City Council and with all applicable ordinances, standards and requirements.
3. Once the DRC has approved all plans and documents, the City Planner schedules a meeting with the City Council.
4. Final Subdivision Plat is approved by the City Council.
5. Once approval is received, the applicant submits a final mylar plat and all approved relevant documents in final form, complete with appropriate signatures and acknowledgements for receipt of city signatures and recording
6. The Final Subdivision Application approval by the city is effective for one year during which time the Final Subdivision Plat and appropriate documents are recorded with the Weber County Recorder by the City Planner.

## ATTACHMENT 5

### MINOR SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCEDURES

1. Minor Subdivision Application filed with City Planner. The City Planner determines application completeness (see attachment 3 for procedure on determination).
2. Development Review Committee (DRC) provides preliminary technical review of the Subdivision Application for compliance with all applicable ordinances, requirements, and the General Plan.
3. Once the plans have been revised to meet any requirements of the DRC, the City Planner schedules a meeting with the Planning Commission and provides notices as required.
4. The Planning Commission conducts a public hearing and considers the Subdivision Application and all information received. The Planning Commission approves, approves with conditions, or denies the Minor Subdivision Application.
5. Once approval is received, the applicant submits a final mylar plat and all approved relevant documents in final form, complete with appropriate signatures and acknowledgements for DRC review and approval and receipt of city signatures and recording
6. The Minor Subdivision Application approval by the city is effective for one year during which time the Subdivision Plat and appropriate documents are recorded with the Weber County Recorder by the City Planner.