

# CHAPTER 16 SUBDIVISION ORDINANCE

(Repealed, Renamed and Replaced 07-01-14 Ord. 2014-07;  
Amended 12-10-24 Ord. 2024-01)

## Table of Contents

SECTION 16-1	DEFINITIONS .....	2
SECTION 16-2	GENERAL PROVISIONS.....	7
SECTION 16-3	SUBDIVISION DEVELOPMENT PROCEDURE AND APPROVAL PROCESS .....	14
SECTION 16-4	ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.....	26
SECTION 16-5	REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN .....	30
SECTION 16-6	PENALTIES.....	44

## SECTION 16-1 DEFINITIONS

- 16-1-1 Usage
- 16-1-2 Definitions

### 16-1-1 Usage.

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

### 16-1-2 Definitions.

- 1) Adjacent Landowners. Any property owner of record, according to the records of the County Recorder, whose property adjoins or abuts property proposed for subdivision or any portion thereof.
- 2) Alley. A public or private right-of-way which is less than 26 feet wide primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 3) Applicant. The owner of land proposed to be laid out and platted or his agent. An agent shall be required to provide legal documentation to prove he has consent from the legal owner of the property.
- 4) Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, or boundary lines of municipalities.
- 5) Bond. A form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town Council. All bonds shall be approved by the Town Council wherever a bond is required by these regulations.
- 6) Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- 7) Building Area. A portion of a lot, parcel, or tract of land which is to be utilized as the building site having an area of at least 2,500 square feet with an average slope of less than 20 percent. Such building area is to be designated as the only area in which building may take place and outlined on the subdivision plat in which the lot is located.

- 8) Capital Improvements Program. A proposed schedule of all future Town projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual Town's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.
- 9) Completion Assurance. A surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by the Town to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat or developing in the Town.
- 10) County Health Officer. The Administrative and Executive Officer of the Bear River Health Department and Local Registrar of Vital Statistics or his duly authorized representatives.
- 11) Developer. The owner(s), or their agent, of land proposed to be laid out and platted in accordance with this Subdivision Ordinance. An agent of the owner(s) shall be required to provide legal documentation, to be approved by the Town Attorney, which establishes his authority to act as agent for the owner(s).
- 12) Easement. That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on or above said lot or lots.
- 13) Flag Lot. A flag or L-shaped lot comprised of a staff having a minimum width of 20 feet and a flag portion consisting of the minimum dimensions required for a regular lot in the applicable zone. The square footage of the staff shall not be considered in determining whether the lot size (the flag portion) requirements are met. A variance to the Subdivision Ordinance must be granted for all flag lots within Town of Howell.
- 14) Frontage. All the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.
- 15) General Plan. A comprehensive plan for development of the Town prepared and recommended for adoption by the Planning Commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.
- 16) Grade. The slope of a road, street, or other public way specified in percentage (%) terms.
- 17) Half Street. That portion of a street within a subdivision comprising one-half (1/2) the required right-of-way width upon which improvements in accordance with one-half (1/2) of an approved typical street cross-section are constructed.
- 18) Improvement Plan. A plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety or that is required for human occupation and that a land use applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat. "Improvement Plan" includes engineer drawings and maps detailing the location and design of improvements.
- 19) Joint Ownership. Joint ownership among persons shall be construed as the same owner for

the purpose of imposing Subdivision Regulations.

- 20) Land Use Authority. An individual, board, or commission appointed or employed by a Town to make land use decisions. "Land Use Authority" includes any appropriately authorized designees.
- 21) Lot. A parcel of land occupied or capable of being occupied by a permitted or conditional use building or group of buildings (main or accessory), together with such yards, open spaces, parking spaces and other areas required by this Subdivision Ordinance and the Uniform Zoning Ordinance of Town of Howell, having frontage upon a street or upon a right-of-way approved by the appeal authority. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.
- 22) Lot Improvement. Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property or any part of such betterment. Certain lot improvements shall be properly bonded or escrowed as provided in these regulations.
- 23) Lot Restricted ("R" Lot). A lot which contains or is susceptible to special events or conditions including, but not limited to, flooding, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, fault lines, water table, or any other adverse condition which would warrant special identification or notice. Such lots shall be subject to regulated conditions as specified by the Town Engineer. All "R" lots shall be clearly identified on the recorded plat.
- 24) Lot Right-of-Way. A strip of land not less than 20 feet wide connecting a lot to a street for use as private access to that lot, and recorded as part of the said lot.
- 25) Master Street Plan. A plan, labeled "Master Street Plan of Town of Howell."
- 26) Public Works Standards. Standards governing public and private contractors performing work within the Town as adopted in the Town of Howell Public Works Standards and Technical Specifications Ordinance.
- 27) Off-Site Facilities. Improvements not on individual lots but generally within the boundaries of the Subdivision which they serve. Certain off-site facilities shall be properly bonded or escrowed as provided in these regulations.
- 28) Owner. Any person, group of persons, firm or firms, corporation or corporations, condominium projects or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be laid out and platted under these regulations.
- 29) Parcel of Land. Contiguous quantity of land, in possession of, or owned by, or recorded as the property of, the same claimant person. Land in one ownership, but physically divided by a public highway, road, or street, is not considered contiguous under this definition, and may therefore be used as two (2) or more individual parcels of land.
- 30) Planning Commission. The Town Planning Commission of Town of Howell.
- 31) Plat. A map, plan, or depiction of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.

- 32) Plat, Final. A proposed subdivision drawn accurately to scale and which has all measurements, data, certificates and dedications thereon which are required for approval and acceptance by the proper agencies and for recording in the office of the County Recorder.
- 33) Protection Strip. A strip of land bordering both the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access to the street from property abutting the subdivision.
- 34) Public Improvement. Any water system, drainage ditch, subsurface drainage system, storm drainage system, sewer system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which Town responsibility is established. All such improvements shall be properly bonded or escrowed.
- 35) Re-Subdivision. A change in the map of an approved or recorded subdivision plat if such change affects any street layout on or area reserved thereon for public use, any lot line, or any map or plan legally recorded prior to the adoption of any regulations controlling subdivision.
- 36) Right-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term “right-of-way” for land-platting purposes shall mean that every right- of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.
- 37) Road. See Street.
- 38) Screening. Either, a) a strip at least five (5) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet in height, or b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high.
- 39) Street. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty six (26) feet wide which has been made public by right of use and which affords the principal access to the abutting property.
- 40) Streets, Collector. A street, existing or proposed, of considerable continuity, which is the main means of access to the major street system.
- 41) Street, Cul-de-sac. A minor terminal street provided with a turn around with a 100 foot minimum diameter. Cul-de-sac streets shall not be any longer than four hundred feet (400’) from the center line of the adjoining street to the center of the turn around, and cannot provide frontage for more than fifteen (15) dwelling units.
- 42) Street, Arterial. A street, existing or proposed, which serves as or is intended to serve as a major traffic way, and is designated on the Master Street Plan as a controlled-access highway,

major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

- 43) Street, Minor. A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
- 44) Street, Private. A thoroughfare within a subdivision which has been reserved by dedication unto the developer or lot owners to be used as private access to serve the lots platted within the subdivision. Private streets shall comply with the adopted street cross section standards of the Town and shall be maintained by the developer or other private agency.
- 45) Subdivision. Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes; a) the division or development of land whether by deed, meets and bounds description, devise and testacy, lease, map, plat, or other recorded instrument, and b) divisions of land for all residential and non-residential uses including land used or to be used for commercial, agricultural, and industrial purposes.
- 46) Town. Town of Howell, Utah.
- 47) Town Council. The Town Council of the Town of Howell, Utah.
- 48) Town Engineer. A professional, registered engineer retained by the Town.
- 49) Utilities. Gas lines, culinary water lines, storm drainage systems, irrigation systems, sewer lines, electric power transmission lines, telephone transmission lines, cable television systems with all poles, wires, pipes, guy wires, and bracing pertaining thereto.
- 50) Wetlands. Generally, those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. When in conflict, Federal definitions and standards shall prevail.
- 51) Water Conveyance Facilities. A ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.
- 52) Zoning Ordinance. The Zoning Ordinance of Town of Howell as adopted by the Town Council and as amended from time to time.

## **SECTION 16-2 GENERAL PROVISIONS**

- 16-2-1 General
- 16-2-2 Policy
- 16-2-3 Purposes
- 16-2-4 Jurisdiction
- 16-2-5 Interpretation, Conflict and Separability
- 16-2-6 Saving Provision
- 16-2-7 Reservations and Appeals
- 16-2-8 Amendments
- 16-2-9 Conditions
- 16-2-10 Re-subdivision of Land
- 16-2-11 Variances
- 16-2-12 Enforcement, Inspections, Violations and Penalties

### **16-2-1 General.**

These regulations may hereafter be known, cited and referred to as the “Subdivision Regulations” or “Subdivision Ordinances” of the Town of Howell.

### **16-2-2 Policy.**

- 1) It is hereby declared to be the policy of the Town of Howell to consider the subdivision of land and the subsequent development of the platted subdivision as subject to the control of the Town pursuant to the official General Plan of The Town of Howell for the orderly, planned, efficient, and economical development of the Town.
- 2) Land to be laid out and platted shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be laid out and platted until available public facilities and improvements exist and proper provision has been made, where required, for drainage, culinary water, irrigation water, sewerage, and capital improvements such as schools, parks, recreation facilities, electrical and natural gas distribution facilities, transportation facilities, and other improvements.
- 3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the General Plan, Official Map, and the Capital Facilities Plan and Program of the Town. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building housing codes, Public Works Standards, Zoning Ordinances, General Plan, Official Map and Land Use Plan, Capital Facilities Plan (as may be applicable), and other programs of the Town.

### **16-2-3 Purposes.**

These regulations are adopted for the following purposes:

- 1) To protect and provide for the public health, safety, and general welfare of the Town of Howell citizens.

- 2) To guide the future growth and development of the Town, in accordance with the General Plan.
- 3) To provide for adequate light, air, and privacy and to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.
- 4) To protect the character, social stability, and economic welfare of the community while encouraging orderly and beneficial development to all parts of the Town.
- 5) To protect and conserve the value of land and the buildings and improvements upon the land and to minimize conflicts among uses of land and buildings.
- 6) To guide public and private policy and actions in order to provide adequate and efficient transportation, culinary, and irrigation water, sewer, schools, parks, playgrounds, recreation, streets, curb and gutter, sidewalk, storm drainage, and other public facilities needs.
- 7) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town. Avoiding congestion on the streets and highways and moving pedestrian traffic appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- 8) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions to further the orderly layout and use of land and to ensure proper legal descriptions and monuments.
- 9) To ensure that public facilities are available with sufficient Capacity to serve the proposed subdivision.
- 10) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- 11) To preserve the natural beauty and topography of the Town and to ensure appropriate development with regard to these natural features.

#### **16-2-4 Jurisdiction.**

- 1) These Subdivision Regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the Town.
- 2) No person shall lay out and plat any tract of land located wholly or partially within the Town except in compliance with this Subdivision Ordinance. No person shall sell or exchange, or offer to sell or exchange, any parcel of land which is any part of a subdivision of a larger tract of land, nor offer for recording in the office of the Box Elder County Recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Ordinance.



- 3) No subdivided land shall be sold within the corporate limits of the Town until:
  - (a) The Town Council has given final approval of the plat or other subdividing instrument, and
  - (b) The approved plat or other subdividing instrument is filed with the County Recorder.
- 4) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date hereof and not in conformity with the provisions of these Subdivision Regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the Regulations.

### **16-2-5 Interpretation, Conflict, and Separability**

- 1) Interpretation. In their interpretation and application, the provisions of these Subdivision Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- 2) Conflict with Public and Private Provisions.
  - (a) Public Provisions. These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
  - (b) Private Provisions. These Regulations are not intended to abrogate any easement, covenant, condition, restriction, or any other private provisions, provided that where the provisions of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Regulations shall govern. Where the provisions of the easement, covenant, condition, restriction or private agreement, or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these Regulations, and such private provisions are not inconsistent with these Regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these Regulations and determinations made thereunder. Nothing contained herein shall empower or require the Town to enforce such private agreements or restrictions.
- 3) Severability. If any part or provision of these Regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Town Council hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision, or application.

### **16-2-6 Saving Provision.**

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

### **16-2-7 Reservations and Appeals.**

Upon the adoption of this Subdivision Ordinance, the Subdivision Ordinance and Subdivision Regulations of The Town of Howell previously adopted by the Town, as amended, are hereby repealed, except as to such sections expressly retained herein.

### **16-2-8 Amendments.**

- 1) Vacating Existing Subdivisions. The Town Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office. The amendment shall be done in compliance with this code and Utah State Code §10-9a-608 and §10-9a-609.
- 2) Correcting Minor Errors on an Existing Subdivision. A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.
- 3) Material Amendment to an Existing Subdivision.
  - (a) A fee owner of land in a subdivision platted for end use (without the expected need to subdivide further) may request a material subdivision amendment by filing a written petition with the Planning Commission. This petition must meet all the requirements for a preliminary subdivision application specified in Section, with the following changes:
    - (i) The preliminary plat (or the record of survey map, if applicable) should:
      1. Depict only the portion of the subdivision that is proposed to be amended;
      2. Include a plat name distinguishing the amended plat from the original plat;
      3. Describe the differences between the amended plat and the original plat;
      4. Include references to the original plat; and
      5. Meet all the other plat requirements specified in Section 15.25.1.8 and Utah State Code §10-9a-603.

- (ii) The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consents to the petition.
  - (iii) The petitioner must include with the petition envelopes addresses to each property in the subdivision.
- (b) Upon receipt of an amendment petition, the Planning Commission (or Town staff, as delegated) shall provide notice of the petition to:
  - (i) Each utility provider that services a parcel of the subdivision. The Town shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The Town may notify the utility providers in any effective manner (email, mail, etc.).
  - (ii) Each property owner in the subdivision. The Town shall notify these property owners by mail.
- (c) The Planning Commission shall hold a public hearing before approving an amendment petition and within 45 calendar days after the day on which the petition is submitted if:
  - (i) A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or
  - (ii) Not every property owner in the subdivision has signed the revised plat.
- (d) The Planning Commission need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
  - (i) Join two or more of the petitioner's contiguous lots;
  - (ii) Subdivide one or more of the petitioner's lots;
  - (iii) Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
  - (iv) On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
  - (v) Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
- (e) Further subdivisions of platted land are governed not by this Section but by Section 6-2-10.

#### **16-2-9 Conditions.**

- 1) Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the Town of Howell. The developer, applicant, or landowner seeking to subdivide under this Chapter has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to

conform to the physical and economical development of the Town and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

#### **16-2-10 Further Subdivision or Re-Subdivision of Land.**

- 1) Procedure for Further or Re-Subdivision. Any application or petition to replace an existing and recorded subdivision or to further subdivide parcels located within an existing and recorded subdivision shall be treated as an application for a new subdivision under this Ordinance.
- 2) Preparation for Expected Future Subdivisions. Whenever a parcel of land is laid out and platted and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be laid out and platted into small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extensions of such streets may be made a requirement of the subdivision application.

#### **16-2-11 Variances.**

- 1) General. Where the Town Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations, and when the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purposes of these Regulations; and further provided the Town Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
  - (a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
  - (b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property in the Town;
  - (c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and
  - (d) The variance will not in any manner vary the provisions of the Zoning Ordinance, General Plan, or Official Map.
- 2) Conditions. In approving variances, the Town Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- 3) Procedures. A petition for any such variance shall be submitted in writing by the petitioner

before the subdivision application is submitted to the Town. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. Within 30 days after receipt of the petition, the Planning Commission shall forward a recommendation of approval or denial of the variance to the Town Council. Failure of the Planning Commission to submit a recommendation within the prescribed time shall be deemed approval by the Commission of the requested variance, unless consideration of the petition is continued for further review within the prescribed time limits. The Town Council shall uphold or overrule the recommendation of the Planning Commission by a majority of its members after holding a public hearing. At least ten (10) days notice of time and place of such hearing shall be published in a newspaper of general circulations in the Town. Property owners within 300 feet of the proposed subdivision boundaries shall also receive notification of the public hearing. The decision of the Town Council shall be final.

### **16-2-12 Enforcement and Inspection.**

1) General.

- (a) It shall be the duty of the Zoning Enforcement Officer, as designated by the Town, to enforce these Regulations and to bring to the attention of the Town Attorney any violations or lack of compliance herewith.
- (b) No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer, sell, or offer to sell any such parcel before a plat or other subdividing document of such subdivision has been approved by the Town in accordance with the provisions of these Regulations and filed with the County Recorder.
- (c) No building permit shall be issued for the construction of any building or structure located on a lot or parcel of property which has not been laid out and platted in accordance with this Subdivision Ordinance unless and until all applicable requirements of the Ordinance have been met.

- 2) Inspection. Appropriate departments of the Town shall inspect or cause to be inspected all buildings, streets, concrete work, fire hydrants and water supply, storm drainage, and sewage disposal systems in the course of construction, installation or repair. Excavation for underground improvements shall not be covered or back-filled until such installation shall have been approved by the Town. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector or Town Engineer. All other required utilities placed underground or overhead shall meet all The Town of Howell Public Works Standards as required by Franchise agreements. Funds held in bond or escrow accounts will not be released for any work which has not been inspected by the appropriate Town department.

## **SECTION 16-3 SUBDIVISION DEVELOPMENT PROCEDURE AND APPROVAL PROCESS**

- 16-3-1 Conformity
- 16-3-2 Process and Requirements
- 16-3-3 Exceptions to Specific Application Requirements
- 16-3-4 Pre-Application Meeting
- 16-3-5 Notice to Affected Entities
- 16-3-6 Review
- 16-3-7 Approval
- 16-3-8 Post-Approval Actions

### **16-3-1 Conformity.**

The Town shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Chapter and received both a preliminary approval from the Planning Commission and a final approval from the Town Clerk.

### **16-3-2 Application Requirements.**

- 1) To considered complete, a **preliminary** subdivision application must include at least the following elements:
  - (a) An approved land use application that describes how the property will be used after it is subdivided.
    - (i) If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
    - (ii) If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an *approved*, Town-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
    - (iii) If the intended use is prohibited under Town ordinances and requires a variance or rezoning, the land use application must include an *approved*, Town-issued variance or rezoning authorizing the intended use. Should an applicant seek a variance or rezone concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued or the rezone occurs.
  - (b) A preliminary plat, unless exempt under Section 16-3-3. The preliminary plat must be prepared by a licensed land surveyor or engineer at a convenient scale not more than one hundred (100) feet to an inch, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as acceptable for filing in the County Recorder's Office. The preliminary plat must include:

- (i) The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
- (ii) The name and number of all new streets.
- (iii) The boundaries, course, and dimensions of all proposed parcels expressed in feet and decimals of a foot.
- (iv) The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
- (v) Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
- (vi) Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
- (vii) The location, width and details of all existing and proposed streets, curb, gutter, sidewalk, easements, alleys, other public ways and easement and proposed street rights-of-way and building setback lines.
- (viii) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
- (ix) All lots consecutively numbered.
- (x) The date of the plat, approximate true north direction, scale, and title of the subdivision.
- (xi) If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
- (xii) If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).
- (xiii) If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).
- (xiv) If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
- (xv) If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by Town ordinances), the notice language found in Utah Code §10-9a-904.
- (xvi) If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.
- (xvii) The following notations:
  - 1. Explanation of drainage easements, if any.
  - 2. Explanation of irrigation easements, if any.
  - 3. Explanation of site easements, if any.

4. Explanation of reservations, if any.

- (xviii) Appropriate signature blocks.
- (c) A traffic study, if the proposed subdivision touches a road built or maintained by UDOT and if one is required by an applicable UDOT Access Management Plan.
- (d) An improvement plan. Improvement plans shall be prepared for all required improvements. Plans shall be drawn at a scale of not more than fifty (50) feet to an inch, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:
  - (i) Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves and lengths of tangents.
  - (ii) Plan and profiles showing the locations and typical cross-sections of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, irrigation ditches, manholes and catch basins; the locations of street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, sewer, secondary water, cable T.V., or other underground utilities or structures.
  - (iii) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to, existing streets, sewers, drains, water mains, easements, fences, streetlights, water bodies, streams, wetlands, irrigation and drain ditches and any other pertinent features at the point of connection to proposed facilities and utilities within the subdivision.
  - (iv) All specifications and references required by the Town's Public Works Standards, including a site-grading plan for the entire subdivision when required by the Town Engineer.
  - (v) The improvement plan must contain an engineer's estimate of the cost of completing the required improvements.
  - (vi) All improvement plans shall be prepared and stamped by a Civil Engineer, registered in the State of Utah.
- (e) Certifications, including:
  - (i) An affidavit from the applicant certifying that the submitted information is true and accurate.
  - (ii) The signature of each owner of record of land described on the preliminary plat, signifying their consent to the preliminary subdivision application and their intent to dedicate portions of the preliminary plat to the public as described in the application.
  - (iii) Certification that the surveyor who prepared the plat:
    - 1. Holds a license in accordance with Utah Code 58-22; and
    - 2. Either



- a. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
      - b. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
    2. Has placed monuments as represented on the plat.
  - (f) An electronic (PDF) and hard copy of all application materials, plus a minimum of eight (8) copies of the preliminary plat and one (1) reduced 11" X 17" copy of the full-size drawings.
  - (g) Payment of any preliminary-application-processing fees required by the Town (see the Town's Fee Schedule), plus the cost of any engineering, consulting, or legal review of the application incurred by the Town.
- 3) To be considered complete, a **final** subdivision application must include the following:
- (a) The Planning Commission's approval of the applicant's preliminary application, given within the last 365 calendar days.
  - (b) The approved land use application that was accepted during the preliminary application review process.
  - (c) A final plat, unless exempt under Section 16-3-3. The final plat should be the version of the preliminary plat approved by the Planning Commission during the preliminary application review process, plus any other immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office.
  - (d) A completion assurance for all public improvements required by the improvement plan approved during the preliminary application review, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the final plat, as required by Section 16-4 of this Chapter.
  - (e) Certifications, including:
    - (i) A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
    - (ii) A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
    - (iii) An affidavit from the applicant certifying that the submitted information is true and accurate.
    - (iv) The signature of each owner of record of land described on the plat, signifying their consent to the final subdivision application and their dedication and approval of the final plat.
    - (v) Certification that the surveyor who prepared the plat:
      1. Holds a license in accordance with Utah Code 58-22; and
      2. Either

- a. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
  - b. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
3. Has placed monuments as represented on the plat.
- (f) Binding dedication documents, including:
  - (i) As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, and other spaces.
  - (ii) If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas in accordance with Utah Code §10-9a-606(2)-(5).
- (g) Copies, including:
  - (i) One electronic copy of the final plat in AutoCAD format (DWG or DXF), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
  - (ii) A PDF document of the final plat and all other plans and supporting documents required by this Section.
  - (iii) A minimum of four (4) printed copies of all final application materials.
  - (iv) A recording-ready copy of the plat drawn on Mylar or other tracing linen for Town records.
- (h) Payment of any final-application-processing fees required by the Town (see the Town's Fee Schedule), plus the cost of any engineering, consulting, or legal review of the application incurred by the Town.
- 4) The Planning Commission (or Town staff, as delegated) shall produce, maintain, and make available to the public a list of the specific items that comprise complete preliminary and final applications and a breakdown of any fees due upon submission or approval of the applications.
- 5) The Planning Commission may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Town relating to an applicant's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of Town residents.
- 6) Notwithstanding the provisions of this Section, the Planning Commission may waive specific application requirements on a case-by-case basis.

### **16-3-3 Exceptions to Specific Application Requirements.**

- 1) Agricultural Land:
  - (a) Applications to subdivide agricultural land are exempt from the plat requirements (but not the other requirements) of Section 16-3-2 if the resulting parcels:
    - (i) Qualify as land in agricultural use under Utah Code § 59-2-502;

- (ii) Meet the minimum size requirement of applicable Town land use ordinances; and
    - (iii) Are not used and will not be used for any nonagricultural purposes.
  - (b) For subdivision applications for which this exception applies, an applicant may submit to the Town – in place of a plat – a record of survey map that illustrates the boundaries of the parcels.
  - (c) If the Town approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the Town, with the County Recorder’s Office.
  - (d) If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The Town may, in its discretion, impose the penalty in Section 16-6-1 and/or require a re-subdivision or subdivision amendment before issuing a building permit.
- 2) Minor Subdivisions:
  - (a) Applications to subdivide land are exempt from the subdivision plat requirements (but not the other application requirements) of Section 16-3-2 if the subdivision:
    - (i) Results in no more than five parcels;
    - (ii) Is not traversed by the mapped lines of proposed street (as shown in the Howell General Plan), Town easement, or any other land required for public purposes;
    - (iii) Is not, in the opinion of the Planning Commission, part of a larger or phased development scheme or likely to cause platting or development issues for future development;
    - (iv) Has been approved by the culinary water authority and the sanitary sewer authority; and
    - (v) Is located in a zoned area.
  - (b) For subdivision applications for which this exception applies, an applicant may submit to the Town – in place of a plat – both:
    - (i) A record of survey map that illustrates the boundaries of the parcels; and
    - (ii) A legal metes-and-bounds description that describes the parcels illustrated by the survey map.
  - (c) If the Town approves a subdivision application based on a record of survey map and metes-and-bounds description, the applicant shall record the map and description, signed by the Town, with the County Recorder’s Office. The Town shall also provide the notice required in Utah Code §10-9a-605(1).
- 3) Public Street and Municipal Utility Easement Vacations:
  - (a) Public Street and Municipal Easement Vacations shall proceed according to Utah Code 10-9a-609.5.
- 4) Development Agreements:
  - (a) The Town may approve a subdivision through a development agreement entered into between a developer and the Town.
  - (b) Subdivisions platted in a valid development agreement are exempt from the

application requirements and review and approval requirements of this Chapter.

- (c) Clauses in a valid development agreement with the Town superseded all conflicting requirements in this Chapter, except where a clause in the development agreement poses a substantial danger to the health and safety of Town residents.

#### **16-3-4 Pre-Application Meeting**

- 1) A party intending to submit a subdivision application may request a pre-application meeting with the Planning Commission or other Town staff for the purpose of reviewing any element of the party's proposed subdivision application. The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.
  - (a) If a party requests a pre-application meeting, the Town shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur at the Planning Commission's next regularly scheduled meeting.
  - (b) The Planning Commission or delegated Town staff shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the Town website the following at the time of the meeting:
    - (i) Copies of applicable land use regulations,
    - (ii) A complete list of standards required for the project, and
    - (iii) Relevant application checklists.

#### **16-3-5 Notice to Affected Entities.**

- 1) Within 15 calendar days after receiving a complete subdivision application under this Part, Town staff shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
- 2) To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, Town staff shall review information:
  - (i) From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
  - (ii) From the state engineer's inventory of canals; or
  - (iii) From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- 3) To give the owners of water conveyance facilities time to provide feedback on subdivision applications, the Planning Commission shall not approve a subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.

- (a) A water conveyance facility owner's failure to provide comments to the Planning Commission about a subdivision application does not affect or impair the Planning Commission's authority to approve the subdivision application.

**16-3-6 Review**

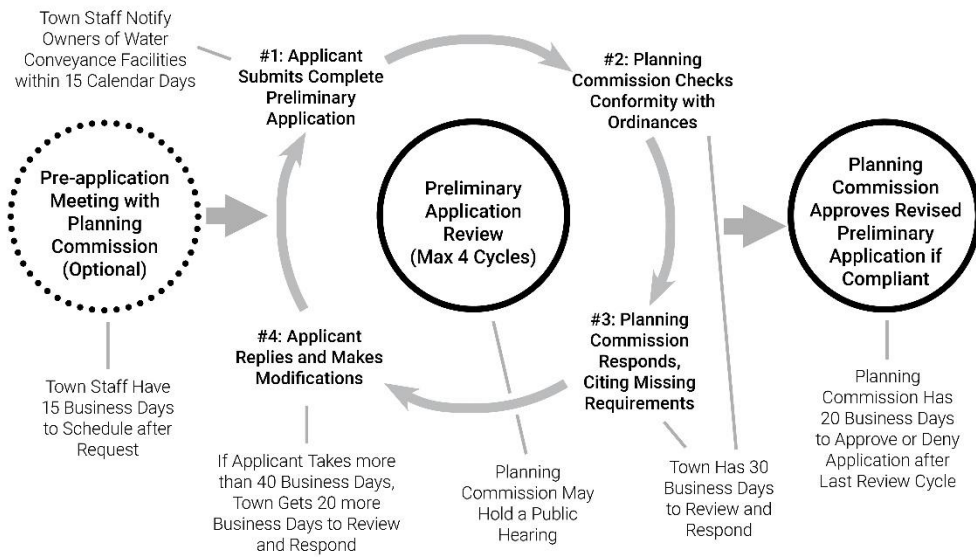
- 1) The Land Use Authority for reviewing preliminary applications is the Planning Commission. The Land Use Authority for reviewing final applications is the Town Clerk.
- 2) The Board of Adjustment, as established and defined in Section 12-12 of Howell City Code, shall act as Appeal Authority for subdivision and development applications under this Chapter.
- 3) The Planning Commission and Town Clerk shall, respectively, review all preliminary and final subdivision applications in accordance with the requirements of this Section before approving or denying those applications.
- 4) For both preliminary and final applications, the review process begins when an applicant submits a complete application.
  - (a) The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
  - (b) If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
- 5) For both preliminary and final applications, after the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."
  - (a) A review cycle consists of the following phases:
    - (i) Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
    - (ii) Phase #2: The Planning Commission reviews the application in detail and assesses whether the application conforms to local ordinances.
    - (iii) Phase #3: The Planning Commission responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Planning Commission shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.
    - (iv) Phase #4: The applicant revises the application, addressing each comment or requirement the Planning Commission made. The applicant must submit both revised plans and a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. If the applicant fails to respond to a comment made by the Planning Commission in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

<b>Table 16-3-6 – Subdivision Review Cycles, Hearings, and Timelines</b>				
<i>Use Type</i>	<i>Review Phase</i>	<i>Max Review Phases</i>	<i>Max Public Hearings</i>	<i>City Turnaround Deadline*</i>
All Zones/Uses	Preliminary	4	1	30 Business Days
	Final	1	0	30 Business Days

*\*Describes the total time (per review cycle) the City may take to complete both Phase #2 and Phase #3.*

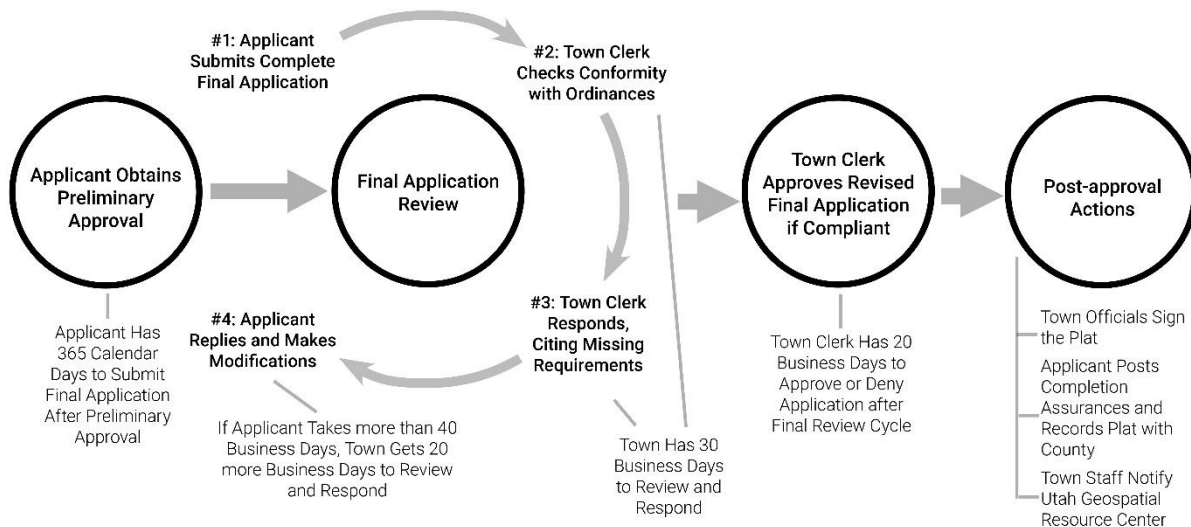


## PRELIMINARY SUBDIVISION APPLICATION PROCESS TOWN OF HOWELL, UTAH





## FINAL SUBDIVISION APPLICATION PROCESS TOWN OF HOWELL, UTAH



- 6) The Land Use Authorities shall adhere to the maximum number of review cycles and the review deadlines described in Table 16-3-6, except as described below. If no further revisions are needed, the Land Use Authority may end the review process early and approve or deny the preliminary or final application.
- (a) This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town's deadlines for reviewing and responding (Phases #2 and #3).
  - (b) If the applicant makes a material change to a preliminary or final application not requested by the Town at any point in the review process, the Planning Commission may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
  - (c) For both preliminary applications, if an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the Town's requests for modifications and additions (in Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
  - (d) For both preliminary and final applications, if an applicant takes longer than 180 calendar days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Planning Commission, expire. If an application expires, the applicant must restart the subdivision application process.
  - (e) If the applicant has not submitted a final application within 180 calendar days after the Planning Commission notifies the applicant that it has approved the related preliminary application, the preliminary approval shall expire. In this case, the applicant shall not submit a final application until the Planning Commission has issued a new preliminary application approval.

- 7) When a preliminary or final application's review period ends, the Planning Commission or Town Clerk shall approve or deny the respective preliminary or final application within 20 business days.
  - (a) If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the Town shall, within 10 business days:
    - (i) For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or
    - (ii) For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- 8) After the Town Clerk provides comments in the last allotted review cycle for a final application, the Town shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Town Clerk did not request.
  - (a) With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the Town waives noncompliant subdivision-related requirements that the Land Use Authorities do not identify during the review process.
  - (b) The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
- 9) The Planning Commission may conduct one or more public hearings (up to the number described in Table 16-3-6) during the review period for a preliminary subdivision application.
  - (a) The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
  - (b) If the Planning Commission elects to hold a public hearing, the hearing must occur before the end of the Planning Commission's preliminary review period (end of Phase #3 of the last preliminary review cycle). Scheduling issues shall not extend the review and approval deadlines in this Chapter.
  - (c) The Town Clerk shall not hold a public hearing during the review period for a final subdivision application.
- 10) Other provisions of this Chapter notwithstanding, the Planning Commission or Town Clerk shall approve or deny preliminary and final applications under this Chapter after reviewing the complete applications as described in this Section.

**16-3-7 Approval.**

- 1) The Planning Commission and Town Clerk shall, respectively approve any complete preliminary and final subdivision applications made under this Chapter that comply with applicable Town ordinances.



- 2) A final subdivision application is approved when the Town Clerk certifies the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

**16-3-8 Post-Approval Actions.**

- 1) The applicant shall record the approved subdivision plat with the County Recorder's Office within 180 calendar days after the Planning Commission approves the subdivision application, provided that the applicant has completed any improvements or posted any performance guarantee required by Town ordinances or described in the approved improvement plan. The applicant shall not record the approved subdivision plat until such improvements are completed or guaranteed in compliance with Town ordinances and the approved improvement plan.
  - (a) An approved final plat not properly recorded within the timeline specified in this provision is void, unless the Planning Commission approves an extension.
- 2) Town staff shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 calendar days after the application is approved, either:
  - (a) An electronic copy of the approved plat; or
  - (b) Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

## **SECTION 16-4 ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

- 16-4-1 Improvements and Guarantee
- 16-4-2 Inspection of Improvements
- 16-4-3 Acceptance of Off-Site Improvements
- 16-4-4 Special Exception for Sidewalk
- 16-4-5 Issuance of Building Permits and Certificates of Occupancy
- 16-4-6 Supersede

### **16-4-1 Improvements and Guarantee.**

- 1) The owner of any land which has been laid out, platted and recorded pursuant to the provisions of these Regulations shall, all at his own expense, install the required improvements within a period of two (2) years from the date the final plat is approved. Said owner(s) shall insure or guarantee the installation of such improvements by one or a combination of one or more of the following methods designated by the Town:
  - (a) Performance Bonds. The developer may furnish and file with the Town Recorder a corporate surety bond, approved by the Town Council and Town Attorney, in an amount equal to the cost of the required improvements plus 10 percent (10%) as estimated by the developer and approved by the Town Engineer to secure the installation of required improvements within two (2) years from the date the final plat is recorded and to secure the ten percent (10%) guarantee amount for one (1) year beyond the date of conditional final acceptance of improvements.
  - (b) Deposit in Escrow. The developer may deposit in escrow with an escrow holder approved by the Town Council an amount of money equal to the cost of improvements required plus ten percent (10%) as estimated by the developer and approved by the Town Engineer under an escrow agreement conditioned for the installation of said improvements within two (2) years from the date the final plat is recorded. The escrow agreement aforesaid shall be approved by the Town Council and Town Attorney and shall be filed with the Town Recorder. The ten percent (10%) improvement guarantee amount will be held for one (1) year beyond the date of conditional final acceptance of improvements.
- 2) Default. In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the final plat is approved, the Town may declare the bond or escrow deposit forfeited, and the Town may install or cause the required improvements to be installed using the proceeds from the collection of the bond or escrow to defray the expense thereof. The Town Council may, upon proof of difficulty, extend the completion date for a maximum period of one (1) additional year.
- 3) Landscaping and Infrastructure Assurance. Before an applicant conducts any development activity or records a plat, the applicant shall:
  - (a) Complete any required public landscaping improvements or infrastructure improvements; or
  - (b) Post an improvement completion assurance for any required public landscaping

improvements or infrastructure improvements.

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

#### **16-4-2 Inspection of Improvements.**

- 1) General Procedure. The Town Public Works Inspector, or the Town Engineer, shall provide the inspection of required improvements during construction and insure their satisfactory completion. If they find, upon inspection, that any of the required improvements have not been constructed in accordance with the Town's construction standards and specifications, the applicant shall be responsible for completing the improvements.
- 2) Reduction of Performance Bond or Escrow Funds. The Town shall not release nor reduce a performance bond or escrow funds on any required improvement until the developer provides a statement for monies requested signed by the Town Engineer or Town Public Works Inspector noting the improvements have been satisfactorily completed. In no event shall escrow funds or a performance bond be reduced below ten percent (10%) of the principal amount.

#### **16-4-3 Acceptance of Off-Site Improvements.**

- 1) Conditional Acceptance. After the completion of all off-site improvements and upon receiving a written statement from the Town Engineer that all required improvements have been satisfactorily completed, the Town Council shall conditionally accept the improvements for a one (1) year guarantee period. Such approval shall not be given until the applicant's engineer has certified to the Town Engineer, through submission of detailed "as built" construction plans of the subdivision, indicating location, dimensions, materials and other information required by the Town Engineer, that the layout of the line and grade of all public improvements is in accordance with the construction plans filed with the final plat. Said "as built" plans shall be submitted in ink on reproducible Mylar. A minimum of ten percent (10%) of the total principal amount of the escrow funds or performance bond or letter of credit commitment, will be held during this one-year guarantee period.
- 2) Guarantee Period. The developer shall warrant and guarantee that the improvements provided for hereunder and every part thereof will remain in good condition for a period of one (1) year after the date of conditional acceptance by the Town and agrees to make all repairs to maintain the improvements and every part thereof in good condition during the guarantee period at no cost to the Town. The guarantee shall extend to and include, but shall not be limited to, the entire street, sub grade base and surface, all pipes, curbs, gutters, approaches, sidewalks, fences, and other accessories that are or may be affected by the construction operations. Whenever in the judgment of the Town's Engineer, said work shall be in need of repair, maintenance, or rebuilding, he shall cause a written notice to be served upon the developer and thereupon the developer shall undertake and complete such repairs, maintenance or rebuilding. The determination of the necessity for repairs and maintenance of the work rests with the Town's Engineer whose decision upon the matter shall be final and binding upon the developer. Upon the developer's failure to perform the required repair work within sixty (60) days from the date of service of such written notice,

the Town shall have such repairs made, and the cost of such repairs shall be paid for by use of the 10% guarantee funds.

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

#### **16-4-4 Special Exception for Sidewalk.**

- 1) Conditional Acceptance. The Town Council, in its discretion, may allow the developer an additional one (1) year time period from the date of conditional acceptance of the off-site improvements to install the sidewalk in the subdivision provided that;
  - (a) All lots built on in the subdivision have sidewalk installed on the lot where shown on the construction plan;
  - (b) The subdivision does not front on a major street where installation of the sidewalks is necessary for the safety of the general citizenry;
  - (c) Sidewalk must be installed prior to the issuance of a certificate of occupancy for any dwelling in the subdivision;
  - (d) No more than 75% of the lots are built on in the subdivision. When the percentage of lots built on exceeds seventy five percent (75%), the sidewalk must be installed before any additional building permits are issued;
  - (e) The Town shall not conditionally accept any of the sidewalks prior to the installation of the entire sidewalk required in the subdivision;
  - (f) The Town retains ten percent (10%) of the escrow funds for the sidewalk until it receives final acceptance by the Town Council.
- 2) Guarantee Period. The developer shall warrant and guarantee that the sidewalk will remain in good condition for a period of twelve (12) months after the date of conditional acceptance by the Town Council and shall make all repairs to and maintain the sidewalk in good condition during the guarantee period at no cost to the Town. The determination of the necessity for repairs and maintenance or work rests with the Town Engineer, whose decision upon the matter shall be final and binding on the developer.
- 3) Final Acceptance. Final acceptance of the sidewalk will follow the same procedure as outlined in Section 16-4-3(3).

#### **16-4-5 Issuance of Building Permits and Certificates of Occupancy.**

- 1) The extent of street and water improvements shall be adequate for vehicular access and fire control by the prospective occupancy and by police and fire equipment prior to the issuance

of a Certificate of Occupancy. For purposes of this section, adequate shall mean grading, sub-grade preparation and installation of road base on streets, and installation of all water mains, valves, hydrants and other appurtenances for the water system.

- 2) Certificates of Occupancy will not be issued on any home within a subdivision prior to the fencing or piping of all ditches, as required by the Town Council or installation of any improvement determined to be necessary for public safety, in complete and satisfactory condition as determined by the Town Inspector.
- 3) No building permit shall be issued nor escrows or bonds released for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) is less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the Town Council for the plat have been fully completed and conditionally accepted by the Town Council.

**16-4-6        Supersede**

- 1) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

## **SECTION 16-5 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN**

16-5-1	General Improvements
16-5-2	Lot Improvements
16-5-3	Streets
16-5-4	Drainage and Storm Sewers
16-5-5	Subsurface Drainage
16-5-6	Water Facilities
16-5-7	Secondary Water System
16-5-8	Sewerage Facilities
16-5-9	Sidewalks
16-5-10	Curb and Gutter
16-5-11	Utilities
16-5-12	Public Uses
16-5-13	Irrigation Water
16-5-14	Preservation of Natural Features and Amenities
16-5-15	Non Residential Subdivision

### **16-5-1 General Improvements.**

- 1) Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:
  - (a) All applicable statutory provisions;
  - (b) The Town Zoning Ordinance, building and housing codes, and all other applicable laws of the Town;
  - (c) The General Plan, official street map, and capital facilities plan of the Town (as may be applicable), including all streets, drainage systems and parks shown on the official street map or General Plan as adopted;
  - (d) The special requirements of these regulations and any rules of the health department and/or appropriate state agencies;
  - (e) The rules of the state highway department if the subdivision or any lot contained therein abuts a state highway;
  - (f) The Town of Howell Public Works Standards and Technical Specifications.
  
- 2) Monuments. The applicant shall place permanent reference monuments in the subdivision as required herein and as approved by the Town Engineer.
  - (a) Monuments shall be located on street right-of-way center lines, at street intersections, and at such other points as determined necessary by the Town Engineer.

- (b) All monuments shall be set in an approved ground box as specified in the public works standards for The Town of Howell.
  - (c) All monuments shall be properly set in the ground by the developer and approved by the Town Engineer prior to the time the Town Council grants conditional acceptance of the subdivision.
- 3) Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other such features which will be reasonably harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be laid out or platted or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the Town Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.
- 4) Soil Conditions. Buildings or structures shall not be situated on soft or unsuitable soils, as determined by the Town Engineer, where there is a high-water table, or a site subject to flooding as noted on the Town's Flood Plain Map, or on uncompacted fill in accordance with the Town of Howell Public Works Standards.
- 5) Subdivision Name. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in Box Elder County.

#### **16-5-2 Lot Improvements.**

- 1) Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to building on such lots from an approved street.
- 2) Lot Dimensions. Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless variation from this rule will give a better street to allow for erection of buildings, observing the minimum front-yard and side setbacks from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities

- (a) required for the type of use and development contemplated, as established in the Zoning Ordinance; all property located within a subdivision shall be included within the boundaries of a road, lot or other improved area such that no parts or parcels of land therein remain unusable.
- 3) Double/Reversed Frontage Lots and Access to Lots.
- (a) Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from streets or to overcome specific disadvantages of topography and orientation, as determined by the Planning Commission.
  - (b) Access from Arterial Streets. Lots should not, in general, derive access exclusively from an Arterial Street. Where driveway access from a primary or secondary arterial street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on Major Streets.
- 4) “R” Lot. All “R” lots shall be clearly identified on the recorded plat and on a recordable instrument in form acceptable to the Town. The instrument shall be recorded in the Office of the Box Elder County Recorder at the time the final plat is recorded in order to provide notice to potential lot purchasers of the existence of limitations imposed upon “R” lot development.
- 5) Flag Lots. The Town of Howell does not allow flag lots except as permitted by the Town Council in the form of a Variance to the Subdivision Ordinance.
- 6) Debris and Waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried on any land, or left or deposited on any lot or street at the time of conditional acceptance of the subdivision by the Town Council, and removal of the same shall be required prior to final acceptance by the Town Council.
- 7) Fencing. Each developer shall be required to furnish and install fences wherever the Planning Commission determines that a hazardous condition or incompatibilities in land use may exist on a lot. The fences shall be constructed according to the Town of Howell Public Works Standards and shall be noted as to height and material on the final construction plans. No certificate of occupancy shall be issued until said fence improvements have been duly installed.
- 8) Staking of Lots. Permanent corner markers shall be placed at all rear lot corners to completely identify the lot boundaries on the ground. Front lot corners shall be identified with permanent reference plugs or nails in the concrete curb. All lot corner markers must be in place prior to the issuance of building permits and after the completion of all subdivision improvements. All lot corners shall be designated in accordance with State/County survey laws.



### 16-5-3 Streets

#### 1) General Requirements.

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

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

Access to subdivisions must be from an existing, maintained public roadway of sufficient width and improvement to meet minimum requirements for the assurance of public safety as determined by the Town Engineer, Police and Fire Departments.

- (b) Grading and Improvement Plan. Streets shall be graded and improved and conform to the Town of Howell Public Works Standards and shall be approved as to design and specifications by the Town Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.

#### (c) Topography and Arrangement.

- (i) Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. At no time shall the grade be greater than 12%. Specific standards are contained in the Public Works Standards of The Town of Howell.

- (ii) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way established on the Official Map and/or General Plan. Such integration shall take topographical conditions into consideration. The street arrangements shall not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide convenient access to it.

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

2. Standard Residential streets shall approach the Arterial or Collector streets at an angle of not less than eighty (80) degrees.

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

- (iv) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary

to provide convenient and safe access to property.

- (v) Proposed streets shall be extended to the boundary lines of the subdivision. All streets required to be extended to the boundary lines of the subdivision shall be properly terminated with a temporary turn-around which shall have a minimum radius of fifty (50) feet and shall have a structural section of at least six (6) inches of road base on prepared sub-grade and shall have sufficient stability to support snow plows, emergency vehicles, school busses, and trash collection trucks. If the turn-around is to be placed within the limits of the proposed development, it shall be fully improved and dedicated as a Cul-de-sac. If the terminal street extends no more than the length of one lot beyond the intersection, the Town Council may wave the turn-around requirement as stated herein.
- (vi) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, and the provision for alleys, truck loading and maneuvering areas, walks, and parking areas so as to minimize conflict or movement between the various types of traffic, including pedestrian.
- (vii) All streets in The Town of Howell subdivisions shall be dedicated to the Town, except that private streets may be approved under special circumstances as determined by the Planning Commission.
- (viii) Arterial, Collector and/or Residential streets shall conform to the width designated on the Master Street Plan whenever a subdivision falls in an area for which a Master Street Plan has been adopted. For territory where such street plan has not been completed at the time the subdivision plan is submitted to the Planning Commission, Arterial or Collector streets shall be provided as required by the Town of Howell Public Works Standards.
- (ix) Standard Residential Streets shall have a minimum of width of sixty (60) feet.
- (x) Cul-de-sacs shall be not longer than four hundred (400) feet to the beginning of the turn-around, from the centerline of the intersecting street. Each Cul-de-sac must be terminated by a turnaround of not less than one hundred ten (10) feet in diameter. If surface water drainage is directed into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided.
- (xi) Utility and drainage easements shall be provided along lot lines of all subdivision lots and at such other locations as deemed necessary and as directed by the Town. The easements shall have a minimum width of ten (10) feet, but may encumber adjoining lots by extending across adjoining lot lines. In some cases, larger size easements may be required as directed by the Town. Proper coordination shall be established between the developer and the applicable utility company for the establishment of utility easements on adjoining properties.
- (xii) Standard Street Sections and all proposed streets, whether public or private shall conform to the Street Cross-Section Standards as recommended by the

Town Engineer and adopted by the Town Council.

- (xiii) Streets shall be numbered unless the Planning Commission determines, based upon topography and other like considerations, that streets should be named.
- (d) Blocks.
- (i) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width may be permitted in blocks adjacent to major streets, waterways, or topography concern.
  - (ii) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand three hundred twenty (1,320) feet or twelve (12) times the minimum lot width required in the zoning district, whichever is less, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major streets and collector streets shall be not less than six hundred sixty (660) feet in length.
  - (iii) In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
  - (iv) Pedestrian ways or crosswalks, not less than six (6) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- (e) Access to Major Streets. Where a subdivision borders on or contains an existing or proposed major street, the Planning Commission may require that access to such streets be limited by one of the following means:
- (i) The subdivision of lots so as to back onto the street and front onto a parallel local street; no access shall be provided from the street in the rear, and screening shall be provided in a strip of land no less than five (5) feet in width along the rear property line of such lots.
  - (ii) A marginal access or service road (separated from the street by a planting or grass strip and having access thereto at suitable points).
- (f) Street Regulatory Signs. The applicant shall deposit to The Town of Howell, at the time of final subdivision approval, a sum determined by the Director of Public Works for each sign required by the Town. The Town shall install all street signs before issuance of certificates of occupancy for any residence on the streets approved.
- (i) Street signs are to be placed at all intersections within or abutting the subdivision, the type and location of which shall be approved by the Town of Howell Public Works Director.

2) Design Standards.

- (a) General. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, design standards for street sections shall be as outlined in the Town of Howell Public Works Standards or as otherwise approved by the Town of Howell Engineer.
- (b) Road Surfacing and Improvements. After pipes, lines and related facilities pertaining to sewer, water, gas, cable TV, electricity, and like utility services, where required, have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be in accordance with the Town of Howell Public Works Standards. Adequate provision shall be made for culverts, drains, and bridges. Driveway approaches shall not be installed at the time of placement of curb and gutter unless approval for a building permit has been issued by the Town.
- (c) Intersections.
  - (i) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than eighty (80) degrees shall not be acceptable. An oblique street shall be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet there from. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.
  - (ii) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.
  - (iii) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance as determined by the Town of Howell Public Works Department.

3) Street Dedications and Reservations.

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

- (i) The Town Council, with or without recommendation by the Planning Commission, may authorize a new perimeter street where the developer improves and dedicates the entire required street right-of-way width within his own subdivision boundaries. At the discretion of the Town Council, after recommendation of the Ordinances, the developer may retain a protection strip of one foot in width between the street and adjacent property. An agreement with the Town, approved by the Town Attorney, shall be made by the developer contracting to dedicate the one foot protection strip free of charge to the Town for street purposes upon payment by the present owners of the contiguous property to the developer of a consideration named in the agreement. Such consideration is to be equal to the cost, at the time of the agreement, of the street improvements, including utility lines properly chargeable to the contiguous property, plus the value of the land from the right-of-way line to the center line of the street at the time of the agreement together with interest computed at the then statutory rate. Interest shall accrue only from the time of agreement until the time of subdivision of such contiguous property or ten years from the date of the agreement whichever is less. All charges to be associated with the protection strip, as well as the interest rate, shall be reviewed and approved by the Town Engineer and shall be recorded as part of the aforementioned agreement. All property owned by the developer shall be included on the subdivision plan.
  - (ii) Wherever the developer is required to improve the full width of an existing town owned right-of-way on the perimeter of his subdivisions, the Town Council may enter into a similar agreement as outlined above. In this agreement the developer will not own a one foot protection strip and the consideration named in the agreement will not include the value of the land or any utilities installed in the right-of-way prior to the agreement. However, the agreement will stipulate that before approval is given to the development on the adjacent property abutting the street, the adjacent property owners will reimburse the aforementioned developer as outlined in the agreement.
- (b) Widening and Realignment of Existing Streets. Where a subdivision borders an existing narrow street or when the General Plan, Official Map, zoning set back regulations or Public Works Standards indicate plans for the realignment or widening of a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate, at his expense, such areas for widening or realignment of such streets. Such frontage streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these Subdivision Regulations. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the municipality in fees simple or an easement is granted to the Town.

#### **16-5-4 Drainage and Storm Sewers.**

- 1) General Requirement. The Planning Commission shall not recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The Town Engineer shall make the determination of adequate provision. The storm water drainage system shall be separate and independent of any

sanitary sewer system. Storm drainage point-of-discharge from channel or conduit shall be protected from erosion by a suitable structure or lining. Storm sewers, where required, shall be protected from erosion by a suitable structure or lining, with the design and method approved by the Town Engineer. A copy of design computations shall be submitted along with the construction plans. All locations and sizes of storm sewer lines and basins shall be in conformance with the requirements as specified by the Town Engineer.

2) Nature of Storm Water Facilities.

- (a) Location. The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the Town of Howell Public Works Standards and shall be approved by the Town Engineer.
- (b) Accessibility to Public Storm Conduits. Where a public storm conduit is accessible, the applicant shall install storm system facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the Town of Howell Public Works Standards. However, in Commercial Zones, underground storm conduit systems shall be constructed throughout and be conveyed to an approved outfall. Inspection of facilities shall be conducted by the Town Engineer and Public Works Director.
- (c) Accommodation of Upstream Drainage Areas. A storm conduit line or other drainage facilities shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area given a particular rain event (i.e. 25 year) whether inside or outside the subdivision. The Town Engineer shall determine the necessary size of the facility.
- (d) Effect on Downstream Drainage Areas. The Town Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Town Council may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in a manner the Town Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

3) Flood Plain Areas. The Town Council may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

4) Dedication of Drainage Easements.

- (a) General Requirements. Where a subdivision is traversed by a watercourse,

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

(b) Drainage Easements.

- (i) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across the property outside the road lines and with satisfactory access to the road. Easements shall be so indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- (ii) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (iii) The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the Planning Commission. All said easements shall be deemed rights-of-way for lawful municipal purposes.

**16-5-5 Subsurface Drainage.**

- 1) The subdivision applicant is required to provide the design and installation of a sub-surface drainage system which meets the Town of Howell Public Works standards when determined to be necessary by the Town Engineer.

**16-5-6 Water Facilities.**

1) General Requirements.

- (a) The owner/developer of any land proposed to be developed as a subdivision shall at his expense be required to comply with all regulations of the current Town Standards of The Town of Howell Public Works.
  - (b) The developer shall be required to install adequate water facilities, including fire hydrants. All water lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed streets. Main valves and other appurtenances shall be installed in accordance with The Town of Howell Public Works Standards or as otherwise required by the Town Engineer.
  - (c) All proposed water improvements shall comply with the Bona Vista Water Improvement District's Standards.
- 2) Fire Hydrants. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than five hundred (500) feet apart and within two hundred fifty (250) feet of any structure and shall be approved by the Town of Howell Fire Department. To

eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.

#### **16-5-7 Secondary Water System.**

The applicant is required to provide pressurized secondary water to the subdivision as a condition of approval, provided the design of the system meets with the approval of the Town and the engineer for the secondary water district. If a pressurized irrigation system is not available to the subdivision, the developer will need to provide sufficient water rights (as determined by the Town) to each lot, prior to recordation.

#### **16-5-8 Sewerage Facilities.**

General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the Town of Howell Public Works Standards and the Bear River Health Department. Sanitary sewerage facilities shall connect with public sanitary sewerage systems, if available within three hundred (300) feet. Sewers shall be installed to serve each lot and to grades and sizes required by the State of Utah's Department of Environmental Quality. All sewer lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision (if applicable) on all existing or proposed Town streets unless determined otherwise by the Town.

#### **16-5-9 Sidewalks.**

Sidewalks shall be required for reasons of safety and public welfare. Subdivisions where the average lot width is one hundred fifty (150) feet or more, sidewalks may not be required at the discretion of the Planning Commission or the Town Council. The Town of Howell will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement.

#### **16-5-10 Curb and Gutter.**

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

#### **16-5-11 Utilities.**

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



**16-5-12 Public Uses.**

1) Recreation.

- (a) Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the Town performance bond or escrow. All land to be reserved for dedication to the Town for park purposes shall have prior approval of the Town Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purpose."
- (b) Other Recreation Reservations. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

2) Other Public Uses.

- (a) Plat to Provide for Public Uses. Except when an applicant utilizes planned unit development or density zoning in which land is set aside by the developer as required by the provision of the Zoning Ordinance, whenever the subdivision includes a school, recreation use or other public use as indicated on the General Plan or any portion thereof, such space shall be suitably incorporated by the applicant into his subdivision plan. After proper determination of its necessity by the Planning Commission and the appropriate Town Officials or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the final plats.
- (b) Referral to Public Body. The Planning Commission shall refer the plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisitions and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.
- (c) Notice of Property Owner. Upon receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on the subdivision plats that area proposed to be acquired by the public body.
- (d) Duration of Land Reservation. The acquisition of land reserved by a public agency on the final plat shall be initiated within twelve (12) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a plat of the proposed development and a tentative schedule of construction.

Failure on the part of the public agency to initiate acquisition within the prescribed twelve (12) months shall result in the removal of the “reserved” designation from the property involved and the freeing of the property for development in accordance with these regulations.

**16-5-13 Irrigation Water.**

- 1) No open irrigation or drainage ditches shall be permitted within the boundary of a subdivision. All necessary irrigation ditches, whether used for the purpose of transporting irrigation or waste flow water, that must be maintained within a subdivision shall be replaced with a pipe culvert. This pipe culvert shall be at least fifteen (15) inch diameter concrete pipe and be of satisfactory size and design to satisfy the irrigation company. The developer of a subdivision must provide for maintaining the existing rights of all irrigation users, both upstream and downstream of the proposed development.
- 2) A solid board, chain-link, or other non-climbable fence not less than 6 feet in height shall be installed on the side of an existing open canal, irrigation or drainage ditch adjacent to (within 5 feet of the subdivision boundary to nearest centerline) the subdivision, and which is not piped in accordance with the foregoing section. Like fencing shall be constructed where the subdivision borders upon open reservoirs, non-access streets, and adjoining schools, churches, and park sites, except where the Town Council determines that said areas shall remain open and unfenced. All such fences shall be maintained and kept in good repair by the owner of property contiguous to or upon which said fence is erected.

**16-5-14 Preservation of Natural Features and Amenities.**

- 1) General. Existing features which would add value to a residential development or to the Town as a whole, such as trees, historic spots, and similar irreplaceable assets, are encouraged to be preserved in the design of the subdivision. Such existing features shall not be removed from any subdivision nor any change of grade of the land affected until approval of the subdivision plan has been granted.
- 2) Water Rights. All water or water rights used upon, appurtenant to or running with any land located within a proposed subdivision shall be offered to the Town for purchase at the market value existing at the time the subdivision plan is submitted for approval.

**16-5-15 Non-Residential Subdivision.**

- 1) General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Planning Commission may require.
  - (a) A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Planning Commission, and shall conform to the proposed land use and standards established in the General Plan, Official Map, and Zoning Ordinance.

- 2) Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed are specifically adapted to the uses anticipated and take into account other uses in the vicinity. The following principles and standards shall be observed:
- (a) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
  - (b) Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
  - (c) Special requirements may be imposed by the Town with respect to street, curb, gutter, and sidewalk design and construction.
  - (d) Special requirements may be imposed by the Town with respect to the installation of public utilities, including but not limited to, water, sewer, and storm water drainage.
  - (e) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a fence or other barrier, or a permanently landscaped buffer strip, when necessary.
  - (f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

## **SECTION 16-6 PENALTIES**

16-6-1 Penalties

16-6-2 Validity

### **16-6-1 Penalties.**

- 1) Any owner or agent of the owner of any land located in a subdivision as defined in this Chapter who transfers or sells or offers to sell any land in the subdivision before the subdivision's plat or other subdividing instrument has been approved and recorded as required in this Chapter is guilty of a Class B misdemeanor.
- 2) Any person violating any of the other provisions of this Subdivision Ordinance shall be guilty of a Class B Misdemeanor and, upon conviction of any such violation, shall be punishable by the penalty as prescribed in this Ordinance, or by the penalty for transfer and sale of property provided in §10-9-26 of the Utah Code Annotated, 1953, as amended.
- 3) The Town shall record a notice of violation to cloud the title of illegally subdivided property.

### **16-6-2 Validity.**

- 1) Any plat of a subdivision filed or recorded without the approvals as required by this ordinance is void.
- 2) Any sale or transfer of any land in a subdivision not platted in accordance with the provisions of this ordinance is null and void.