

CHAPTER 16

SUBDIVISION ORDINANCE

(Repealed, Renamed and Replaced – 07-01-14 Ord. 2014-07)

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CHAPTER 16

SUBDIVISION ORDINANCE

SECTION 16-1 DEFINITIONS

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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.

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

Alley. A public or private right-of-way which is less than 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.

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

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

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.

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

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.

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.

Town. Town of Howell, Utah.

Town Council. The Town Council of the Town of Howell, Utah.

Town Engineer. A professional, registered engineer retained by the Town.

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.

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).

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

Flag Lot. A flag or L-shaped lot comprised of a staff having a minimum width of 20 feet and a flag portion consisting of the minimum dimensions required for a regular lot in the applicable zone. The square footage of the staff shall not be considered in determining whether the lot size (the flag portion) requirements are met. A variance to the Subdivision Ordinance must be granted for all flag lots within Town of Howell.

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

General Plan. A comprehensive plan for development of 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.

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

Half Street. That portion of a street within a subdivision comprising one-half (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.

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

Joint Ownership. Joint ownership among persons shall be construed as the same owner for the purpose of imposing subdivision regulations.

Lot. A parcel of land occupied or capable of being occupied by a permitted or conditional use building or group of buildings (main or accessory), together with such yards, open spaces, parking spaces and other areas required by this Subdivision Ordinance and the Uniform Zoning Ordinance of Town of Howell, having frontage upon a street or upon a right-of-way approved by the Board of Adjustment. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.

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.

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.

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.

Master Street Plan. A plan, labeled "Master Street Plan of Town of Howell."

Town of Howell 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.

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

Owner. Any person, group 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.

Parcel of Land. Contiguous quantity of land, in possession of, or owned by, or

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

Planning Commission. The Town Planning Commission of Town of Howell.

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

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

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.

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.

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.

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.

Road. See Street.

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.

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.

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

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.

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.

Street, Minor. A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

Street, 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.

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.

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.

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

Zoning Ordinance. The Zoning Ordinance of 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
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- 16-2-10 Re-subdivision of Land
- 16-2-11 Vacation of Plats
- 16-2-12 Variances
- 16-2-13 Enforcement, Inspections, Violations and Penalties

16-2-1 General.

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of 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 land shall be laid out and platted within the corporate limits of the Town until;
 - (a) the Town Council has given final approval of the plat, and
 - (b) the approved plat 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 regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (2) Conflict. Conflict with Public and Private Provisions.
 - (a) Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
 - (b) Private Provisions. These regulations are not intended to abrogate any easement, covenant, condition, restriction or any other private provisions, provided that where the provisions of these regulations are more restrictive or

impose higher standards or regulations 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, or the determinations of the Planning Commission or the Town in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and determinations made there under. Nothing contained therein shall empower or require the Town to enforce such private agreements or restrictions.

- (3) Separability. 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 according to law, the Subdivision Ordinance of The Town of Howell previously adopted by the Town, as amended, is hereby repealed, except as to such sections expressly retained herein.

16-2-8 Amendments.

These subdivision regulations may be amended from time to time by the Town Council after holding a public hearing upon proper notice. All proposed changes and amendments shall be proposed by or submitted to the Planning Commission for its recommendation, which, within thirty days, shall be forwarded to the Town Council for its consideration. Failure of the Planning Commission to submit a recommendation within the prescribed time shall be deemed approval by such Commission of the proposed change or amendment. The Town Council shall uphold or overrule the recommendation

of the Planning Commission by a majority vote of its members within thirty days following the final vote of the Planning Commission.

16-2-9 Conditions.

- (a) 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 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.
- (b) Any matter upon which action may or shall be taken under the provisions of this Ordinance may, at the Town Council's discretion, unless otherwise provided for in the subdivision ordinance, be referred to the Planning Commission for its study, consideration, and recommendations.

16-2-10 Re-subdivision of Land.

- (1) Procedure for Re-subdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning Commission and Town Council by the same procedures, rules, and regulations as for a subdivision.
- (2) Procedure for Subdivisions Where Future Re-subdivision Is Indicated. Whenever a parcel of land is laid out and platted and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be laid out and platted into 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 plat.

16-2-11 Vacation of Plat.

- (1) Any plat or any part of any plat may be vacated in compliance with and according to the terms of §10-9-808 Utah Code Annotated, as amended.
- (2) Such an instrument shall be approved by the Planning Commission and Town Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- (3) Such an instrument shall be executed, acknowledged or approved, and

recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

- (4) When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

16-2-12 Variances.

- (1) General. Where the Town Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such 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 developer at the time when the preliminary plan is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Within 30 days after receipt of the petition, the Planning Commission shall

forward a recommendation of approval or denial to the 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.

16-2-13 Enforcement Inspection, Violations and Penalties.

(1) General.

- (a) It shall be the duty of the Zoning Enforcement Officer, as designated by the Town Administrator, 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 of such subdivision has been approved by the Planning Commission and Town Council, in accordance with the provisions of these regulations, and filed with the County Recorder.
- (c) The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
- (d) No building permit shall be issued for the construction of any building or structure located on a lot or parcel of property which has not been laid out and platted in accordance with this Subdivision Ordinance unless and until all applicable requirements of the ordinance have been met.

- (2) Inspection. Appropriate departments of the 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.

- (3) Violations and Penalties. Any person violating any of the provision of this Subdivision Ordinance shall be guilty of a Class B Misdemeanor and, upon conviction of any such violation, shall be punishable by the penalty as prescribed in this code, or by the penalty for transfer and sale of property provided in §10-9-26 of the Utah Code Annotated, 1953, as amended.

SECTION 16-3 SUBDIVISION DEVELOPMENT PROCEDURE AND APPROVAL PROCESS

- 16-3-1 General Procedures
- 16-3-2 Preliminary Plan
- 16-3-3 Improvement Plans
- 16-3-4 Final Plat
- 16-3-5 Signing and Recording of Subdivision Plat

16-3-1 General Procedures.

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

- (a) it may be filed or recorded in the County Recorder's Office;
- (b) lots may be sold or offered for sale; and
- (c) any building permit for the erection of a non-agricultural structure shall be granted.

16-3-2 Preliminary Plat.

- (1) General. The preliminary plat shall be prepared in ink by a licensed land surveyor or engineer at a convenient scale not more than one hundred (100) feet to an inch, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as acceptable for filing in the office of the County Recorder. The Preliminary Plat shall be;
 - (a) accompanied by a minimum of eight (8) copies of the preliminary plat as described in these regulations and one (1) reduced 11" X 17" copy of the full size drawings;
 - (b) presented to the Town Recorder at least fifteen (15) days prior to a regular meeting of the Commission. This fifteen day period is necessary to allow the Planning Commission and designated consultants time to review the plat and prepare for its consideration at a regular meeting held for such purpose.
- (2) Subdivision Processing Fee. At the time of filing the preliminary plat, the developer shall deposit with the Town Recorder a non-refundable fee made payable to The Town of Howell. The Town Council shall by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the Town for the expenses incidental to processing the subdivision plats.
- (3) Engineering Checking and Inspection Fee. At the time of application for a subdivision, the subdivider shall pay to The Town of Howell, a deposit of fifty (50) percent of the projected engineering checking and engineering inspection fees for said subdivision, as determined by the Town Engineer. All

fees incurred by the Town for the acting Town Engineer's services relating to a subdivision shall be passed on directly to the subdivider for payment. At the time of conditional final acceptance, providing that all engineering fees have been paid, seventy-five percent (75%) of the deposit shall be refunded, the remaining twenty-five percent (25%) to be refunded in two (2) years, after the guarantee period has expired and final approval has been granted. Non-payment of engineering fees shall be cause to order all work to cease in said subdivision until such fees are paid in full.

- (4) Features. The preliminary plat shall contain the following:
- (a) The location of property with respect to surrounding property and streets, the name of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.
 - (b) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
 - (c) The location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, buildings, parks, cemeteries, drainage ditches, irrigation ditches, fences, bridges, etc. as determined by the Planning Commission.
 - (d) The location, width and details of all existing and proposed streets, curb, gutter, sidewalk, easements, alleys, other public ways and easement and proposed street right-of-ways and building setback lines.
 - (e) The locations, dimensions, and areas of all proposed or existing lots, illustrating their relationship to surrounding properties.
 - (f) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
 - (g) The name and address of the owner or owners of land to be laid out and platted, the name, address and phone number of the developer if other than the owner and the name, address and phone number of the land surveyor or engineer.
 - (h) The date of the plat, approximate true north direction, scale, and title of the subdivision.
 - (i) Sufficient data acceptable to the Town Engineer to readily determine the location, bearing, and length of all lines, and to reproduce such lines upon the ground, and the location of all proposed monuments, including contours at intervals of 2 feet, 5 feet, or 10 feet as determined by the Town Engineer.
 - (j) Name of the subdivision and name and number of all new streets.

- (k) Indication of the use of any lot (single-family, two-family, multifamily, townhouse) and all uses other than residential as proposed by the developer.
- (l) All lots consecutively numbered.
- (m) Existing water supply and sanitary sewage systems.
- (n) Detailed provisions for collecting and discharging surface water drainage.
- (o) Location and size of all proposed water, secondary water, sanitary sewer, storm sewer, irrigation or drainage ditch piping or other sub-surface improvements as deemed necessary by the Town Engineer.
- (p) Preliminary plats shall contain the following notations:
 - (1) Explanation of drainage easements, if any.
 - (2) Explanation of irrigation easements, if any.
 - (3) Explanation of site easements, if any.
 - (4) Explanation of reservations, if any.
- (5) Preliminary Approval. After the Planning Commission has reviewed the preliminary plat, the report from the Town Staff and any municipal recommendations, the applicant shall be advised of any required changes and/or additions. The Commission shall then approve, conditionally approve, or disapprove the preliminary plat. One (1) copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before the Commission approves a preliminary plat showing park reservation or land for other Town use proposed to be dedicated to the Town, the developer shall obtain approval of the park or land reservation from the Town Council.
- (6) Effective Periods of Preliminary Approval. The approval of a preliminary plat shall be effective for a period of twelve (12) months only from the date of approval. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval subject to all new zoning restriction and subdivision regulations then in existence. Preliminary approval of any undeveloped phases of a phased subdivision shall become null and void should more than two (2) years elapse between the date of conditional acceptance of the off-site improvements of the last phase by the Town and the application for final approval of a subsequent phase. Extensions of time up to twelve (12) months may be granted upon application and approval from the Planning Commission.
- (7) Zoning Regulations. Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any

subsequent amendments to the Zoning Ordinance rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within a period of six months from the date of such approval.

- (8) Grading Limitation. No large scale excavation, grading or re-grading as determined by the Planning Commission shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the Planning Commission.
- (9) Denial of Approval. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plan.

16-3-3 Improvement Plans

- (1) General. Improvement plans shall be prepared for all required improvements. Plans shall be drawn at a scale of not more than fifty (50) feet to an inch, and map sheets shall be of the same size as the preliminary plan. The following shall be shown:
 - (a) 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, lengths of tangents,
 - (b) 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.
 - (c) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to, existing streets, sewers, drains, water mains, easements, fences, street lights, water bodies, streams, wetlands, irrigation and drain ditches and any other pertinent features at the point of connection to proposed facilities and utilities within the subdivision.
 - (d) All specifications and references required by the Town's Public Works Standards, including a site-grading plan for the entire subdivision when required by the Town Engineer.
 - (e) All Improvement Plans shall be prepared and stamped by a Civil Engineer, registered in the State of Utah.

16-3-4 Final Plat.

- (1) General. The final plat shall consist of a sheet of approved Mylar. Size of drawings shall be twenty-four (24) by thirty-six (36) inches with a one-half (1/2) inch border on top, bottom and right side. The left side shall have a border of one and one-half (1 1/2) inches. The plat shall be so drawn that the top of the drawing faces either North or West, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the Mylar with approved waterproof black "India Drawing Ink." The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred (100) feet to the inch, and workmanship on the finished drawing shall be neat, clean-cut and readable. The plat shall contain the following information:
- (a) The subdivision name approved by the Town Planning Commission and the general location of the subdivision, in bold letters at the top of the sheet.
 - (b) A North point and scale of the drawing, and the date.
 - (c) Accurately drawn boundaries, showing the property bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.
 - (d) The address or name, width, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the public; and the lines, dimensions, bearings and numbers of all lots. All proposed streets shall be numbered or named in accordance with the adopted addressing system of The Town of Howell.
 - (e) The standard forms approved by the Planning Commission lettered for the following:
 - 1) Description of land to be included in a subdivision.
 - 2) Registered Land Surveyor's "Certificate of Survey".
 - 3) Owner's Dedication and acknowledgment.
 - 4) Notary Public's Acknowledgment.
 - 5) Certificate of Approval by the Town Planning Commission.
 - 6) Certificate of Approval by the County Surveyor.
 - 7) Certificate of Acceptance by the Town Council, attested by the Town Recorder.

- (f) A three (3) inch by three (3) inch space in the lower right-hand corner of the drawing for Box Elder County recording information.
- (2) Preparation. The final plat shall be prepared by a registered land surveyor licensed by the State of Utah.

16-3-4a Requirements for Final Approval.

- (1) Final approval of the final plat may not be granted until the following materials are submitted to the planning commission:
- (a) A minimum of four (4) copies of the final plat and two (2) copies of the Improvement plans, as described in these regulations which comply in all respects with the preliminary plan, as approved, and which have been reviewed and approved by the Town Engineer.
 - (b) All formal irrevocable offers of dedication to the public of all streets, Town uses, utilities, parks, and easements in a form approved by the Town attorney.
 - (c) Written assurance from the public utility companies and improvement districts that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon preliminary plan approval.
 - (d) All required processing and checking fees have been paid to the Town.
- (2) Final Approval by Planning Commission. The Planning Commission shall recommend to the Town Council the approval, conditional approval, or disapproval of the final plat within thirty (30) days after the date the plat is submitted to the Planning Commission. The Commission shall set forth in detail any conditions to which the recommendation is made or reason for its recommendation. The subdivision plat shall then be forwarded to the Town Council for their approval.
- (3) Determination by Town Council. Upon receiving the recommendation of the Planning Commission, the Town Council shall consider the recommendation at a regularly scheduled Town Council meeting and shall approve, modify and approve, or disapprove the final plat by resolution which shall set forth in detail any conditions to which the approval is subject or reasons for disapproval. In no event shall the period of time stipulated by the Town Council for completion of required improvements exceed two (2) years from the date the final plat is recorded. One copy of the final subdivision plat shall be returned to the developer with the date of approval, conditional approval, or disapproval, noted thereon and the reasons therefore accompanying the plat.
- (4) Material Testing. The developer shall be responsible for payment of material testing required by the Town Engineer during construction of subdivision

improvements.

- (5) Plat Approval Required. No street improvements or utilities shall be installed until after approval of the final plat by the Town Council and recordation thereof. No lots included in such plat shall be purchased, sold, exchanged, nor offered for sale or exchange; and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.

16-3-5 Signing and Recording of Subdivision Plat.

- (1) Signing of Plat. When a bond or escrow is required, the Mayor shall endorse approval on the plat after the bond or escrow has been approved by the Town Attorney and all the conditions of this resolution pertaining to the plat have been satisfied.
- (2) Recording of Plat. The Town shall record the plat after all required signatures are obtained. At the same time, the Town shall also record all dedications, covenants, and lien agreements as the Town shall require to be recorded from time to time.
- (3) Final Plat - Time Limit for Recording. Any final plat having received final approval by the Town Council shall be offered for recording within three months after final approval. If a final plat is not offered for recording within three months after final approval, final approval shall be considered null and void and the developer must resubmit the final plat for recommendation by the Planning Commission and approval by the Town Council.
- (4) Phasing. Subdivisions containing more than thirty (30) lots shall be done in phases. Each phase must be approved by the Planning Commission and shall consist of that number of lots that can be completely developed with off-site improvements within a two-year period. Off-site improvements are construed to be those improvements required by the Town of Howell Public Works Standards. On-site improvements shall be construed to mean the construction of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and all of the said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by lessees or grantees of any of the lands located within the subdivision within the time hereinafter specified. Phases shall be designed to minimize the dead-ending of streets and waterlines. Phasing shall be done in such a manner as to provide sufficient traffic circulation in each of the phases.

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

16-4-1 Improvements and Guarantee.

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

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 (1) year guarantee period.
- (2) Guarantee Period. The developer shall warrant and guarantee that the improvements provided for hereunder and every part thereof will remain in good condition 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.

- (2) 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) the subdivision does not front on a major street where installation of the sidewalks is necessary for the safety of the general citizenry;
 - (b) all lots built on in the subdivision have sidewalk installed on the lot where shown on the construction plan;
 - (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 §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.

SECTION 16-5 REQUIREMENTS FOR IMPROVMENTS, 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
- 16-5-16 Street Lights

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 and Town Council, 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

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.

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

- 2) 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.

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

- b) Standard Residential streets shall approach the Arterial or Collector streets at an angle of not less

than eighty (80) degrees.

- 3) All streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population density and to the pattern of existing and proposed land uses.
- 4) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- 5) Proposed streets shall be extended to the boundary lines of the subdivision. All streets required to be extended to the boundary lines of the subdivision shall be properly terminated with a temporary turn-around 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.
- 6) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, and the provision for alleys, truck loading and maneuvering areas, walks, and parking areas so as to minimize conflict or movement between the various types of traffic, including pedestrian.
- 7) All streets in 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.
- 8) 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 preliminary plat is submitted to the Planning Commission, Arterial or Collector streets shall be provided as required by the Town of Howell Public Works Standards.
- 9) Standard Residential Streets shall have a minimum width of sixty (60) feet.
- 10) Cul-de-sacs shall be not longer than four hundred (400) feet to the beginning of the turn-around, from the centerline of the intersecting street. Each Cul-de-sac must be terminated by a 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.
- 11) Utility and drainage easements shall be provided along lot lines of all subdivision lots and at such other locations as deemed necessary and as directed by the

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.

- 12) 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.
- 13) Streets shall be numbered unless the Planning Commission determines, based upon topography and other like considerations, that streets should be named.

(d) Blocks.

- 1) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width may be permitted in blocks adjacent to major streets, waterways, or topography concerns.
- 2) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand three hundred twenty (1,320) feet or twelve (12) times the minimum lot width required in the zoning district, whichever is less, nor 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.
- 3) In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

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

- 1) The subdivision of lots so as to back onto the street and front onto a parallel local street; no access shall be

provided from the street in the rear, and screening shall be provided in a strip of land no less than five (5) feet in width along the rear property line of such lots.

- 2) A marginal access or service road (separated from the street by a planting or grass strip and having access thereto at suitable points).
- (f) Street Regulatory Signs. The applicant shall deposit 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.

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.
 - 1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than eighty (80) degrees shall not be acceptable. An oblique street shall be curved approaching an intersection and should be

approximately at right angles for at least one hundred (100) feet there from. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.

- 2) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing 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.
- 3) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance 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.
 - 1) 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 both preliminary and final plat.

- 2) Where 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 Requirements. The Planning Commission shall not recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The 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 out-fall. 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.
- (1) 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.
 - (2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 - (3) The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of 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.

The 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 preliminary 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 preliminary and final 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 preliminary 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 preliminary 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 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 title who transfers or sells, or offers to sell any land in the subdivision before a plat of the subdivision has been approved and recorded as required in this title is guilty of a misdemeanor for each lot or parcel transferred or sold.
- (2) The description by meets and bounds and the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation or from the penalties or remedies provided for in this ordinance.
- (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.