

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

15.25.1 General Provisions¹

15.25.1.1 Purpose

15.25.1.2 Scope of Applicability

15.25.1.3 Interpretation and Conflict of Laws

15.25.1.4 Definitions

15.25.1.5 Subdivision Land Use Authority

15.25.1.6 Subdivision Appeal Authority

15.25.1.7 Preliminary Plan Requirements

15.25.1.8 Final Plat Requirements

15.25.1.9 Pre-Application Meeting

15.25.1.10 Notice to Affected Entities

15.25.1.11 Review

15.25.1.12 Approval

15.25.1.13 Post-Approval Actions

15.25.1.14 Minor Subdivisions and Other Exceptions to Application Requirements

15.25.1.15 Amending a Subdivision Plat

15.25.1.16 Improvement Bonding and Warranty

15.25.1.17 Required Improvements

15.25.1.1 Purpose

The purpose of this Chapter is to comply with Utah Code §10-9a-604–609 and increase administrative efficiency in reviewing subdivision applications.

15.25.1.2 Scope of Applicability; Approval Required

- A. **APPLICABILITY:** No person shall subdivide any parcel located wholly or in part in the Town except in compliance with this Chapter. This Chapter shall not apply to any parcel or parcels forming a part of a subdivision created and recorded prior to the effective date hereof, except as provided in subsection B which follows.
- B. **APPROVAL TO SUBDIVIDE REQUIRED:** The boundaries of any parcel shall not be altered in any manner that creates more parcels than initially recorded, or any nonconforming parcel(s), without first obtaining the approval of the Land Use Authority.

¹ Title 15.25.1 Updated with the assistance of the Hansen Group 12-5-2024 Ordinance #2024-11-06

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

- C. **PENALTY:** It is unlawful to transfer ownership of any parcel of land pursuant to a subdivision not approved by the Town under this Chapter. The Town may, in its discretion, void such transfers.
 - a. Any person who illegally subdivides in the Town shall be criminally liable for a Class B misdemeanor.
- D. **COMPLIANCE PRIOR TO OCCUPANCY:** There shall be no human occupancy of any building until the improvements have been accepted by the Town and the building and parcel fully comply with the provisions of this Title.
- E. **FURTHER APPROVALS REQUIRED FOR BUILDING:** The Town’s approval of a subdivision under this Title does not authorize the construction, alteration, or repair of any building or structure within the Town. Separate from the subdivision process, landowners and their contractors must obtain a building permit before beginning any construction, alteration, or repair of any building or structure.

15.25.1.3 Interpretation and Conflict

Where any provision in this Subdivision Chapter conflicts with state law, state law shall prevail. Where any provision in this Subdivision Chapter conflicts with other ordinances enacted by the Town, the provisions in this Subdivision Chapter shall prevail unless the Town intended such conflicting ordinances not in this Chapter to amend this Chapter.

15.25.1.4 Definitions

The following words and phrases, as used in this Chapter, shall have the following meanings. Words and phrases not defined here have the meaning expressed elsewhere in this Title or, if not defined in this Title, the meaning defined by state law:

- A. **COMPLETION ASSURANCE:** A surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by the City to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat or development of a commercial, industrial, mixed-use, or multifamily project.
- B. **IMPROVEMENT PLAN:** A plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety or that is required for human occupation and that a land use applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.
- C. **LAND USE APPLICANT:** A property owner, or the property owner’s designee, who submits a land use application regarding the property owner’s land.
- D. **LAND USE APPLICATION:** An application required by the Town and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation. A building permit is not included in a land use application.
- E. **LAND USE AUTHORITY:** An individual, board, or commission appointed or employed by a municipality to make land use decisions.
- F. **LOT:** A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the Office of the County Recorder.

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

- G. **PLAT:** An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).
- H. **PUBLIC HEARING:** A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- I. **PUBLIC STREET:** A public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way. Alleys shall not be considered street frontage unless the Town designates it as such where no other street frontage is available.
- J. **RECORD OF SURVEY MAP:** A map of a survey of land prepared in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).
- K. **SUBDIVISION:** Any land that is divided, subdivided, or proposed to be divided into two (2) or more lots 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:
 - 1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
 - 2. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivision does not include:

- 1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
- 2. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended if no new parcel is created);
- 3. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one (1) legal description encompassing all such parcels or joining a lot to parcel;
- 4. A parcel boundary adjustment;
- 5. A lot line adjustment;
- 6. A road, street, or highway dedication plat; or
- 7. A deed or easement for a road, street, or highway purpose.

TITLE 15 – Land Use Regulations
Huntsville Town Ordinance – Title 15.25.1

- L. **WATER CONVEYANCE FACILITY:** A ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. “Water conveyance facility” does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

15.25.1.5 Subdivision Land Use Authority

- A. The Land Use Authority for preliminary subdivision applications is the Planning Commission. For purposes of subdivision applications, the Planning Commission shall be ultimately responsible for the following but may delegate any task to the Town Engineer, Town staff, Administrative Hearing Officer, or members of the Planning Commission:
- a. Rendering land use decisions related to preliminary applications under this Chapter, including approving or denying preliminary applications.
 - b. Reviewing all preliminary applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.
 - c. Holding public hearings for reviewing preliminary applications when the Planning Commission deems necessary.
 - d. Providing feedback to applicants on their preliminary applications in the manner required by this Chapter.
 - e. Scheduling and holding a pre-application meeting (and reviewing concept plans) with potential applicants as required by this Chapter.
 - f. Keeping subdivision application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to Town staff by default.
- B. The Land Use Authority for final subdivision applications is the Planning Commission Chair. For purposes of final subdivision applications, the Planning Commission Chair shall be responsible for the following, but may delegate any task to Town staff:
- a. Rendering land use decisions related to final applications under this Chapter, including approving or denying final applications.
 - b. Reviewing all final applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.
 - c. Providing feedback to applicants on their final applications in the manner required by this Chapter.
 - d. Signing final application approvals as required by this Chapter.
 - e. Ensuring that documents are properly recorded with the County as required by this Chapter. This task is delegated to Town staff by default.

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

- C. As subdivision application decisions are administrative, not legislative, the Land Use Authorities are authorized to make land use decisions described by this Chapter without Town Council approval.
- D. Except when operating as the Appeal Authority, the Town Council shall not require the Land Use Authority to approve or deny an application under this Chapter.

15.25.1.6 Subdivision Appeal Authority

- A. The Appeal Authority for Town decisions relating to this Chapter, except where otherwise noted, is the Huntsville Appeal and Variance Board.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authority and shall hear complaints about the conduct of the Land Use Authority in administering the provisions of this Chapter.
- C. A party appealing a Land Use Authority decision under this Chapter must exhaust its remedies under this section (by appealing to the Appeal Authority) before bringing an action against the Town in a court of law.
- D. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Chapter.
- E. A party desiring to appeal a Land Use Authority decision shall submit to the Appeal Authority the following in writing:
 - 1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Chapter or abused the discretion given it by this Chapter.
 - 2. The most recent version of the application or petition the party submitted.
 - 3. Any supplemental documentation or information that the Appeal Authority requests.
 - 4. All appeals and complaints must be emailed or mailed to the Town Clerk using the Clerk's official Town address and/or email account listed on the Town website within 30 days after the decision to be appealed has been made.
- F. After receiving a complete appeal in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 days after the Appeal Authority receives the appeal or complaint. The applicant shall be responsible for the appeal fee, as well as any attorney fees incurred by the process of the appeal, as set forth in the Huntsville Town fee schedule.

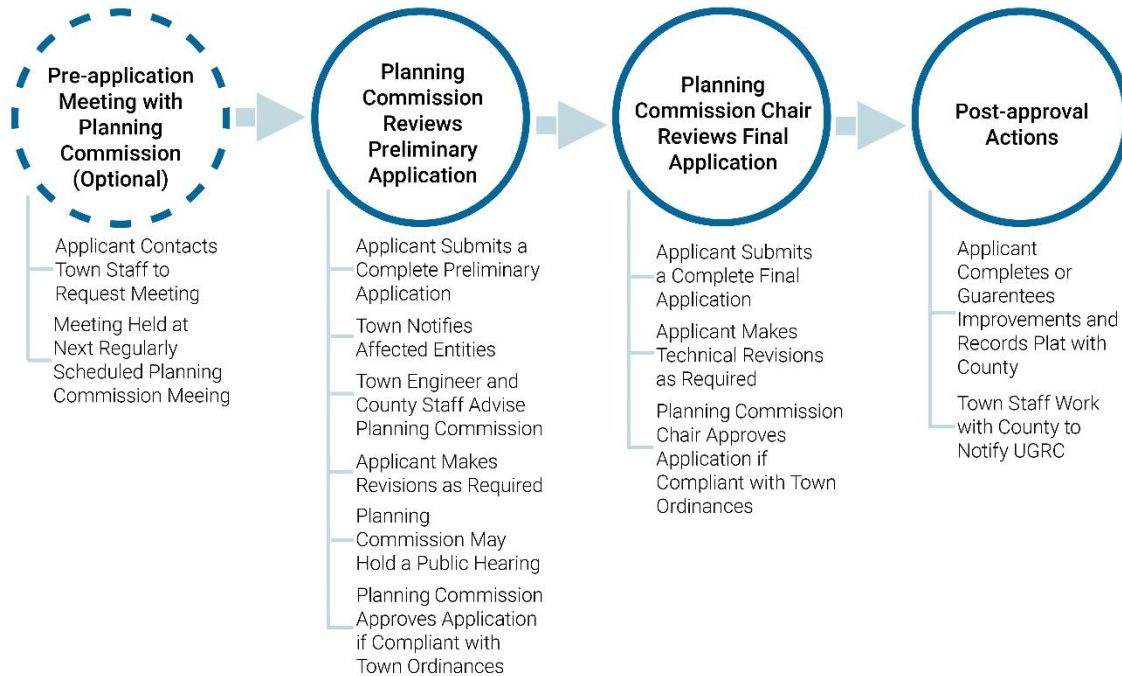
15.25.1.7 Preliminary Application Requirements

- A. The Town shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Chapter and received both a preliminary approval and a final approval from the respective Land Use Authorities.

TITLE 15 – Land Use Regulations
Huntsville Town Ordinance – Title 15.25.1



**NEW SUBDIVISION REVIEW PROCESS:
OVERVIEW**



B. To be considered complete, a preliminary subdivision application must include at least the following elements:

1. An approved land use application that describes how the property will be used after it is subdivided.
 - a. If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
 - b. If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an *approved*, Town-issued permit authorizing the intended use. Should a land use applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - c. If the intended use is prohibited under Town ordinances and requires a variance, the land use application must include an *approved*, Town-issued variance authorizing the intended use. Should a land use applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
2. A plat. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder’s office. The plat must include:

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

- a. The proposed name and general location of the subdivision, in bold letters at the top of the plat. The proposed subdivision name must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
- b. The boundaries, course, numbering, and dimensions of all proposed parcels. All lots should be consecutively numbered.
- c. The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
- d. The names and addresses of all adjoining property owners of record, or the names of adjoining developments and the names of adjoining streets.
- e. The address and phone number of the land surveyor and/or engineer who prepared the plat.
- f. Sufficient data acceptable to the Town Engineer to readily determine the location, bearing and length of all lines on the plat, and to reproduce such lines upon the ground, and the location of all proposed monuments, including contours at intervals of two feet, five feet, or ten feet.
- g. Whether any parcel is intended to be used as a street or for any other public use. A width of no less than 66' for minor streets, which are those within a subdivision.
- h. The names, numbers, widths, lengths, bearings, and curve data on centerlines for all proposed streets, alleys, and easements (if applicable). All proposed streets shall be numbered and named in accordance with the Town's adopted addressing system.
- i. The location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, buildings, parks, cemeteries, drainage ditches, irrigation ditches, fences, and bridges.
- j. The location and width of existing and proposed streets, curbs, gutters, sidewalks, easements, alleys, other public ways and easements and proposed street rights-of-way and building setback lines.
- k. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
- l. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat, including those that:
 - i. are recorded in the state engineer's inventory of canals; or
 - ii. from a surveyor under §10-9a-603(6)(c).
- m. Location and size of all proposed water, secondary water, sanitary sewer, storm sewer, irrigation or drainage ditch piping or other subsurface improvements, including detailed provisions for collecting and discharging surface water drainage.
- n. Whether any parcel is reserved or proposed for dedication for a public purpose.

TITLE 15 – Land Use Regulations
Huntsville Town Ordinance – Title 15.25.1

- o. 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.
 - p. As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.
 - q. If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
 - r. Signature blocks for the owners of the land to be subdivided, the Planning Commission Chair, and the Mayor.
3. A subdivision improvement plan, created in accordance with applicable portions of Huntsville Town Code regarding required public improvements and design standards, for all public improvements proposed by the applicant or required by Town ordinances. In addition to the requirements of the Town’s engineering and design standards and other Town ordinances, the improvement plan must contain:
- a. An engineer’s estimate of the cost of completing the required improvements.
 - b. A phasing plan, if applicable.
 - c. A feasibility study that demonstrates the feasibility of the proposed water and septic systems necessary to meet the requirements of this Chapter.
 - d. A traffic study, if one is required by an applicable UDOT Access Management Plan, for any subdivision proposing a connection to any road built or maintained by UDOT.
4. Certifications, including:
- a. An affidavit from the applicant certifying that the submitted information is true and accurate.
 - b. The signature of each owner of record of land described on the plat, signifying their dedication and approval of the plat.
 - c. Certification that the surveyor who prepared the plat:
 - i. Holds a license in accordance with Utah Code §58-22; and
 - ii. Either
 - 1. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - 2. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - iii. Has placed monuments as represented on the plat.

TITLE 15 – Land Use Regulations
Huntsville Town Ordinance – Title 15.25.1

- d. Letters of approval from the secondary water authority, the sanitary sewer authority, the local health department, the local fire department, and the local public safety answering point.
 - e. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas as defined in Utah State Code §57-8a-102.
5. An electronic copy of all plans in PDF format.
 6. Payment of any application-processing fees required by the Town. In addition to the Town's posted fees, the applicant shall be liable to the Town for the cost of any engineering, consulting, or legal assistance, as well as any credit card fees reasonably incurred by the Town in reviewing the application and not covered by the posted fees.

15.25.1.8 Final Plat Requirements

- A. To be considered complete, a **final** subdivision application must include the following:
 1. Land Use Authority approval of the applicant's preliminary application, given within the last 180 calendar days.
 2. The approved land use application that was accepted during the preliminary application review process.
 3. A final plat. The final plat should be the version of the preliminary plat approved by the Town during the preliminary application review process, plus any other additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office.
 4. A completion assurance for all public improvements required by the approved improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by Town ordinances.
 5. Certifications, including:
 - a. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
 - b. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
 - c. An affidavit from the applicant certifying that the submitted information is true and accurate.
 - d. The signature of each owner of record of land described on the plat, signifying their consent to the final subdivision application and their dedication and approval of the final plat.
 - e. Certification that the surveyor who prepared the plat:

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

- i. Holds a license in accordance with Utah Code 58-22; and
- ii. Either:
 1. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 2. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 3. Has placed monuments as represented on the plat.
6. Binding dedication documents, including:
 - a. As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.
 - b. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
7. Copies, including:
 - a. One electronic copy of the final plat in AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to; and
 - b. A PDF document of the final plat and all other plans and supporting documents required by this and one printed copy of the application.
8. Payment of any final-application-processing fees required by the Town. In addition to the Town's posted fees, the applicant shall be liable to the Town for the cost of any engineering, consulting, or legal assistance reasonably incurred by the Town in reviewing the application and not covered by the posted fees.
- B. The Land Use Authority shall produce, maintain, and make available to the public a list of the specific items that comprise complete preliminary and final applications and a breakdown of any fees due upon submission or approval of the applications.
- C. The Land Use Authority may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Town relating to the applicant's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of Town residents.

15.25.1.9 Pre-Application Meeting

- A. A potential subdivision applicant may request a pre-application meeting with the Planning Commission. The purpose of the pre-application is to give the applicant an opportunity to present a subdivision plan to the Planning Commission to obtain initial feedback and direction regarding ordinance compliance. The proposed application need not be complete for purposes of this meeting and may—if the potential applicant desires—be limited to a concept plan.

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

1. If a potential applicant requests a pre-application meeting, the Town staff shall schedule the meeting within 15 business days after the request. The meeting shall take place at the next

regularly scheduled Planning Commission meeting for which appropriate public notice is attainable.

2. The Planning Commission shall conduct the meeting, provide feedback on materials as requested by the potential applicant, and shall provide or have available on the Town website the following at the time of the meeting:
 - a. Copies of applicable land use regulations,
 - b. A complete list of standards required for the project, and
 - c. Relevant application checklists.

15.25.1.10 Notice to Affected Entities

- A. Within 15 days after receiving a complete subdivision application under this Chapter, Town staff shall provide written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
 1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the Land Use Authority shall review information:
 - a. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - b. From the state engineer's inventory of canals; or
 - c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- B. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application under this Chapter sooner than 20 days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
 1. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.
 2. When applicable, the applicant shall make reasonable changes (unless prohibited otherwise by a contract or deed, etc.) to his subdivision application to accommodate the water conveyance facility to the extent required by state law §73-1-15.5.

15.25.1.11 Review

- A. The Land Use Authorities shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.
- B. For both preliminary and final applications, the review process begins when a land use applicant submits a complete application.

TITLE 15 – Land Use Regulations
Huntsville Town Ordinance – Title 15.25.1

1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
 2. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
- C. For both preliminary and final applications, after the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of “review cycles.”
1. A review cycle consists of the following phases:
 - a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances. The Land Use Authority shall consider comments from the Town Engineer and County staff in its review, as needed.
 - c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.
 - d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the municipality’s review comments, identifying and explaining the applicant’s revisions and reasons for declining to make revisions, if any. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

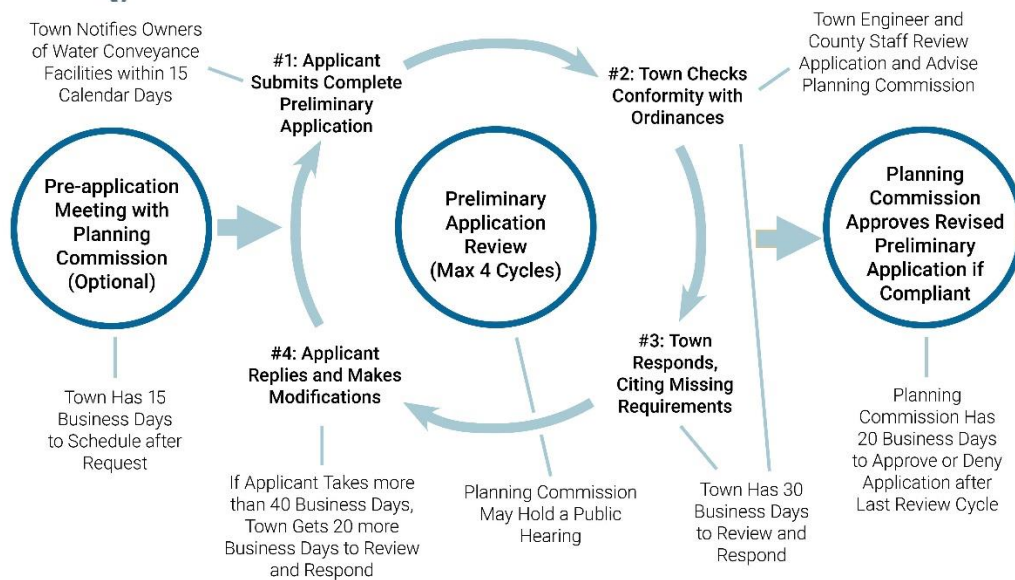
TITLE 15 – Land Use Regulations
Huntsville Town Ordinance – Title 15.25.1

Table 15.25.1 – Review Cycles, Hearings, and Timelines by Subdivision Use Type					
<i>Use Type</i>	<i>Approval Stage</i>	<i>Max Review Cycles</i>	<i>Max Public Hearings</i>	<i>Town Turnaround Deadline**</i>	<i>Applicant Turnaround Deadline***</i>
Single-Family Residential	Preliminary	4	1	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days
All Other Uses	Preliminary	6	2	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days

**Describes the total time (per review cycle) the Town may take to complete both Phase #2 and Phase #3.
***Describes the total time (per review cycle) the applicant may take to submit a revised application before the application expires.



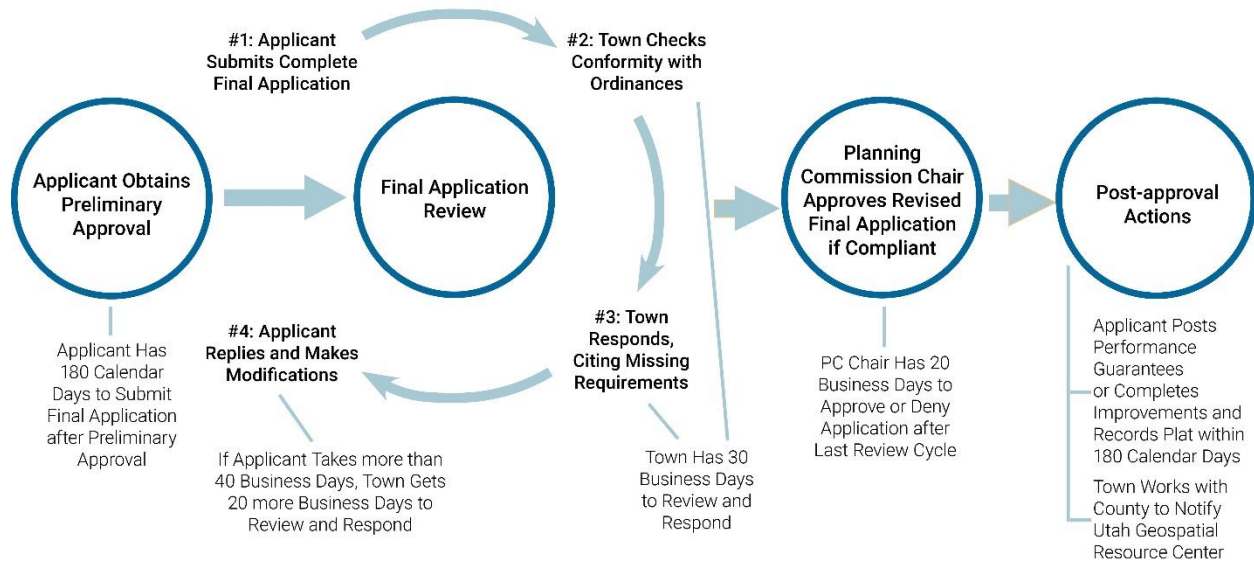
**NEW SUBDIVISION REVIEW PROCESS:
PRELIMINARY APPLICATION**



TITLE 15 – Land Use Regulations
Huntsville Town Ordinance – Title 15.25.1



**NEW SUBDIVISION REVIEW PROCESS:
FINAL APPLICATION**



D. The Land Use Authorities (and other Town representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table 15.25.1, except as described below. If no further revisions are needed, a Land Use Authority may end the review process early and approve or deny the preliminary or final application.

1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town’s deadlines for reviewing and responding (Phases #2 and #3).
2. If the applicant makes a material change to a preliminary or final application not requested by the Town at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
3. For both preliminary and final applications, if a land use applicant takes longer than 40 business days to submit a revised application and respond to the Town’s requests for modifications and additions (Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
4. For both preliminary and final applications, if a land use applicant takes longer than 180 calendar days to submit a revised application and respond to the Town’s requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

5. If the applicant has not submitted a final application within 180 calendar days after the Land Use Authority notifies the applicant that it has approved the related preliminary application, the related preliminary approval shall expire. In this case, the applicant shall not submit a final application until the Land Use Authority has issued a new preliminary application approval.
- E. When a preliminary or final application’s review period ends, the Land Use Authority shall approve or deny the respective preliminary or final application within 20 business days.
1. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the municipality shall, within 10 business days:
 - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or
 - b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- F. After the Land Use Authority provides comments in the last allotted review cycle for a final application, the Town shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
- D. The Planning Commission may conduct one or more public hearings (up to the number described in Table 15.25.1) during the review period for a preliminary subdivision application. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public. If the Planning Commission elects to hold this public hearing, the hearing must occur before the end of the Planning Commission’s review period in the last review cycle of the preliminary review phase. Scheduling issues shall not extend the review and approval deadlines in this Chapter.
- D. Other chapters of this Title notwithstanding, the Land Use Authorities shall approve or deny preliminary and final applications under this Chapter after reviewing the complete applications as described in this Section.

15.25.1.12 Approval

- A. The Land Use Authority shall approve any complete subdivision application made under this Chapter that complies with applicable Town ordinances and Utah State Code 10-9a-6, as amended.
- B. The Land Use Authority shall issue all approvals in writing and shall certify the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

15.25.1.13 Post-Approval Actions

- A. The applicant shall record the approved subdivision plat with the Weber County Recorder’s Office within 90 calendar days after the Town approves the subdivision application, provided that the applicant has provided all improvement guarantees required by this Chapter. The applicant shall not record the approved subdivision plat until the applicant has provided all such required guarantees.
 - a. An approved plat not properly recorded within the timeline specified in this Chapter is void, unless the Planning Commission approves an extension.
 - b. An approved plat, the required improvements for which are not completed or guaranteed before recording, is void, unless and until the improvements are completed or guaranteed and the Planning Commission approves the post-recording completion or guarantee.
- B. Town staff shall work with the Weber County Recorder to submit, within 30 calendar days after a final plat is approved, to the Utah Geospatial Resource Center either:
 - 1. An electronic copy of the approved plat; or
 - 2. Geospatial data that depict any new streets and site addresses proposed for construction within the bounds of the approved plat.

15.25.1.1 Minor Subdivisions and Other Exceptions to Application Requirements

- A. Minor Subdivisions (2-3 Lots and No Public Improvements):
 - 1. Applications for minor subdivision approval are exempt from the preliminary and final plat requirements, the improvement plan requirement, and the completion assurance requirement (but not the other application requirements) of Sections 15.25.1.7–8 if the proposed subdivision:
 - a. Results in no more than three parcels;
 - b. Is fully serviced by an improved and dedicated public street such that no public improvements are required;
 - c. Is not traversed by the mapped lines of a proposed street (as shown in the Huntsville General Plan), Town easement, or any other land required for public purposes;
 - d. Has been approved by the culinary water authority and the sanitary sewer authority; and
 - e. Is located in a zoned area.
 - 2. An applicant for a minor subdivision may submit to the Town—in place of a plat—both:
 - a. A record of survey map that illustrates the boundaries of the parcels; and
 - b. A legal metes-and-bounds description that describes the parcels illustrated by the survey map.

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

3. If the Town approves a subdivision application based on a record of survey map and metes-and-bounds description, the applicant shall record the map and description, signed by the Town, with the Weber County Recorder's Office. The Town shall also provide the notice required in Utah Code §10-9a-605(1).
- B. Agricultural Subdivisions:
1. Applications to subdivide agricultural land are exempt from the preliminary and final plat requirements, the improvement plan requirement, and the completion assurance requirement (but not the other application requirements) of Section 10-12-11 if the resulting parcels:
 - a. Qualify as land in agricultural use under Utah Code §59-2-502;
 - b. Meet the minimum size requirement of applicable Town land use ordinances; and
 - c. Are not used and will not be used for any nonagricultural purpose.
 2. For subdivision applications for which this exception applies, an applicant may submit to the Town—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
 3. If the Town approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the Town, with the Weber County Recorder's Office.
 4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall no longer be exempt under this Section and shall be required to conform to the requirements of Section 15.25.1.7–8. In such case, the Town may, in its discretion, require a subdivision amendment before issuing a building permit.
- C. Subdivision Through a Development Agreement:
1. At the request of an applicant, the Town may approve a subdivision through a development agreement entered into between an applicant and the Town.
 2. Subdivisions platted in a valid development agreement are exempt from the application and review and approval requirements of this Chapter.
 3. Clauses in a valid development agreement with the Town superseded all conflicting requirements in this Chapter, except where a clause in the development agreement poses a substantial danger to the health and safety of Town residents.
- D. Public Street and Town Utility Easement Vacations: Public streets and Town utility easements may be vacated in accordance with Utah Code §10-9a-609.5, as amended.

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

15.25.1.15 Amending a Subdivision Plat

A. The Town Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office. This vacation shall be done in compliance with this code and Utah State Code §10-9a-608 and §10-9a-609, as amended.

B. A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.

C. A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the Town Council. This petition must meet all the requirements for a preliminary subdivision application specified in Section 15.25.1.7, with the following changes:

1. The preliminary plat (or the record of survey map, if applicable) should:
 - a. Depict only the portion of the subdivision that is proposed to be amended;
 - b. Include a plat name distinguishing the amended plat from the original plat;
 - c. Describe the differences between the amended plat and the original plat;
 - d. Include references to the original plat; and
 - e. Meet all the other plat requirements specified in Section 15.25.1.8 and Utah State Code §10-9a-603.
2. The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consents to the petition.
3. The petitioner must include with the petition envelopes addresses to each property in the subdivision.

D. Upon receipt of an amendment petition, the Town staff shall provide notice of the petition to:

1. Each utility provider that services a parcel of the subdivision. The Town shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The Town may notify the utility providers in any effective manner (email, mail, etc.).
2. Each property owner in the subdivision. The Town shall notify these property owners by mail.

E. The Town Council shall hold a public hearing before approving an amendment petition and within 45 calendar days after the day on which the petition is submitted if:

1. A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or
2. Not every property owner in the subdivision has signed the revised plat.

TITLE 15 – Land Use Regulations
Huntsville Town Ordinance – Title 15.25.1

- F. The Town Council need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
 - 1. Join two or more of the petitioner’s contiguous lots;
 - 2. Subdivide one or more of the petitioner's lots;
 - 3. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 - 4. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 - 5. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
- G. If the Town Council approves the amendment petition, the Town Council shall sign the amended plat in the manner described in 15.25.1.12 and the petitioner shall record the plat, subject to the completion or guarantee of any improvements.

15.25.1.16 Improvement Bonding and Warranty

- A. Before an approved final subdivision plat may be recorded, and before a building permit may be issued, all improvements required by this Chapter or other Town ordinances shall be either:
 - 1. Completed, inspected, and accepted by the Town, or
 - 2. Guaranteed.
- B. The decision whether to guarantee a public improvement or to complete it before recording the plat rests solely with the applicant.
- C. All improvements are subject to Town inspection before such improvements may be accepted by the Town or considered complete. The Town Engineer shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable Town ordinances and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in this Section.
 - 1. The applicant/developer shall, in accordance with the Town’s Fee Schedule, pay to the Town an inspection fee before the Town shall accept any improvements.
- D. For subdivisions for which no performance guarantee has been posted, if the improvements are not completed within the period specified in the approved subdivision improvement plan, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the Town may thereupon declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

development at the time the guarantee is declared to be in default. In the event that the unreleased portion of the guarantee is

not sufficient to pay all the cost for installing the required improvements, the Town may maintain an action against the person giving the guarantee for the necessary amount to complete the improvements.

- E. If an applicant elects to guarantee any required improvement, the applicant shall provide completion assurance for 110% of the cost of the improvement, guaranteeing that the improvements will be completed within two years after the date of the guarantee; The sum of the completion assurance shall not exceed:
1. 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
 2. 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.
- F. For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an engineer's estimate.
- G. The Town shall accept any of the following forms of guarantee for an improvement:
1. Bond. The applicant may furnish a bond with corporate surety, which bond shall be approved by the Town Attorney and filed with the Town Clerk.
 - a. The bond shall have an express irrevocable term of one year from the date of approval of the final plat of the subdivision. Further, such bond shall contain language unconditionally guaranteeing the performance of the developer, A provision shall be provided for unconditional payment of the face amount of the bond within thirty (30) days from the day the Town declares, for cause, that the developer is in default.
 2. Escrow. The applicant may make a deposit in escrow with an escrow holder approved by the Town Council, under an escrow agreement approved by the Town Attorney and filed with the Town Clerk.
 3. Letter of Credit. The applicant may provide a letter of credit from a financial institution approved by the Town Council, under an agreement to complete the improvements that is approved by the Town Attorney and filed with the Town Clerk.
- H. As improvements are completed, inspected, and accepted by the Town, the Town Council shall, each quarter, at the option of the applicant, issue a partial release of bonded or escrow funds proportional to the improvements accepted during the prior quarter.
1. Subject to maintenance provisions contained in this Code below, the Town will not accept dedication of required improvements, or release or reduce a performance

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

guarantee, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of detailed "as-built" survey plats of, the

subdivision, indicating location, dimensions, materials, improvements and other information required by the Planning Commission and Town Engineer, that the layout of the line and grade of all public improvements is in accordance with the Town approved construction plans for the subdivision and that a title insurance policy has been furnished to the Town and Town Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances.

2. In no event shall a performance guarantee be reduced below 25% retainage of the principal amount until total completion.
 - I. If all required improvements are not completed within one year from the day of final application approval, the party who guaranteed the improvements shall be in default, and at the option of the Town Council, shall relinquish the remaining amount of the performance guarantee to the Town.
 - J. The Town shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the Town has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.
 - K. Upon acceptance of all required improvements, the applicant shall warrant that said improvements shall remain free from defects in material and workmanship for a period of twelve (12) months after the date of acceptance by the Town. The subdivider shall be solely responsible for all repairs and maintenance required to keep the improvements in good working condition for this twelve-month period.

15.25.1.17 Required Improvements

The following improvements are required for all subdivisions in compliance with Town ordinances, except those that qualify under the agricultural land or minor subdivision exemptions of Section 15.25.1.15:

- A. Utilities, including water, septic, telephone, cable, gas, and electricity.
 1. All primary buildings requiring culinary water shall be connected to the public culinary water systems of the Town. Septic tanks shall be connected to the primary building.
 2. All utilities shall be provided underground, with the following exceptions;
 - a. Transformers, pedestals, fire hydrants, and other appurtenances normally associated with “underground” utility installations are permitted on the surface of the ground.

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.25.1

The following standards shall apply to the design and construction of all improvements required by City ordinances, whether under this Title, the City’s Land Use title, or other ordinance:

A. The current (2007) edition of the **Manual of Standard Specifications** published by the Utah Chapter of the American Public Works Association (APWA), as amended. References to “owner” shall mean Richfield City and references to “engineer” shall mean Fairview City’s engineer.

B. The current (2007) edition of the **Manual of Standard Plans** published by the Utah Chapter of the American Public Works Association (APWA), as amended.

C. The lot and zoning restrictions of the City’s Land Use Title.

D. Any other development requirements in this Title, the Land use Authority, or the City’s Land Use Title. specifically 15.25.2. For streets, a width of:

1. 99’ for major streets;
2. 66’ for minor streets;
3. 33’ for alley streets.