

## 15.25 SUBDIVISIONS

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## 15.25.1 General Provisions

### 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.
- 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.~~ The Town may, in its discretion, void such transfers and record in the Office of the County Recorder a notice on the title of the transferred parcels stating that the Town has voided the transfer. The Town may withhold other land use approvals or building permits regarding the transferred parcel until the subdivision is approved by the Town under this Chapter. Additionally, 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.
  - a. The Huntsville Town Building Permit Official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this Land Use Title.
  - b. No Huntsville Town Officer shall issue any permit or license for the use of any building, structure, or land when such land is a part of a subdivision as defined herein, until such subdivision has been approved by the Land Use Authorities and recorded in the Weber County Recorder's Office.
  - c. Any license or permit issued in conflict with this Title shall be null and void.

### 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/Town 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~~ In the context of subdivision applications, a "land use application" is an application required by the Town and submitted by ~~a land use~~ an applicant to obtain a land use (zoning) approval; ~~this. A land use application~~ does not mean an application to enact, amend, or repeal a land use regulation; and application to subdivide land; or an application for a building permit.
- E. LAND USE AUTHORITY: ~~An~~ Generally, this term means an individual, board, or commission appointed or employed by a municipality to make land use decisions. The specific Land Use Authority designated to make land use decisions under this Chapter is described in Subsection 15.25.1.5.
- 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.
- 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 or can reasonably be provided.

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.

K.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.
- 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 ~~Town Council~~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 ~~or complaining of~~ a Land Use Authority decision under this Chapter must exhaust its remedies under this section (by appealing ~~or complaining~~ 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. In such an appeal or complaint, the party may appeal or complain only regarding the Land Use Authority's treatment of that party's own application; a third party may not appeal or complain of Land Use Authority decisions or conduct.~~

~~E.D.~~ E.D. A party desiring to appeal ~~or complain of~~ 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. The appeal fee listed on the Huntsville Town fee schedule. The applicant shall be responsible for the appeal fee and any attorneys' fees incurred by the process of the appeal, as set forth in the Huntsville Town fee schedule. If the applicant pays by credit card, the applicant shall also cover the cost of any credit card fees incurred in the transaction.

~~4.5.~~ 4.5. All appeals ~~and complaints~~ must be emailed or mailed to the Town ~~Recorder~~Clerk using the ~~Recorder's~~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.

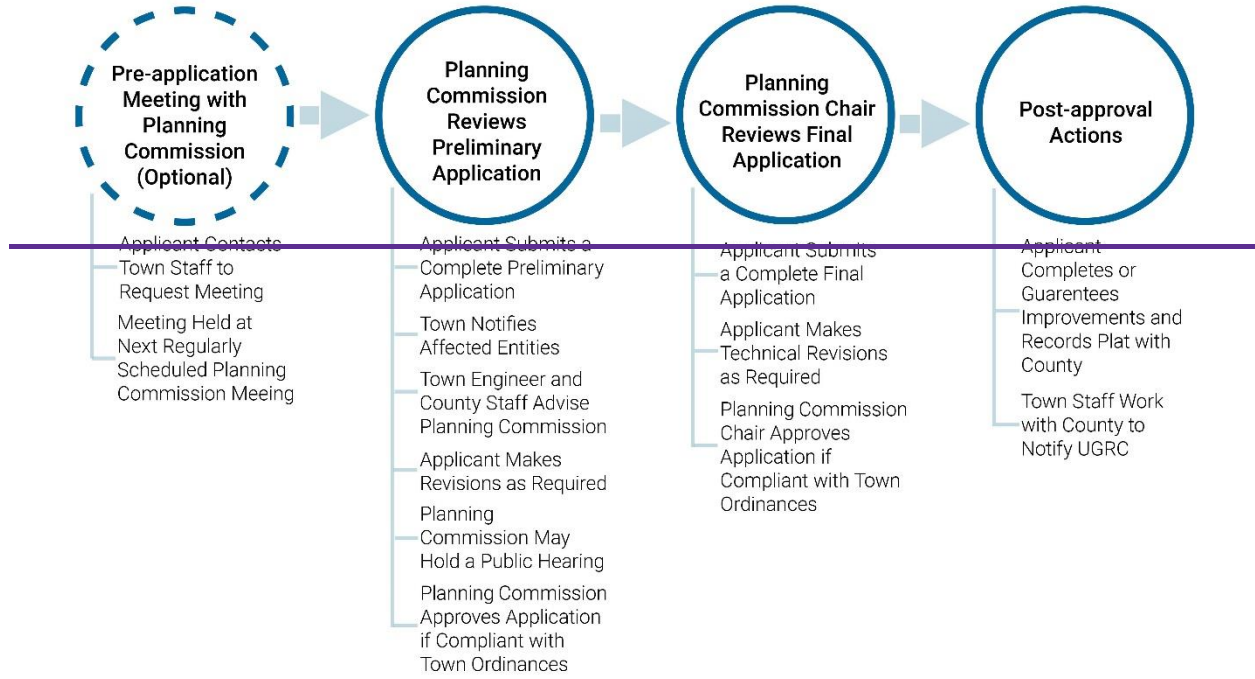
~~F.E.~~ F.E. After receiving a complete appeal ~~or complaint~~ in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 days after the Appeal Authority receives the appeal ~~or complaint~~.

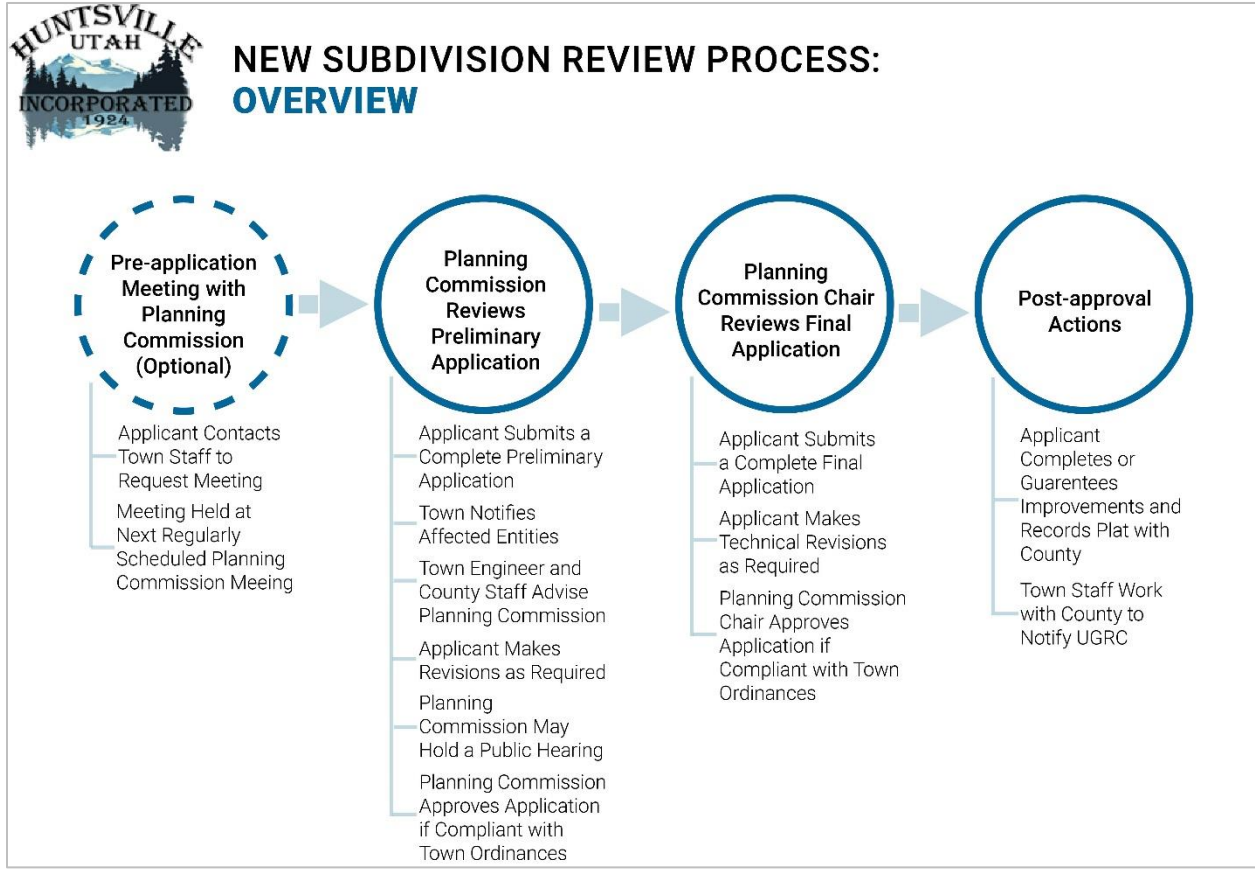
#### 15.25.1.7 Preliminary Application Requirements

- 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.



## 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:
  - 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. All street, lot, and building names and addresses are subject to approval and amendment by the Land Use Authority.
  - 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: are recorded in the state

engineer's inventory of canals or from a surveyor under Utah Code §10-9a-603(6)(c).

- ~~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~~septic, 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.
  - 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. Where the subdivision contains a sewer treatment facility, such as a community septic system, this study must contain a letter of septic system feasibility from the Utah State Division of Water Quality.
  - 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.
  - d. Letters of approval from the primarysecondary 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 reasonably incurred by the Town in reviewing the application and not covered by the posted fees. If the applicant pays by credit card, the applicant shall also cover the cost of any credit card fees incurred in the transaction.

#### 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. Written approval of proposed septic systems from the Weber Morgan County Health Department.

5.6.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:
  - 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.

6.7.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.

7.8.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.

~~8.9.~~ 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. If the applicant pays by credit card, the applicant shall also cover the cost of any credit card fees incurred in the transaction.

- 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.
  - 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**

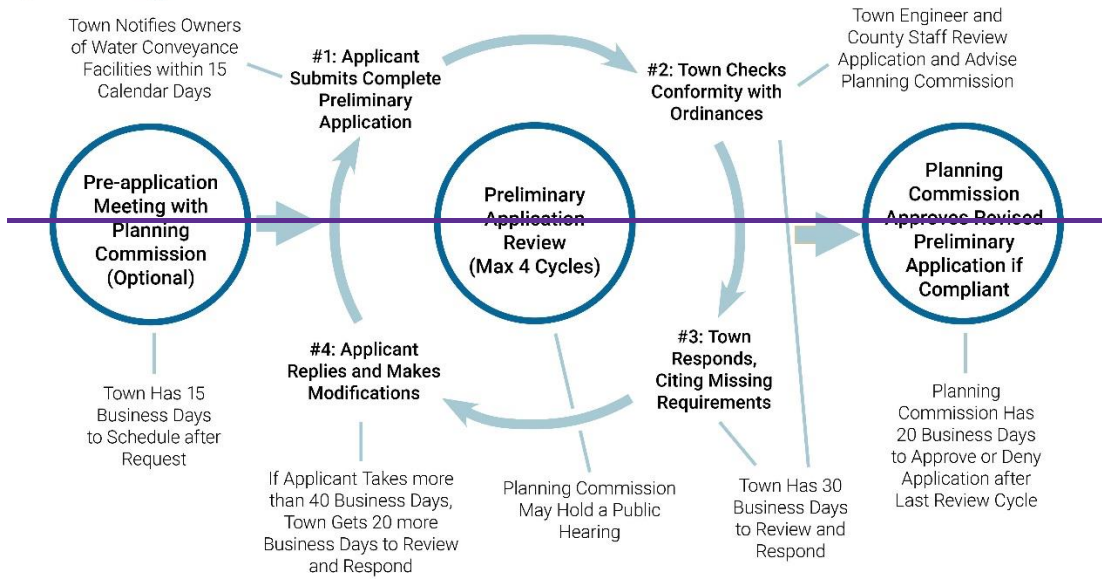
- A. The Land Use Authorities shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.
- B. For both preliminary and final applications, the review process begins when a land use applicant submits a complete application.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

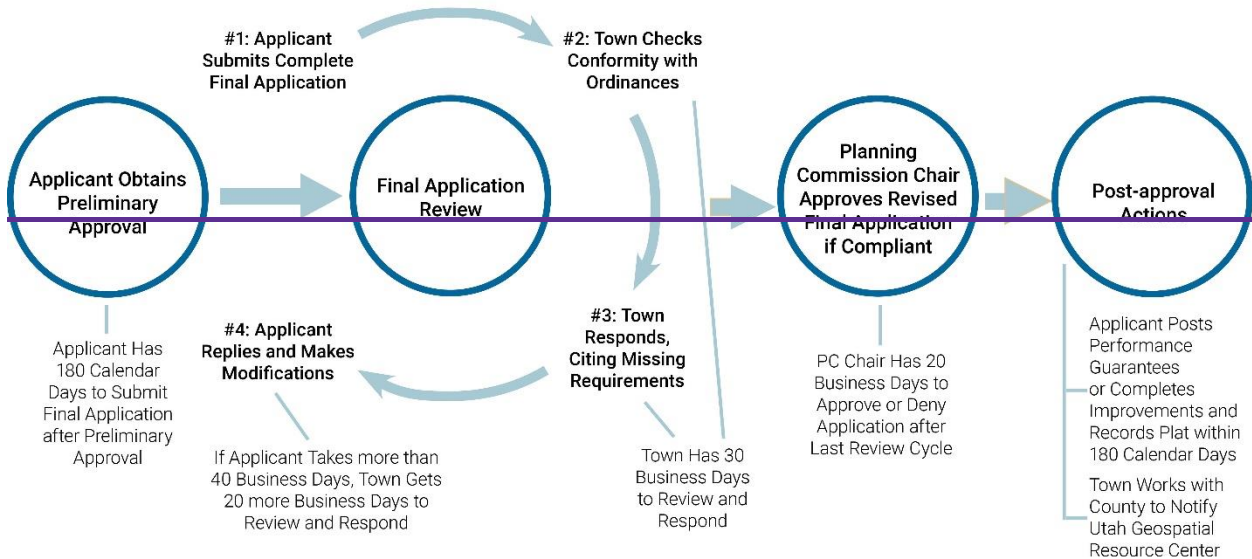
<b>Table 15.25.1 – Review Cycles, Hearings, and Timelines by Subdivision Use Type</b>					
<i>Use Type</i>	<i>Approval Stage</i>	<i>Max Review Cycles</i>	<i>Max Public Hearings</i>	<i>Town Turnaround Deadline<sup>***</sup></i>	<i>Applicant Turnaround Deadline<sup>*****</sup></i>
1-2 Single-Family Residential*	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
<p><del>*Includes single family homes, duplexes, and townhomes.</del></p> <p><sup>***</sup>Describes the total time (per review cycle) the Town may take to complete both Phase #2 and Phase #3.</p> <p><sup>*****</sup>Describes the total time (per review cycle) the applicant may take to submit a revised application before the application expires.</p>					



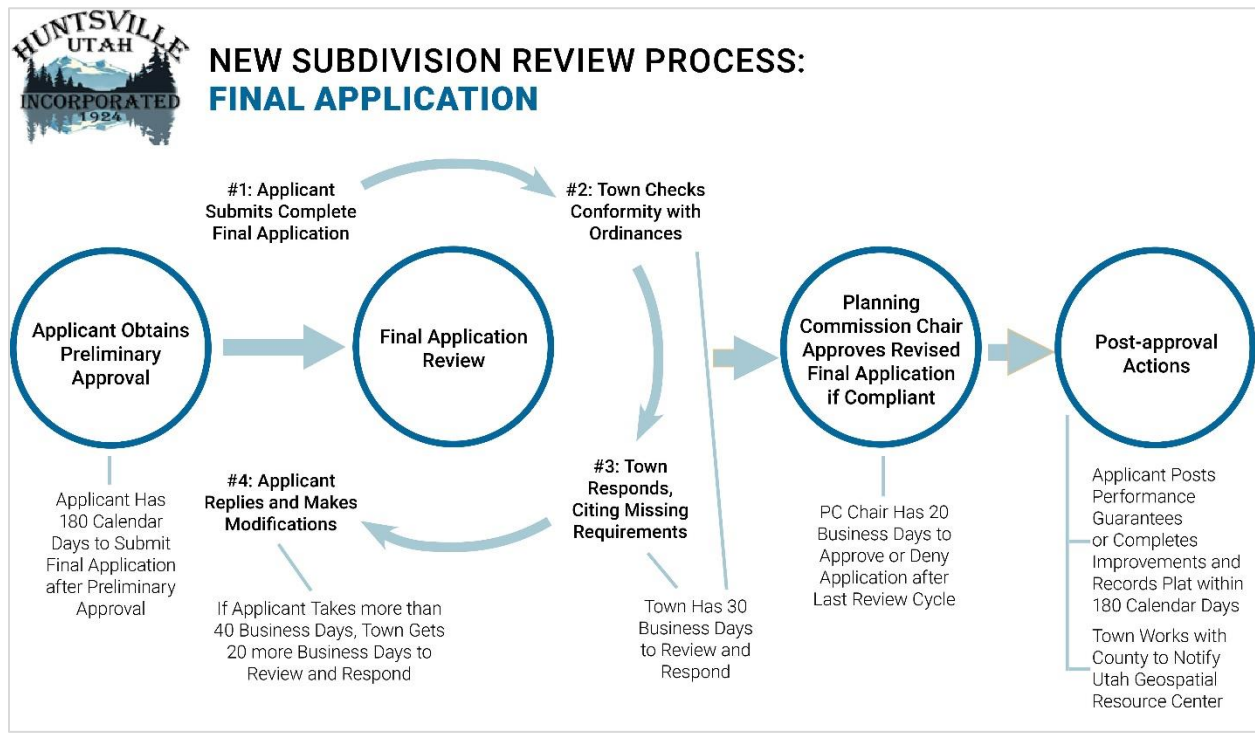
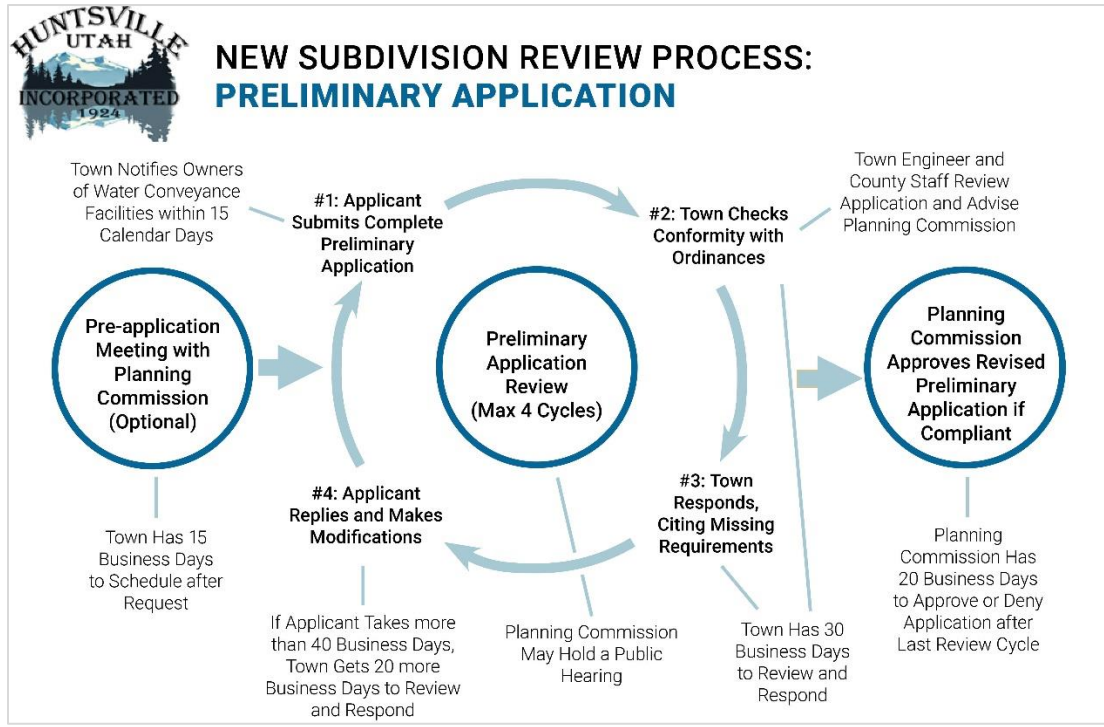
## NEW SUBDIVISION REVIEW PROCESS: PRELIMINARY APPLICATION



## 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.
  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.
- E. 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.

#### 15.25.1.13 Post-Approval Actions

- A. The applicant shall record the approved subdivision plat with the ~~Rick~~Weber County Recorder's Office within 90 calendar days after the Town approves the subdivision application, provided that the applicant has ~~provided all~~ completed any improvements or posted any improvement ~~guarantees~~ guarantee required by ~~this Chapter. Town ordinances or described in the approved improvement plan.~~ The applicant shall not record the approved ~~subdivision final~~ plat until ~~the applicant has provided all~~ such required ~~guarantees~~ improvements are completed or guaranteed in compliance with Town ordinances and the approved improvement plan.
  - 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.

**15.25.1.14 Minor Subdivisions and Other Exceptions to Application Requirements**

A. Minor Subdivisions (~~4-52-3~~ 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 ~~five~~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.
- 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.

**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.
- 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, ~~as described in 2-10.15.~~

#### **15.25.1.16 Parcel Consolidation**

- A. Upon favorable recommendation of the Huntsville Town Plannings Commission and approval of the Huntsville Town Council, contiguous parcels (or lots) may be combined to form one (1) parcel (or lot) under this Section, unless a subdivision amendment is required. Such parcels (or lots) will be considered consolidated and shall meet all requirements concerning parcel consolidation. Once two (2) or more contiguous parcels (or lots) have been consolidated, they may not be divided without meeting all applicable zoning requirements and without Town subdivision approval under this Chapter.
- B. Petition: Petitions for a parcel consolidation may be approved and executed upon the recordation of an appropriate deed if:
1. The parcel consolidation does not involve a recorded subdivision plat.
  2. The proposed parcel consolidation does not result in the creation of a parcel (or lot) of size or shape that does not conform to all Town zoning regulations, site development standards, and uses as approved in Appendix One, Table e 15-1 (Acceptable Uses by Zone). If the proposed change is to legally existing nonconforming lot, the change may no perpetuate nonconformity.
  3. The proposed parcel consolidation does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other site land use requirement.
  4. If the subject parcels are zoned differently, the Huntsville Town Council may require the applicant to proceed with a rezone petition under Title 15.16 prior to approval of a parcel consolidation petition.
- C. Application: Application materials for the parcel consolidation shall include the following:

1. Completed Parcel Consolidation application signed by all affected property owners;
  2. Legal description of the whole piece of property to be consolidated;
  3. Copies of deeds reflecting the new property boundaries; and
  4. One (1) eleven by seventeen inch (11"x17") drawing to scale of the proposed consolidated parcel (or lot). This drawing shall show all structures on the property, fence lines, easements, driveways, and streets, and include a measurement scale.
- D. Recordation: Following Town approval, the parcel consolidation shall be accomplished by recording an appropriate deed with the County Recorder's Office. The new legal description shall not create a remnant parcel or violate existing zoning ordinances.
- E. General: If necessary, the Planning Commission may require the following additional information:
1. A plat (drawn to scale) prepared in ink by a licensed land surveyor or engineer to scale not smaller than one hundred (100) feet to the inch and shall be of such size as is acceptable for filing in the Office of the County Recorder. The plat shall:
    - a. Be accompanied by one reduced eleven-inch by seventeen-inch (11"x17") copy of the full-size drawing(s).
    - b. Be presented to the Town Clerk at least thirty (30) days prior to a regular meeting of the Planning Commission, so that the Planning Commission and Town Council have time to review the plat and prepare for its consideration.

#### **15.25.1.17 Boundary Line Adjustment**

- A. Upon favorable recommendation of the Huntsville Town Planning Commission and approval of the Huntsville Town Council, any adjoining property owners may submit an application, proposed map, and proposed legal descriptions for a boundary line adjustment, unless a subdivision amendment is required.
- B. Petition: Petitions for a boundary line adjustment may be approved and executed upon the recordation of an appropriate deed if all the following are met:
1. The change in boundary lines does not result in the creation of a new lot or parcel.
  2. The change in boundary does not involve a recorded subdivision plat.
  3. The proposed change to a parcel does not result in the creation of a parcel of size or shape that does not conform to all Town zoning regulations, site development standards, and uses as approved in Appendix One, Table 15-1 (Acceptable Uses



by Zone). If the proposed change is to a legally existing nonconforming parcel, the change may not perpetuate the nonconformity.

4. The proposed change to a parcel (or lot) does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other land use requirement.
5. The petition to change the boundaries must include signatures from representatives of each parcel affected by the boundary line adjustment.
6. If the subject parcels are zoned differently, the Huntsville Town Council may require the applicant to proceed with a rezone petition under Title 15.16 prior to approval of a boundary line adjustment petition.

C. Application: Application materials for the boundary line adjustment shall include the following:

1. Completed application signed by all affected property owners;
2. Legal descriptions of each parcel involved in the boundary line adjustment;
3. Copies of deeds reflecting the new property boundaries; and
4. One (1) eleven by seventeen inch (11"x17") drawing to scale of the existing plat and one (1) eleven by seventeen inch (11"x17") drawing to scale of the proposed plat. All plats shall show all structures on the property, fence lines, easements, driveways, and streets, and include a measurement scale.

D. Recordation: Boundary line adjustment shall be accomplished by recording appropriate deeds with the County Recorder's Office. The new legal descriptions shall not create a remnant parcel or violate existing zoning ordinances.

E. General: If necessary, the Huntsville Town Planning Commission may require the following additional information:

1. A plat (drawn to scale) prepared in ink by a licensed land surveyor or engineer to a scale not smaller than one hundred (100) feet to the inch and shall be of such size as is acceptable for filing in the Office of the County Recorder. The plat shall:
  - a. Be accompanied by one reduced eleven-inch by seventeen-inch (11"x17") copy of the full-size drawing(s).
  - b. Be presented to the Town Council at least thirty (30) days prior to a regular meeting of the Planning Commission, so that the Planning Commission and Town Council have time to review the plat and prepare for its consideration.



## **15.25.2 Subdivision Improvements**

### **15.25.2.1 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 development at the time the guarantee is declared to be in default. In the event that the un-released 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 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.

#### **15.25.1-172.2 Owner of Subdivision Responsible for Cost of Improvements**

The owner of any land to be platted as a subdivision shall at his own expense install the following improvements according to the specifications and standards contained in the Public Work Standards and Technical Specifications of Huntsville Town, Utah, and the standards in this Chapter.

#### **15.25.2.3 Inspection of Improvements**

- A. All public improvements shall be constructed under the inspection of the Huntsville Town Engineer, except for septic systems which must be installed according to the specifications and under the inspection of the Weber/Morgan County Health Department.
- B. The Huntsville Town Engineer, Huntsville Town Building inspector, and Weber County Health Department shall inspect, or cause to be inspected, all buildings, structures, streets, fire hydrants, and water supply and sewage disposal systems in the course of construction, installation, or repair, etc. Excavations for fire hydrants, water and sewer mains and laterals shall not be covered over or backfilled until such installations shall have been approved by the Huntsville Town Engineer, or the Utilities' representative. 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 Huntsville Town Engineer.

#### **15.25.2.4 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~~Subsection 15.25.1.14:

- A. ~~Utilities, including water, sewer, telephone, cable, gas, and electricity.~~

- ~~1. All primary buildings requiring culinary water and sanitary sewer services shall be connected to the public culinary water and sanitary sewer systems of the Town.~~
  - ~~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.~~
    - ~~b. The development of existing lots in areas of the City now served with existing above ground utilities, are exempt from this requirement.~~~~
  - ~~3. Where possible, underground utilities shall be located within or immediately adjacent to the disturbed areas of a lot or parcel, such as driveways and roadways.~~
- ~~B. Streets, curbs, gutters, sidewalks, and trails, to the extent required by Town ordinances.~~
- ~~C. Any other infrastructure (or infrastructure improvement) that is reasonably necessary to meet the needs of the proposed development.~~
- ~~1. The Land Use Authority may require an analysis to be completed and provided to determine if adequate public facilities and services are available to serve the proposed development and if such development will change the existing levels of service, or will create a demand for services that exceeds acceptable service levels. Public facilities that may be required by the Land Use Authority to be included in a public facilities analysis include, but are not limited to, road and street facilities and capacities, intersection and bridge capacities, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, fire and emergency services response times, police protection services, and other required public facilities and services. The Land Use Authority may deny or modify any proposed development activity if the demand for public facilities and services exceeds accepted or adopted levels of service, or require an applicant for an approval, license, or permit to provide the required facilities and services concurrent with the demand created by the development activity, consistent with all applicable legal authorities.~~

A. Curbs and Gutters:

1. Curbs and gutters may be required on existing and proposed streets, where in the opinion of the Huntsville Town Planning Commission and the Huntsville Town Engineer, such curbs and gutters are necessary to remove surface water, or for safety or other reasons. Curbs and gutters shall be installed by the subdivider in subdivisions along the abutting Utah State Highways if required by the Utah State Department of Transportation.
2. Many, if not most, areas of Huntsville Town are rural in nature, and the installation of curb and gutter is generally not preferred. In general, curb and gutter are preferred only in newly developed commercial zones.

- B. Fencing or Piping of Canals: A solid board, chain link, or other non-climbable fence not less than five (5) feet in height shall be installed on both sides of existing irrigation ditches or canals which carry five cubic feet per second (5 cfs) or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision, except where the Land Use Authority determines that park areas including streams or bodies of water shall remain unfenced. Fencing or piping of canals, shall not be required on subdivisions of three (3) or fewer lots, or where canals, are located six hundred (600) ft. from the homes. The Land Use Authority may also require that the ditch be piped, with the size of the pipe to be determined by the Irrigation Company and the Huntsville Town Engineer.
- C. Fire Protection: The subdivision shall provide for adequate fire protection using a fire protection method approved by the Weber Fire District.
- D. Peripheral Fencing: The Land Use Authority may require appropriate type fencing along the periphery of a subdivision in an agricultural zone so as to provide protection to adjacent farming lands from the adverse effects of residential living and vice versa.
- E. Sewage Disposal:
1. The subdivider shall obtain approval from the Weber /Morgan County Health Department for individual sewage disposal for each of the lots. Subdividers must furnish to the Weber/Morgan County Health Department a report of soil percolation tests completed on the property proposed for subdivision in accordance with the Regulations of the Utah State Division of Water Quality and the Weber/Morgan County Health Department governing individual sewage disposal systems. Copies of the subdivision preliminary improvement plan showing appropriate elevation contours must accompany the report and show thereon the location of test holes used in completing the tests. Percolation tests must be completed, and reports prepared and signed by a qualified Utah Registered Sanitarian or a Utah Licensed Professional Engineer not in the employ of Weber County or Huntsville Town. Written approval of septic systems from the Weber Morgan County Health Department shall be submitted to the Land Use Authority before consideration of the final subdivision application.
  2. Where a sewer treatment facility, such as a community septic system, is being approved by the Utah State Division of Water Quality, a Letter of Feasibility, Septic System is required for preliminary subdivision approval.
- F. Staking Subdivision Corners: Survey markers shall be placed at all subdivision corners and lot comers so as to completely identify the lot boundaries on the ground and shall be done in conformance to the record of survey requirements. This shall be accomplished before the subdivision is recorded.
- G. Storm Water:
1. The subdivider shall effectively dispose of the storm water generated within the subdivision. The subdivider shall obtain required easements and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions, which is generally regarded to be 0.2 cubic

feet per second per acre. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.

2. When drainage structures such as storm water detention and/or retention facilities are required by the Huntsville Town Engineer, the Town, at its option, may require the facility to be dedicated or otherwise transferred to Huntsville Town or its designate. Huntsville Town may also require the developer of the subdivision which the detention and/or retention facility serves, to form a Homeowners Association of all homes proposed in the subdivision with Articles of Incorporation filed with the Department of Commerce, Division of Corporations. Provision shall be made in said Association for the contracting with the Huntsville Town Engineer to do periodic inspections and maintain the drainage facilities. The Huntsville Town Engineer shall approve such inspection schedules. The purpose of the Association shall be to own and maintain the detention and/or retention facility in satisfactory condition as specified by the Huntsville Town Engineer. In such cases, Huntsville Town shall be granted an easement over the detention /retention facilities to guarantee such facilities will remain and be used as intended for storm water detention purposes.

- H. Street Grading and Surfacing: All public streets shall be graded and surfaced in accordance with the Public Works Standards and Technical Specifications of Huntsville Town, and with approval by the Huntsville Town Engineer.
- I. Sidewalks: Sidewalks may be required by the Land Use Authority for reasons of safety and public welfare, or where the proposed subdivision is located within student walking distance, as established by the School District. In subdivisions where the average lot width is one hundred fifty (150) feet or more and not within walking distances of schools, sidewalks may not be required. Huntsville Town will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the Planning Authority and the Huntsville Town Engineer. Approved walking paths may be substituted for sidewalks.
- J. Street Monuments: Permanent street monuments shall be accurately set and established at such points as are necessary to precisely establish all property lines. Street Monuments shall be of a type specified in the Public Work Standards and Technical Specifications and approved by the Huntsville Town Engineer and/or the approved Surveyor.
- K. Street Trees: Street trees shall be planted by the subdivider when so required by the Land Use Authority and of a variety and location as approved by the Land Use Authority.
- L. Street Signs: Street signs shall be installed by the subdivider at all locations as designated by the Land Use Authority. Such signs shall be of such a type and of such material as shall be prescribed by the Huntsville Town Engineer. The Town shall have the option to install such signs and charge such costs to the subdivider.



M. Water Supply:

1. The subdivider shall install culinary water lines or contract with the Huntsville Town Culinary Water System to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot.
2. The subdivider shall install a secondary water delivery system to the lots in the subdivision sufficient to conform to the Huntsville Town Public Works Standards and Technical Specifications. Secondary water is generally obtained from the Huntsville Town Waterworks Corporation. The policy of the Huntsville Town Culinary Water System is that its water is not to be used for other than culinary purposes, and the Town will not permit culinary water collections unless secondary water is provided by the subdivider.
3. Water lines and fire hydrants shall be operational before building permits are issued for any structures. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished to the Weber County Fire District.

**15.25.2.5 Improvement Design Standards**

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

- A. The current 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 Huntsville Town and references to "engineer" shall mean Huntsville Town's engineer.
- B. The current edition of the **Manual of Standard Plans** published by the Utah Chapter of the American Public Works Association (APWA), as amended.
- C. Any other standards described in this Title.

### **15.25.3 Subdivision Standards**

#### **15.25.3.1 Relation to Adjoining Street Systems**

- A. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the Huntsville Town Planning Commission for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they subdivide their own land and seek to provide for convenient access to it.
- B. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees.

#### **15.25.3.2 Street and Alley Widths, Cul-de-Sacs, Easements**

- A. Street Dedication. Streets in subdivisions shall be dedicated to Huntsville Town as public streets.
- B. Streets shall conform to the width designated on the Huntsville Town Master Street Plan wherever a subdivision falls in an area for which the street plan has been adopted. For territory where such a Street Plan has not been completed at the time the subdivision application is submitted to the Town, streets shall be a minimum width of ninety-nine (99) feet for major streets and sixty-six (66) feet for minor streets.
- C. Alleys shall have a minimum width of thirty-three (33) feet.
- D. Terminal streets (cul-de-sacs) shall be used only where unusual conditions exist which make other designs impossible.
- E. If surface water drainage is into the turn around due to the grade of the street, necessary catch basins and drainage easements shall be provided. All temporary turnarounds at the ends of streets which will someday continue through to the adjacent property, shall be provided, with a road-base turning area thereof not less than one hundred (100) feet in diameter, and to be available for public use so long as the terminal street (cul-de-sac) condition exists at the end of the road.
- F. Minor terminal streets (cul-de-sacs) proposed in a subdivision of flat land where through streets are impossible, shall have a maximum length of six hundred and fifty feet (650) to the beginning of the turnaround or may serve a maximum of fourteen (14) lots, whichever is greater.
- G. Half-streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.
- H. Standard Street Sections. All proposed streets, public, shall conform to the Utah State specifications.

- I. Street Grades. Except where due to special circumstances, street grades over sustained length shall not exceed eight (8) percent.
- J. Protection Strips. Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip of not less than one (1) foot in width between said street and adjacent property, provided that an agreement with Huntsville Town, and approved by the Huntsville Town Attorney, has been made by the subdivider, contracting to dedicate the one (1) foot or larger protection strip free of charge to Huntsville Town for street purposes upon payment by the then owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half (1/2) the land in the street at the time of the agreement.

### **15.25.3.3 Blocks**

- A. Blocks shall not exceed one thousand (1,000) feet in length. Blocks intended for business shall be designed specifically for such purpose with adequate space set aside for off-street parking and delivery facilities.
- B. Blocks intended for business use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

### **15.25.3.4 Lots**

- A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and probable future requirements.
- B. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Huntsville Town Land Use regulations for the zone in which the subdivision is located, or
  - 1. Except as otherwise permitted by the grant of a VARIANCE by the Huntsville Town Appeal Authority as authorized by the APPEAL AUTHORITY Title of the Land Use Titles.
  - 2. Where in accordance with the Cluster Subdivision provisions of the Land Use Title.
  - 3. As required by the Weber/Morgan County Health Department as being the minimum area necessary for a septic system and setbacks from natural channels and irrigation systems.
- C. Each lot shall abut on a public street, or an existing publicly dedicated street.
- D. Corner lots shall have extra width sufficient for maintenance and safety and provide the required building lines on both sides.

- E. Side lines of lots shall be approximately at right angle, or radial to the street property line, and at an angle of no less than eighty (80) degrees from the street property line.
- F. All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
- G. Natural drainage and other easements. The Land Use Authority may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than twenty (20) feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision.

#### **15.25.3.5 Parks, School Sites and Other Public Places**

- A. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other areas for public use. Any provision for such open spaces should indicate when and in what manner such areas will be dedicated to the Huntsville Town on the Preliminary Plat, in order that it may be determined whether the site is suitable for acquisition and use by the appropriate agency.

#### **15.25.3.6 Identification of Flood Plains**

- A. The flood plain as used herein shall mean the relatively flat area or lowlands adjoining a river, stream, water course, lake or other body of standing water that has or may be covered by flood water.
- B. In subdivisions with flood plain, base flood and ground elevation data shall be provided for each lot by the developer and approved by the Huntsville Town Engineer. Such data shall appear on the final subdivision plat. If this data is not available, then this area shall be shown on the plat as a non-buildable area, and all buildings shall be located out of the non-buildable area. Any existing base flood elevation from federal, state, or local sources shall be utilized to determine such flood elevations.

#### **15.25.3.7 Power and Telephone Utilities**

- A. All electric power, television, cable and telephone utility extensions to and in new subdivisions shall be installed underground to utility company specifications, except in those locations where the utility companies determine, and the Huntsville Town Planning Commission concurs that it is impractical due to steep terrain, inaccessible location, or some other physical impediment exists with the land.