

# TITLE 11 SUBDIVISIONS ORDINANCE

## CHAPTER 1

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### **11-1-1: GENERAL PROVISIONS**

- A. The underlying purpose and intent of this title is to promote the health, safety, convenience, and general welfare of the inhabitants of the Town of Apple Valley in the division or subdivision of land and related matters affected by each subdivision.
- B. Any proposed subdivision and its ultimate use shall be in the best interest of the public welfare and shall be in harmony with good neighborhood development of the area concerned, and the subdivider shall present evidence to this effect when requested to do so by the planning commission.
- C. In cases where unusual topographical or other exceptional conditions exist such as sensitive lands, collapsible soils or other conditions necessitating any exceptions from or additional

requirements to this title, said exceptions or requirements may be set by Town Council after recommendation by the planning commission and/or the Town engineer.

## **11-1-2: SCOPE:**

- A. No person shall subdivide any tract of land which is wholly or in part within the Town boundaries except in compliance with this title.
- B. No person shall sell or exchange, or offer to sell or exchange, any parcel of land which is a part of a subdivision of a larger tract of land, or offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title.
- C. All lots, plots, or tracts of land located within a subdivision shall be subject to this title regardless of whether or not the tract is owned by the subdivider or a subsequent purchaser, transferor, or holder of the land.

## **11-1-3: DEFINITIONS**

The following words and phrases used in this title, in addition to those listed in Title 10 chapter 3 of this title, shall have the respective meanings hereafter set forth, unless a different meaning clearly appears from the context.

**ADJACENT LANDOWNERS:** Any property owner of record, according to the records of the county recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

**AFFECTED ENTITY:** As stated in statute, a county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, or the Utah department of transportation, if:

- A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- B. The entity has filed with the municipality a copy of the entity's general or long range plan; or
- C. The entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.

**BLOCK:** The land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

**BONA FIDE DIVISION OR PARTITION OF LAND FOR AGRICULTURAL PURPOSES:** The division of a parcel of land into two (2) or more lots none of which is less than five (5) acres in an area, and where no dedication of any street is required to serve any such lots or parcels of land so created.

**TOWN:** Apple Valley Town, Utah.

**TOWN COUNCIL:** The Town Council of Apple Valley Town, Utah.

**TOWN ENGINEER:** The Town engineer of Apple Valley Town, Utah, or a consulting engineering firm designated as the Town engineer by the Town Council.

**TOWN PLANNER:** The professional planner of Apple Valley Town, Utah, or person designated as such by the Apple Valley Town Council.

**COMMUNICATIONS EASEMENT:** An exterior easement for placement of facilities intended to be used in connection with the delivery of multichannel video programming services, cable services, information services, or telecommunications or telecommunications services.

**COMMUNICATIONS INFRASTRUCTURE:** Facilities planned to be used in connection with the delivery of multichannel video programming services, cable services, information services, telecommunications or telecommunications services, which term shall include, but not be limited to, conduit.

**COUNTY:** Washington County, Utah.

**CULINARY WATER AUTHORITY:** The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

**DEDICATION:** Land set aside by an owner for any general and public uses.

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

**FINAL PLAT:** The final drawing of the subdivision and dedication prepared for filing of record with the county recorder and in compliance with all the requirements set forth in this title and adopted pursuant thereto.

**GENERAL PLAN:** A plan, labeled "General Plan of Apple Valley Town", including maps or reports or both, which has been approved by the Town Council as required by law, or such plan as it may be amended from time to time.

**JOINT UTILITY COMMITTEE:** The representatives of the Town, Big Plains Water and Sewer Special Service district, and other utility companies as may be required by the Town that are authorized to review and sign construction drawings.

**LOT:** A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the county recorder and is not shown on a recorded subdivision plat.

**LOT RIGHT OF WAY:** A strip of land of not less than twenty six feet (26') wide connecting a lot to a street for use as private access to that lot.

**OFFICIAL ZONING MAP:** A zoning map adopted by the Town Council pursuant to the provisions of section 10-9a-501, Utah Code Annotated, 1953, as amended.

**OPEN SPACE:** Designated land within the subdivision which shall always remain undeveloped, which shall be included in improved parks and recreational areas, or which shall remain all natural.

**PERSON:** Any individual, corporation, partnership, limited liability company, or partnership, firm, or association of individuals, however styled or designated.

**PLANNING COMMISSION:** The Apple Valley Town Planning Commission.

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

**SANITARY SEWER AUTHORITY:** Big Plains Water and Sewer Special Service district, a public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems within the Town.

**SECURITY:** An escrow agreement, irrevocable letter of credit, or other security instrument given by the subdivider to ensure the proper installation of public improvements.

**STREET:** A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty six feet (26') wide which has been made public by right of use and which affords the principal access to the abutting property.

**STREET, ARTERIAL:** A street, existing or proposed, which serves or is intended to serve as a major traffic-way, and is designated on the general plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

**STREET, COLLECTOR:** A street, existing or proposed, which is the main means of access to an arterial street system.

**STREET, CUL-DE-SAC:** A street which originates from a designated Town street with no other outlet and forcing a radius turn area, not to exceed six hundred sixty feet (660') in length without the written approval of the Town Council, the Planning Commission and the fire chief.

**STREET, PRIVATE:** A right of way or easement in private ownership not dedicated or maintained as a public street.

**STREET, PRESCRIPTIVE EASEMENT:** A road in private ownership, open to public use, not dedicated or maintained as a public road.

**STREET, RESIDENTIAL:** A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve local needs of a neighborhood.

**SUBDIVIDER:** Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect a subdivision for himself or for another.

**SUBDIVISION:** A. Includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and
2. Except as provided herein, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

B. Does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
2. A recorded agreement between owners of adjoining un-subdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use ordinances; or
3. A recorded document executed by the owner of record, revising the legal description of more than one contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property, or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances.

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the un-subdivided parcel of property or subject the un-subdivided parcel to the provisions of this chapter.

#### **11-1-4: NECESSITY OF PLAT; EXEMPTION FROM PLAT REQUIREMENTS**

All subdivisions shall be required to prepare and receive approval of a preliminary and final plat in accordance with the provisions of this chapter, except as follows:

A. A subdivision creating no more than three new lots may be approved by Town staff without the necessity of preparing and filing a preliminary plat or final plat if:

1. Notice is provided by Town as required by this title.
2. The proposed subdivision:
  - a. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes.
  - b. Does not impact an existing easement or right of way or, if it does have an impact, evidence is shown that the impact will not impair the use of any such easement or right of way.
  - c. Has been approved by the culinary water authority and sanitary sewer authority.

d. Is located in a zoned area, and conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

B. A lot or a parcel resulting from a division of agricultural land or land located in an Open Space, Open Space Transitional zones is exempt from the plat requirements of this title if the lot or parcel:

1. Meets the minimum size requirement of applicable zoning; and

2. Is only used for purposes allowed in the Open Space, Open Space Transitional, and Agricultural zones.

C. The creation of a lot under subsection A of this section shall not be approved until a plan for providing utilities and other required improvements to the proposed lot has been reviewed and signed by members of the joint utility committee. No building permit will be issued for said lot until the approved improvements are constructed and accepted.

D. The boundaries of each lot or parcel exempted under subsection A or B of this section shall be described by deed and upon approval of Town staff, shall be recorded with the county recorder.

## **11-1-5: NOTICE REQUIREMENTS**

A. Notice of Proposed Multiple-Unit Residential, Commercial, Or Industrial Development: Notice of any public hearing to consider a preliminary plat describing a multiple-unit residential, commercial, or industrial development shall be provided in writing to any affected entity.

B. Notice Of Proposal To Vacate Some Or All Of A Public Street, Right Of Way, Or Easement: The legislative body shall hold a public hearing and give notice of the date, place, and time of the hearing at least ten (10) days before the public hearing by:

1. Mailing notice to the record owner of each parcel that is accessed by the public street, right of way, or easement;
2. Mailing notice to each affected entity;
3. Posting notice on or near the street, right of way, or easement in a manner that is calculated to alert the public;
4. Publishing notice in a newspaper of general circulation in the Town; and
5. Publishing notice on the Utah public notice website.

## **11-1-6: PRELIMINARY PLAT PROCESS**

All applications for preliminary plat approval shall be subject to the following:

- A. Town and/or applicant shall determine whether proposed subdivision is consistent with current zoning of the property.
- B. If proposed subdivision is consistent with zoning designation, the applicant shall meet with planning staff to discuss the proposed project.
- C. Applicant shall obtain a preliminary plat application form and complete the application and have a plat prepared by a licensed engineer or surveyor meeting all the requirements for a preliminary plat.
- D. Applicant shall submit completed application, preliminary plat, subdivider's agreement pursuant to section 11-1-12 of this chapter, and required fee to planning department on or before deadline for submissions established by the Town.
- E. Staff shall review application and plat for completeness and obtain comments from joint utility committee.
- F. Zoning administrator shall place the item on an agenda for consideration at a public meeting before the planning commission.
- G. Applicant or applicant's authorized representative shall appear at the scheduled meeting before the planning commission to discuss the preliminary plat, answer questions, and receive recommendation from planning commission.
- H. Planning commission may recommend to the Town council approval, disapproval, or approval with conditions.
- I. Upon receiving a recommendation from the planning commission, the preliminary plat application will be placed on a Town council agenda. Applicant or applicant's authorized representative must appear at the Town council meeting when application is on the agenda. In the event the applicant fails to appear at the Town council meeting, or if applicant fails to obtain approval from the Town council within six (6) months said preliminary plat shall be considered void.
- J. Town Council may approve the plat, approve with conditions, recommend changes, send back to the Planning Commission, or deny the plat, subject to the following:
  - 1. The Town Council shall withhold approval of a preliminary or final plat if the plat contains a communications easement that may have the effect of prohibiting the ability of any person to provide multichannel video programming services, cable services, information services, telecommunications or telecommunications services within the subdivision. An easement including a communications easement that limits the ability of any landowner to access a local utility or franchised cable or telecommunications service provider without payment of a fee to cross the easement violates this section.
  - 2. The Town Council shall withhold approval of a preliminary or final plat if the property to be dedicated for streets, roads, rights of way or other parcels intended for the use and benefit of the general public is not provided free and clear of any easements, unless the Town Council finds that:
    - a. The subdivider did not create the easement, and could not reasonably be expected to obtain a release of the easement; and

- b. Acceptance of the easement will not adversely affect the public.
- K. Approval of the preliminary plat by the Town Council shall authorize the subdivider to proceed with the preparation and review of construction drawings and the final plat.
- L. After preliminary plat approval from the Town Council, a complete application for final plat approval must be submitted within one year of the preliminary plat approval date. The Planning Commission may authorize a one-time extension not to exceed one year, provided that a written request for extension is received by the Town before the one year time period has expired.

## **11-1-7: PRELIMINARY PLAT REQUIREMENTS**

The preliminary plat shall include or be accompanied by the following:

A. Description: In a title block located in the lower right hand corner of the sheet the following is required:

1. The proposed name of the subdivision.
2. The location of the subdivision, including the address and the section, township and range.
3. The names and addresses of the owner or subdivider if other than the owner.
4. Date of preparation and north point.
5. Scale shall be of sufficient size to adequately describe in legible form all required elements.

B. Existing Conditions: The preliminary plat shall show:

1. The location of the nearest monument.
2. The boundary of the proposed subdivision and the acreage included.
3. All property contiguous to the property to be subdivided and under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing master street plan or other commission studies.) And all property contiguous to the proposed subdivision.
4. The location, width and names/numbers of all existing streets within two hundred feet (200') of the subdivision and of all prior streets or other public ways, easements, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
5. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
6. Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.

7. Contours at vertical intervals not greater than five feet (5').
8. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow ground water, and windblown sand) and recommendations for their mitigation.

C. Proposed Plan: The subdivision plans shall show:

1. The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
2. The layout, numbers and typical dimensions of lots. Designation of buildable area is required for each lot.
3. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
4. Easements for water, sewers, drainage, utilities, lines and other purposes.
5. Typical street cross sections and street grades where required by the Planning Commission.
6. A tentative plan or method by which the subdivider proposes to handle the stormwater drainage for the subdivision.
7. Approximate radius of all centerline curves on highways or streets.
8. Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street, or on a prescriptive easement (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable.)
9. All remnants of lots below minimum size left over after subdividing of a larger tract shall be added to adjacent lots or common areas, rather than allowed to remain as unusable parcels.
10. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.
11. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
12. If the subdivision is to be built in phases, the plat shall show possible phasing lines.
13. A tentative plan or method for providing nondiscriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

D. Required Copies Of Plans:

1. Two (2) copies of all full scale drawings.

2. One copy of each drawing on eleven inch by seventeen inch (11" x 17") sheets or eight and one-half by eleven (8<sup>1</sup>/<sub>2</sub> x 11) if the project is small and the plans are legible at that size.

## **11-1-8: CONSTRUCTION DRAWINGS**

After preliminary plat approval by Town council, the applicant shall have construction drawings prepared by a licensed engineer for all on site and required off site improvements in accordance with the following:

A. Final plan and profile must be prepared in accordance with:

1. Current Apple Valley Town standards and specifications;
2. Apple Valley Town drainage manual;
3. Big Plains Water and Sewer Special Service District construction standards;
4. Apple Valley Town power standards and specifications as required;
5. Applicable fire code; and
6. Rocky Mountain power standards and specifications if applicable.

B. Specific geotechnical recommendations for the design and construction of the proposed subdivision shall include the following if applicable:

1. A general assessment of the requirements needed to develop on the site.
2. Site preparation and grading and the suitability of onsite soils for use as structural fill.
3. Stable cut and fill slopes including recommendations concerning the effects of material removal and the introduction of water.
4. Recommendations for foundation type and design criteria, including, but not limited to, bearing capacity of natural or compacted soils, provisions to mitigate the effects of expansive, compressible, or collapsible soils, differential settlement and varying soil strength, and the effects of adjacent loads.
5. Anticipated total and differential settlement.
6. Special design and construction considerations, as necessary, such as the excavation and replacement of unsuitable materials, excavation difficulties, stabilization, or special foundation provisions for problem soil conditions.
7. Design criteria for restrained and unrestrained retaining or rockery wall.
8. Moisture protection and surface drainage.

C. Eleven (11) sets of complete drawings must be submitted to the public works director.

Construction drawings must contain a signature block for all required utility, Town, and Big Plains

Water and Sewer Special Service district representatives. Drawings shall be a minimum of twenty two inches by thirty four inches (22" x 34") (full size).

- D. Applicant shall request placement on a joint utility committee agenda for initial review of the plans.
- E. Applicant or applicant's authorized representative shall attend the joint utility committee meeting when the item is on the agenda. Utility, franchisee, Town, and Big Plains Water and Sewer Special Service District will take copies of plans to redline.
- F. All street grades over five percent (5%) shall be noted on the preliminary plat.
- G. When redlines are completed, public works director shall prepare a summary of the needed changes and return redlined plans to applicant.
- H. Applicant shall then submit three (3) copies of the corrected construction drawings, addressing all redlined items, to the Town engineer for review and possible signature. After Town engineer signs, applicant must obtain all required signatures and return signed plans to public works director for final signature.
- I. Construction drawings are valid for twenty four (24) months after final signature. Construction drawings signed more than twenty four (24) months prior to construction of improvements shall be considered expired. For a project where construction has started and all improvements shown on the plan will be constructed, the public works director may permit construction to continue. Construction drawings showing multiple phases of a project are valid only for those improvements constructed within the first twenty four (24) months of approval. New approvals must be obtained and any new standards shall apply for future phases or delayed projects.

## **11-1-9: FINAL PLAT APPROVAL PROCESS**

Application process:

- A. Once construction drawings are approved, applicant shall submit completed final plat application, paper copy of final plat in full size, an electronic copy of the final plat, required fee, and any other required documents to planning department on or before deadline for submissions established by Town.
- B. The Town engineer shall review the electronic copy of plat and notify the applicant or applicant's authorized representative of any required changes. Applicant shall make required changes and resubmit electronic and paper copies of final plat, one full size and one eleven inch by seventeen inch (11" x 17") for second review.
- C. If plat is approved by Town engineer, he shall sign the plat and return to the planning department. If plat is not approved after second submittal, an additional fee must be paid before any subsequent reviews.
- D. Upon signature of approved final plat, the final plat application shall be reviewed by the final plat approval staff.
- E. Once the final plat approval staff has granted approval of a final plat and a bond or other financial security is in place in accordance with section 11-1-13 of this chapter, the subdivider may schedule a preconstruction meeting with the Town public works department. Upon receipt of

written notice to proceed from Town, construction of the subdivision may proceed. No construction shall be permitted prior to receipt of written notice to proceed.

## **11-1-10: FINAL PLAT REQUIREMENTS**

A. Required Information: The final plat shall show:

1. The name or designation of the subdivision that is distinct from any plat already recorded in the county recorder's office, as approved by the planning commission.
2. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.
3. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.
4. Every existing right of way and easement grant of record for communications infrastructure, for underground facilities as defined in section 54-8a-2 of the Utah code and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.
5. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
6. All street centerline data must be shown, together with its relationship to the property lines, corners, etc.
7. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, state, county or other official monuments.
8. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).
9. Street monuments to be installed by the subdivider in accordance with the requirements of the Town standards. Locations of said monuments shall be approved by the Town engineer and indicated on the subdivider's plat by the appropriate symbols.
10. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses by all property owners.
11. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the Town attorney.
12. The parent parcel number, as shown on the records of the Washington County recorder in St. George, Utah.

B. Required Forms And Certificates: In addition the final plat shall contain the standard forms for the following:

1. A registered professional land surveyor's signed certificate of survey, together with a statement that:  
a) the surveyor holds a license in accordance with title 58, chapter 22 of the Utah code, professional engineers and professional land surveyors licensing act; b) the surveyor has completed a survey of the property described on the plat in accordance with Apple Valley Town Design Standards and the Utah code and has verified all measurements; and c) has placed monuments as represented on the plat.
2. The owner's certificate of dedication of all streets, roads, rights of way or other parcels intended for the use and benefit of the general public.
3. Mortgagee or other lienholder's consent to record, if applicable.
4. A notary public's acknowledgment of the signature of the mortgagee or each owner signing the plat.
5. Certificate of approval of Big Plains Water and Sewer Special Service district.
6. Certificate of approval of the Planning Commission, as evidenced by the signature of the Planning Commission chairperson.
7. Certificate of approval of the Town engineer.
8. Certificate of approval as to form executed by the Town attorney.
9. A one and one-half inch by five inch (1<sup>1</sup>/<sub>2</sub>" x 5") space in the lower right hand corner of the drawing for the use of the county recorder.
10. Certificate of approval of the county treasurer.

C. Other Information Required: The following information or documentation shall be submitted with the final plat or prior to recordation:

1. A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.
2. An original copy for staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the county recorder along with the final plat.
3. An up to date title or subdivision report for the property being subdivided.
4. A disk of the final plat prepared in "AutoCAD 2004" (or newer format).
5. Mylar of approved final plat submitted and reviewed for substantial conformance with paper final plat.

D. Requirements For Recordation:

1. Final plat approval.
2. Bond or other financial security in place.
3. Payment of HCP impact fee if applicable.
4. Three (3) disks of the final plat prepared in "AutoCAD 2004" format or later format as designated from time to time by Town engineer; one disk for the Town, one for the county recorder, and one for the Big Plains Water and Sewer Special Services District.
5. Final title or subdivision report prepared and submitted to the Town attorney.
6. Proof of satisfaction of payment of water impact fee to Big Plains Water and Sewer Special Services District.
7. All signatures must be on the mylar, including property owners of record according to the title report, Town officials and Big Plains Water and Sewer Special Service district superintendent. The Town attorney shall be the last signer of the mylar just prior to recordation.
8. Preliminary acceptance by Town of all public and private improvements as shown on approved construction drawings.
9. If submitted mylar shows substantial change from the approved paper final plat, applicant shall submit an application for an amended plat and get approval of the amended plat before recordation will be permitted to occur.

E. Recordation Of Plat: Any subdivision plat receiving final approval from the Town council shall be recorded at the office of the Washington County recorder within one year of the date of said final approval, unless said period is extended in writing by the Town council. Any approval for any final plat not recorded within said period or extended period shall be deemed to have been revoked and any such final plat shall require new approval from the Town council before recordation

## **11-1-11: SUBDIVISION STREETS AND FENCING**

A. Relation To Adjoining Street Systems:

1. The arrangements of streets in new subdivisions shall make provision for the continuation of the existing streets to adjoining areas insofar as such may be deemed necessary by the planning commission for public requirements. New streets within subdivisions shall not preclude future access to adjoining properties.
2. Standard residential streets shall approach the arterial or collector streets at an angle of not less than eighty degrees (80°).

B. Fencing:

1. Prevent Nuisance Or Hazard: The Planning Commission may also require the construction or installation of a fence in any subdivision where the Planning Commission determines that the absence of a fence may create a nuisance or hazard to the welfare of the residents of the subdivision or the adjoining property.
2. Agricultural Fencing: Unless otherwise waived by affected agricultural property owners, fencing abutting agricultural property shall be required of subdivider. Fence shall be at a minimum, six feet (6') high with posts spaced at eight feet (8') apart. (The agricultural property owner shall have the option of paying the additional cost to create spacing of the post at 6 feet.) Fencing and post material and design shall be approved with the construction drawings. If there was no existing fence, or the existing fence does not protect the new fence, then the subdivider will be required to install and maintain an electrical fence parallel to the new fence.

## 11-1-12: SUBDIVIDER'S AGREEMENT

All applications for a subdivision shall be accompanied by an executed copy of the following agreement, as amended from time to time by the Town council. Said agreement shall be substantially in the following form:

### SUBDIVIDER'S AGREEMENT WITH APPLE VALLEY TOWN

*This agreement is entered into this day of , , between of , County of , State of , hereinafter referred to as "Subdivider," and the Town of Apple Valley, a municipal corporation of the State of Utah, located in Washington County, hereinafter referred to as the "Town." Subdivider, on behalf of it/himself, its/his heirs, successors and assigns, hereby acknowledges, covenants and agrees that: (1) it/he has received and read a copy of the Apple Valley Town Subdivision Ordinance and design standards of the Land Use Code and shall in all respects comply with the provisions contained therein, (2) all on-site and off-site improvements required to be constructed in connection with said subdivision shall be constructed and installed in accordance with the approved construction plans and drawings, and (3) in the event that legal action is required to be taken by Apple Valley to enforce the terms of this agreement, Subdivider agrees that it/he shall be liable to pay all such legal costs and expenses incurred by Apple Valley, including court costs and a reasonable attorney's fee.*

DATED this day of , .

Subdivider

Subdivider

Title

STATE OF UTAH)

: ss.

COUNTY OF WASHINGTON)

*On the day of , , personally appeared before me , the signer(s) of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of the Subdivider.*

(SEAL)

NOTARY PUBLIC

Accepted by:

*Apple Valley Town Zoning Administrator or Planning Director*

All signatures to this agreement, other than for sole proprietorships, shall be accompanied by documentation acceptable to the Town attesting to the fact that the signer hereof is authorized by the subdivider to enter into this agreement (e.g., a copy of a corporate resolution, copy of a partnership agreement, etc.).

### **11-1-13: GUARANTEE OF COMPLETION OF IMPROVEMENTS; FORM OF SURETY; RELEASE OF FUNDS**

Subdivider shall guarantee improvements in accordance with the following:

A. Completion Of Improvements Before Recordation: If subdivider desires to construct improvements as shown on approved construction drawings prior to recordation:

1. Recordation of the plat shall not occur until the improvements required in connection with the subdivision have been completed and conditionally accepted.
2. Subdivider shall provide guarantee of conditionally accepted improvements in a form acceptable to Town as shown in subsection C of this section in the following amount:
  - a. Ten percent (10%) of the total cost of all the required improvements shall be retained by the Town during the twelve (12) month (24 month if applicable) warranty period.

B. Recordation Before Completion Of Improvements: If the subdivider desires to have a plat recorded prior to construction of improvements subdivider shall guarantee completion, within two (2) years from the date of final plat approval by the Town Council, of installation and construction of the required improvements in compliance with all Town standards.

C. Form Of Surety: In order to guarantee completion of improvements, subdivider shall provide one of the following types of sureties or guarantees:

1. Escrow: The subdivider shall deposit with any insurance company, bank, or savings and loan institution in an escrow account an amount of money equal to at least one hundred fifteen percent (115%) of the estimated costs of the improvements not constructed or installed by the subdivider plus ten percent (10%) of the cost of all the required improvements of the subdivision as a guarantee amount, as determined by the Town engineer. The escrow agreement shall be subject to approval by the Town attorney and shall be signed by the subdivider, the Town, and the escrow holder, and shall contain substantially the following language:

#### **AGREEMENT**

*The undersigned hereby promises and warrants that it has on deposit in an escrow account for the benefit of Apple Valley Town Corporation, the sum of (\$\_), which represents at least one hundred fifteen percent (115%) of the costs of the engineer's estimated costs for improvements not constructed or installed by the subdivider plus ten percent (10%) of the cost of improvements of the subdivision.*

*The undersigned hereby agrees that the foregoing sum of money shall be used exclusively for the purpose of paying for the costs of materials, construction, and installation of the improvements*

required by Apple Valley Town Subdivision ordinance and design standards. The undersigned further agrees that the money held in an escrow account shall be paid out to the contractors installing and constructing the required improvements only upon approval of the Town. The subdivider shall not withdraw from the escrow account any amount in excess of 100% of the estimated cost of the improvements, but shall pay from other sources any costs for such improvements which exceed the engineers estimate approved by the Town.

After all improvements are made, completed and preliminarily accepted by the Town, a sum equal to 10% of the estimated costs of improvements shall remain with the escrow holder for a period of 12 months as a warranty that all improvements are installed and inspected to Town specifications, and that all defects occurring within the first 12 months (24 months if applicable) are corrected and approved by the Town.

If, after 12 months (24 months if applicable), all or any part of the required improvements are not installed, constructed, and maintained according to the standards required in the Apple Valley Town Subdivision Ordinance, Apple Valley Town shall notify in writing the subdivider and escrow holder of the defects and shall make demand on the subdivider that the defects be corrected. If the defects are not corrected within 30 days, Apple Valley Town may correct the defects and charge to the escrow holder the costs of correcting the defects.

The escrow holder shall, on receiving reasonable proof from Apple Valley Town of the defect and that Apple Valley Town has incurred the cost of correcting the defect, pay to Apple Valley Town from the escrow account the cost of correcting the defect, and the escrow holder shall be held harmless by the parties by reason of payment to Apple Valley Town.

If, 12 months (24 months if applicable) after preliminary acceptance of the improvements required by Town's standards and specifications and shown on approved construction drawings, the required improvements remain substantially free from latent defects, Apple Valley Town shall certify such fact to the escrow holder, and the escrow holder shall release to the subdivider any money still held in the escrow account, and the escrow holder shall be discharged of its obligations to Apple Valley Town.

*(Authorized Signature)*

The escrow agreement may contain such additional provisions as the parties deem necessary.

2. Irrevocable Letter Of Credit: The subdivider shall file with Apple Valley Town an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution, which letter shall contain provisions substantially similar to that required in the escrow agreement.

The form of the irrevocable letter of credit shall be substantially as follows:

*Name of Bank:*

*Address:*

**IRREVOCABLE LETTER OF CREDIT**

*To: Apple Valley Town Corporation*

*Date:*

*Letter of Credit No.:*

Gentlemen:

*We hereby establish our irrevocable letter of credit in your favor for the account of , , (insert name of subdivider, subdivider's address) up to the aggregate amount of (\$\_) (insert amount equal to one hundred fifteen percent, i.e., 115% of the estimated costs of the improvements not constructed or installed by the subdivider plus ten percent [10%] of the cost of all improvements of the subdivision as determined by the Engineer) drawn at sight on , , (insert name of bank, address of bank), accompanied by a statement signed by an officer of Apple Valley Town Corporation as follows: "We certify that the improvements related to the (insert name of subdivision) have not been completed and the defects corrected in accordance with Town ordinances and that this drawing represents the amount necessary to complete those improvements."*

*We hereby agree with drawers, endorsers and bona fide holders that all drafts under and in compliance with the terms of this credit will be duly honored upon presentation and delivery of documents as specified to the drawee or drawn and presented at our bank for negotiation on or before (insert completion date plus 90 days). This Irrevocable Letter of Credit automatically renews for a one year term at the end of every term unless the Authorized Bank Officer provides Apple Valley Town written notice of termination thirty (30) days prior to the end of the term.*

*Very Truly Yours,*

*Authorized Bank Officer*

3. Other Guarantee: Such other financial guarantee that may be acceptable to the Town Council.

D. Release Of Funds: As the required improvements are satisfactorily installed and have been inspected by the Town, funds which have been placed in escrow for those improvements will be authorized to be released for payment of those improvements. Escrow holder is authorized to release funds from this account only after receiving a written release from Town. The Town is not responsible to determine the party to be paid.

After all required improvements have been installed, the subdivider shall notify the Town and request that the subdivision be granted preliminary acceptance and begin the warranty period. The subdivision will then be inspected by Town, and if all improvements have been completed in accordance with Town ordinances and specifications, as built plans have been delivered to the public works department, and a final grading plan has been submitted, the Town will grant preliminary acceptance. The subdivision will then begin the twelve (12) month (24 month if applicable) warranty period. Ten percent (10%) of the total cost of all the required improvements, as specified above, shall be retained by the Town during this warranty period.

All funds in escrow surplus to the warranty amount may then be released by the Town.

The purpose of retaining the ten percent (10%) warranty amount is to guarantee that the improvements have been installed correctly and that they function properly. If any improvements have not been installed correctly or fail to function properly, and the subdivider fails to correct the deficiencies within thirty (30) days of notification thereof, then upon written notice by the Town, escrow shall pay over to the Town the amount necessary to complete, repair, or replace said improvements.

In the event the costs of completing, repairing, or replacing the unsatisfactory improvements exceed the amount remaining in the escrow account, the subdivider shall, within ten (10) days of notice thereof, pay the excess amount to the Town and shall also cause to restore the escrow

account or irrevocable letter of credit to the prescribed ten percent (10%) warranty amount. The Town shall not issue any building permits for the subdivision until the above referenced excess costs have been paid to the Town and the warranty amount (10 percent of the total cost of improvements) has been restored.

## **11-1-14: WARRANTY OF COMPLETED IMPROVEMENTS**

Upon completion of construction and installation of all required improvements, subdivider shall warrant that said improvements shall be and shall remain free from defects in material and workmanship for a period of twelve (12) months after the date of preliminary acceptance by Town, unless said warranty period is extended for a period of up to twenty four (24) months by the Town Council upon a finding that a warranty period of twelve (12) months is inadequate to protect the public health, safety and welfare for any of the following reasons:

- A. The prior poor or substandard performance by the subdivider or contractor responsible for construction and installation of the improvements,
- B. The presence or existence of unstable soil conditions within the subdivision or adjacent area,
- C. Extreme fluctuations in climatic conditions that would or could reasonably prevent the discovery of substandard or defective performance within a twelve (12) month period, or
- D. Any other exceptional reason or circumstances which in good faith is determined by the Town council to require a longer warranty period.

The subdivider shall be responsible to make all repairs to and maintain the improvements and every part thereof in good working condition during the guarantee period without cost to the Town.

## **11-1-15: ENFORCEMENT AND PERMITS**

In order to enforce compliance with this title, the building official shall not issue any permit for the proposed erection, construction, reconstruction, alteration of any structure, or use of any land unless it fully conforms to all provisions of this title. No Apple Valley Town officer or employee shall issue any permit or license for any building or structure or use when such land is a part of a "subdivision" as defined herein until such subdivision has been approved and recorded in the county recorder's office, and unless the improvements shown on approved construction plans for the subdivision have been installed and preliminarily accepted, and all other provisions of law have been complied with. Any license or permit issued in conflict with this title shall be null and void.

Notwithstanding the above, a building permit for a single model home for the developer of the subdivision for which the final checklist for completion has been issued may be approved by the Town Council. A certificate of occupancy shall not be granted and the model home may not be used or occupied for any reason until the subdivision has been approved and recorded.

## **11-1-16: PLAT AMENDMENTS**

The procedure for consideration and approval of any addition, alteration, modification, or change to an approved plat shall be substantially the same as is required for initial plat approval unless the

zoning administrator determines that such addition, alteration, modification, or other change does not constitute a significant change from the intent or effect of the approved plat.

### **11-1-17: FEES**

The following fees are hereby established:

- A. Preliminary Plat Application Fee: At the time of filing of the preliminary plat, the subdivider shall deposit with the Town a nonrefundable fee made payable to Apple Valley Town. The Town council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the expense of checking and reviewing such Preliminary subdivision plats.
- B. Final Plat Application Fee: At the time of filing the final plat, the subdivider shall deposit with the Town a nonrefundable fee made payable to Apple Valley Town. The Town council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the expense of checking and reviewing such final subdivision plats, and inspecting subdivision improvements.
- C. Habitat Conservation Fee: Before plat is released for recordation, subdivider shall pay applicable per acre habitat conservation impact fee to Town, if applicable.
- D. Recording Fee: At the time of recording the final plat, the subdivider shall be responsible for payment of the recording fee.

### **11-1-18: PENALTY; VALIDITY**

- A. Penalty: Any subdivider or other person who shall violate or fail to comply with any of the provisions for this title shall be guilty of a class B misdemeanor, and punished as provided by law upon conviction.
- B. Validity: If any section, subsection, sentence, clause, or phrase of this title is, for any reason, held to be invalid, such holding shall not affect the validity of the remaining portion of this title.

## **TITLE 11 SUBDIVISIONS CHAPTER 2 IMPROVEMENTS**

- 11-2-1 REQUIRED IMPROVEMENTS**
- 11-2-2 WASTE DISPOSAL SYSTEMS**
- 11-2-3 STORM DRAINAGE**
- 11-2-4 STREET IMPROVEMENTS**
- 11-2-5 PRIVATE ROAD MAINTENANCE**
- 11-2-6 STREET NAMES**
- 11-2-7 DRIVEWAYS**
- 11-2-8 WATER**
- 11-2-9 ELECTRICAL & TELEPHONE SYSTEMS**
- 11-2-10 FENCES & GUARDS**
- 11-2-11 NATURAL GAS SYSTEMS**
- 11-2-12 LIGHTING**

### **11-2-1: REQUIRED IMPROVEMENTS**

Conditions of this Ordinance and the Town of Apple Valley Standards and Specifications, no final plat of a subdivision of land shall be recorded without having been signed by the Mayor certifying that all conditions of this ordinance have been met and that the bonds as required by this ordinance have been posted with the town.

All improvements required to be installed in the Town of Apple Valley along with the specifications for such improvements shall all be installed in accordance to the current Apple Valley Town and Big Plains Water and Sewer Special District Design Standards. The following are some of the required improvements, but refer to the Design Standards for a complete list of requirements;

### **11-2-2: WASTE DISPOSAL SYSTEMS**

A. Sanitary sewers, septic tanks, or any other means of waste disposal proposed shall be approved in writing by the Big Plains Water and Sewer Special Service District (BPWSSSD), and possibly the State Department of Environmental Quality, or (DEQ) as designated by the Utah Department of Environmental quality or Southwest Utah public Health Department. If a central collection system is used, it shall be constructed with sufficient capacity to serve all lots in the subdivision and shall be fully constructed at the same time and by the same methods as is required for all other improvements in the subdivision.

B. The final plans for the sewer system shall be prepared by a licensed engineer and approved by the town engineer. Construction shall not be commenced until all plans have been approved, inspection fees paid, and an inspector has been assigned to the project.

C. The developer shall identify all potential alternatives to providing for the development of a centralized sewer system, or other similar method of wastewater disposal in the proposed subdivision. In specific drainages areas, the Town Council may require that developers join together to consider alternate methods. Any such proposal shall be reviewed and subject to approval by the state department of environmental quality and Big Plains Water and Sewer Special Service District (BPWSSSD), after being reviewed by the town engineer. Upon concept approval, a licensed engineer shall prepare plans for the system as required in this ordinance.

1. A method of financing inspection and maintenance shall be established and implemented by the BPWSSSD for maintenance for the system after construction by the developer is complete.
2. A Developer may be required to install a dry sewer for future connection to an out fall line.
3. The town may establish impact fees to assist in raising sufficient money to install a sewer system to take care of the needs of the town as it grows and develops.

D. If conventional on site wastewater (Septic) systems are determined by the BPWSSSD to be the most feasible in certain circumstances, such systems may be approved subject to the approval of the Southwest Utah public health department and the engineer, subject to the following conditions.

1. On systems service more than one home, the type of onsite system approved shall provide for a method of monitoring the septic tank on a regular basis. Such monitoring shall be the purpose of determining the necessary pumping intervals for the septic tank.
2. A method of financing the inspections and maintenance of the septic tanks shall be established by the developer and approved by BPWSSSD, which will be implemented by the BPWSSSD upon the construction of the individual onsite waste water system in the subdivision.
4. A dry sewer system may be required as outlined in section B above.

E. The type of alternative system shall have prior approval of the state division of water quality for use in the state of Utah. Systems plans must be submitted to and receive written approval by the state division of water quality. Alternative systems are subject to BPWSSSD's wastewater management plan and must comply with such requirements as deemed appropriate by the BPWSSSD.

F. A monitoring fee will be charged for monitoring all waste disposal systems that serves more than one home in the town.

### **11-2-3: STORM DRAINAGE**

A storm drainage system shall be provided and shall be separate and independent of the

sanitary sewage system. The final plans for the drainage system shall be prepared by a licensed engineer and approved by the town engineer prior to any construction-taking place. Such plans and profiles shall include but are not limited to the following: (see Town Subdivision Design Standards):

- A. No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the Town Engineer and Public Utilities director. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from canal ditch water, subdivisions runoff water, and other water expected to reach such canal or ditch.
- B. Open ditches or canals shall not be allowed within or adjoining a subdivision. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipes or culverts must be approved by the Engineer.
- C. All open ditches, canals, waterways, non-access street, open reservoirs or bodies of water, and other features judged by the land use authority to be hazardous nature, on crossing, or adjacent to property being subdivided shall be fenced or closed from access in a manner satisfactory to and approved by the land use authority.
- D. All subdivisions shall be required to retain excess water created by the development and construction of home, upon the subdivision property.
- E. All subdivisions shall have either curb or gutter or a borrow ditch to channel rain water and water runoff to the retention areas within the subdivision.

#### **11-2-4: STREET IMPROVEMENTS**

A. Prior to start of any work on a subdivision the sub divider shall furnish to the Town Engineer, a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed Engineer and shall be accompanied by the final plat. If the plans are not approved, they shall be returned to the sub divider with the reasons for non-approval, and upon correction, shall be re-submitted in the same manner as required herein. Such plans and profiles shall include but are not limited to the following; (see Town Subdivision Design Standards):

1. The designation of limits of work to be done.
2. The location of the benchmark and its true elevation according to County datum, all profiles to be referred to that datum.
3. Construction plans which include the details of curb and gutter (if applicable) and street cross sections, locations and elevations of manholes, catch basins and storm sewers, elevations and locations of fire hydrants and any other details necessary to simplify construction.
4. Adequate horizontal and vertical survey control shall be established as required by the engineer; sufficient survey monuments shall be permanently set so that lot boundaries can be established from points within the subdivision.

5. Complete data for field layouts and office checking.

6. On curb returns, at least two additional controls points of curvature. Control points shall be staked in the fields to insure drainage of intersections.

B. Grades of all streets shall not be in excess of eight percent on major collector's streets or in excess of ten (10) percent on all other streets.

C. All streets within the town shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Such plans and profiles shall include but are not limited to (see Town Subdivision Design Standards):

**EXHIBIT A. TABLE 1**

**MINOR, MAJOR & ARTERIAL STREET DESIGN STANDARDS**

<b>Street Type</b>	<b>Maximum Grade</b>	<b>Right of way</b>	<b>Pavement Widths</b>	<b>Number of lanes</b>	<b>Lane Widths</b>	<b>Shoulder Widths</b>	<b>Borrow Ditch</b>
Minor Collector (100-200 Units)	10%	60'	34'	2	11'	2'	5'
Major Collector (201-600 Units)	10%	70'	44'	2	12'	2'	5'
Minor Arterial (6,000-20,000)	8%	90'	64'	5	11'	5'	5'
Major Arterial (20,000 Plus)	8%	106'	80'	5	12'	5'	5'

***All Minor, Major and Arterial Streets shall be paved as per Apple Valley Town Design Standards, and shall be built as outlined in it and as per Exhibit A, Table 1 above.***

***Sidewalks may be required instead of Borrow Ditches as required by the Town Council.***

***EXHIBIT B. Table 1A***

***RESIDENTIAL STREET STANDARDS***

<b>Street Type</b>	<b>Maximum Grade</b>	<b>Right of way</b>	<b>Pavement Widths</b>	<b>Number of lanes</b>	<b>Lane Widths</b>	<b>Shoulder Widths</b>	<b>Borrow Ditch</b>
Residential Minimum (10 or less Units)	10%	41'	26'	2	11'	2'	5'
Residential Minimum Alternate	10%	49'	26'	2	11'	2'	5'
Residential Local (11-50 Units)	10%	45'	30'	2	10'	5'	5'
Residential Local Alternate	10%	53'	30'	2	10'	5'	5'
Residential Standard (51+ Units)	10%	52'	37'	2	11'	7.5	5'
Residential Standard Alternate	10%	60'	37'	2	11'	7.5	5'

***In subdivision with 1 acre or larger lots, curb and gutter may be replaced by borrow ditches, as required by the Town Council.***

***In subdivision with less than 1 acre lots and in all commercially zoned areas of town and roads bordering such areas, curb & gutter shall be installed instead of borrow ditches and pavement shall be required.***

D.

1. No intersections shall be closer than 150 feet, unless otherwise noted in the standards of the American Association of state highway and transportation official's manual for street and intersection design.

2. If curbs and gutters are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.

3. If sidewalks are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.

4. Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the engineer.

5. All curb corners shall have a radius of not less than 15 feet and at intersections involving collector or major streets, of not less than 25 feet.

6. Local streets shall approach collector or arterial streets at as near ninety degrees as possible, not to exceed a fifteen degree variance.

E. Street name signs, conforming to the design and specifications, and in the number necessary for proper identification of all streets, shall be provided for and installed by the developer.

F. Traffic control signs including stop or yield right of way sign, shall be installed to ensure a smooth flow of traffic through the town.

G. No subdivision shall be approved unless the area to be subdivided shall have frontage, with a width as required by the land use ordinance, on a dedicated street, improved to town standards, unless otherwise approved by the Town Council. On cul-de-sac street, the required width of any lot in the cul-de-sac shall be measured at the setback line instead of the street lot line.

H. Access to a major arterial street may be limited by one of the following means:

1. No lot access shall be provided from the arterial directly to any lot in the subdivision, and screening or fencing may be required in a landscaped strip along or side property line of said lots.

2. A series of cul-de-sacs of U shaped streets sharing access to such street.

3. A service road separated from the primary arterial by a planting strip and having access thereto a suitable point.

I. The arrangement of streets shall provide for continuation of principal streets between adjacent properties when such continuation is in accordance with the master plan of streets. If the adjacent property is undeveloped and the street must be a temporarily a dead end street, the right of way

shall be extended to the property line, and a temporary turnaround shall be provided. Dead end streets shall be avoided, and dead-end streets of more than eight hundred (800) feet shall require town approval.

J. The inspection and written recommendations for approval of streets shall be done by the town engineer. Final acceptance for dedication after (2) years of maintenance shall be accepted by the Town Council following a favorable recommendation from the engineer.

K. Following the final approval of the subdivision plat by the Town Council; the developer may construct streets and utility systems prior to recording the plat without the necessity of bonding. However, no construction shall begin until the town engineer has approved all construction drawings, the necessary inspection fees have been paid, a Joint Utility meeting has been held and an inspector has been assigned to the project. The inspector shall be notified at least twenty-four (24) hours in advance, wherever any work is proposed to be done.

### **11-2-5: PRIVATE ROADS & ROAD MAINTENANCE**

Private roads may be approved in the Town of Apple Valley, however, If the Town Council approves a private road with more than 5 homes bordering such road, the Town Council may require such road to be built to town standards with or without Delay Agreement as to some road improvements, and may also require the owner(s) to be able to show a means of perpetual maintenance to the satisfaction of the town, before a private road may be approved.

### **11-2-6: STREET NAMES**

A. Each street that is a continuation of, and approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street it shall be surveyed, widened, or improved and given the same name.

B. The names of newly created streets shall not duplicate or nearly duplicate the names of any streets in the town or in the adjacent areas of Washington County.

C. Any named street shall also have the proper compass direction coordinate as approved by the town engineer.

D. Subdivides are encouraged to do an investigation of local history regarding the names and references to geological and historical figures located in the subdivision and, wherever possible, incorporate the historical names and references into the names and street designations.

### **11-2-7: DRIVEWAYS**

A. All driveways must meet fire code.

B. Driveways serving single residential dwellings shall be a minimum of twelve (12) feet wide.

Driveways serving three or less residential dwellings shall be a minimum of fifteen (15) feet wide. no driveway shall serve more than three residences, unless approved by the town council.

### **11-2-8: WATER**

A. All subdivisions shall have a supply of culinary water available to each lot in the subdivision.

B. All water to all lots, shall be supplied by the Big Plains Water and Sewer Special Service District, unless otherwise approved by them.

### **I. Minimum Water Pressure**

At all lots in Town the water pressure shall meet the following minimum water pressures at points of connection:

- (a) 20 psi during conditions of fire flows and fire demand experienced during peak day demand.
- (b) 30 psi during peak instantaneous demand.
- (c) 40 psi during peak day demand.

If Big Plains Water and Sewer Special Service District is unable to meet these minimum required water pressures, with the existing resources available to them, the subdivision cannot be approved, unless the developer is able to provide the needed resources (storage tanks, etc.) to solve the problem to Big Plains Water and Sewer Special Service District's satisfaction.

### **11-2-9: ELECTRICAL**

A. All subdivisions shall be provided with electrical and telephone service. The developer shall submit electrical and telephone plans to the town planning and zoning director prior to final approval of the Subdivision Plat. The use of Cellular phones only shall not constitute an acceptable telephone plan.

B. The Cost of said systems shall be estimated by the electrical and telephone companies providing service to the subdivision and the amount thereof shall be included in the bond covering all required improvements, unless a copy of a current construction contract, signed by the utility company and the developer, providing for the installation of said facilities within the one year bonding period is submitted to and approved by the town.

C. Inspections shall be made by the town and the electric and telephone companies on each systems. A final inspection shall be made by the town then final approval given in writing prior to release of the bond.

### **11-2-10: FENCES AND GUARDS**

In locations where a land subdivision abuts or is adjacent to public or private grazing land, a fence of material and quality satisfactory to the Town Council shall be erected around the outer limits of the subdivision as it is shown on the subdivision map.

### **11-2-11: NATURAL GAS SYSTEMS**

Subject to availability, all subdivisions shall be provided with natural gas distribution systems. The developer shall submit construction plans to the town prior to final approval of the subdivision plat.

A. The Cost of said systems shall be estimated by the gas companies providing service to the subdivision and the amount thereof shall be included in the bond covering all required improvements, unless a copy of a current construction contract, signed by the utility company and the developer, providing for the installation of said facilities within the one year bonding period is submitted to and approved by the Town Council.

B. Inspections shall be made by the town and the gas companies on each system. A final inspection shall be made by the town then final approval given in writing prior to release of the bond.

## **11-2-12: OUTDOOR LIGHTING REQUIREMENTS**

The purpose of this section is to identify appropriate lighting to preserve and enhance the natural environment and aesthetic quality of the town. To enhance the appearance, character and value of all properties. To promote compatibility and continuity between different land uses located in proximity to each other, and to prevent objectionable light sources and light pollution of the night sky.

1. To protect the night sky, all outside lighting shall be “DOWN LIGHTING” and no lighting shall be allowed to trespass, or spill onto any adjoining properties.
2. All exterior lighting should provide for the illumination of buildings and grounds for safety purposes, but in an esthetically pleasing manner.
3. Warm lighting colors are encouraged. Blue white colors of fluorescent and mercury vapor lamps are prohibited.
4. All exterior lighting shall be reduced to the minimum levels necessary for safety and security purposes. The use of motion sensors and timers is encouraged, and may be required.
5. All walkway lighting should be provided below eye level to direct light downward onto the walkway surface.
6. No indoor lighting shall be provided or constructed to provide lighting for any outdoor areas.
7. Reference to Chapter 24 Outdoor Lighting Ordinance for additional standards.

## **TITLE 11 SUBDIVISIONS CHAPTER 3 STANDARDS**

### **11-3-1: DEPARTMENTAL STANDARDS**

### **11-3-2: DESIGN STANDARDS**

### **11-3-3: FIRE FLOW & LINE SIZE STANDARDS**

### **11-3-4: PROTECTION STRIPS**

### **11-3-1: DEPARTMENTAL STANDARDS**

Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, flood control facilities, water systems and fire protection systems shall be prepared by the town engineer in accordance with the Town of Apple Valley's Standards and Specifications; standards for water distribution and sewage disposal facilities by Big Plains Water and Sewer Special Service District with the assistance from the Utah State Department of Environmental quality and Southwest Utah Public Health Department

### **11-3-2: DESIGN STANDARDS**

The design of the preliminary and final plat of a subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Such plans and profiles shall include but are not limited to (see Town Subdivision Design Standards):

A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.

B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards herein after required, or a private street if approved by the Town Council.

Private streets shall be permitted only as recommended by the planning commission and approved by the Town Council. Land designated as public right of way shall be separate and distinct from lots adjoining such right of ways and shall not be included in the area of such lots.

C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permits shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions except where such lots are suitable and dedicated for a common open space, private utility, or public purpose as determined by the planning commission.

D. The side lines to all lots, so far as possible, shall be right angles to each street on which the lot faces or approximately radial to the center of curvatures. Exceptions may be made to this requirement where considerations for solar orientation are involved.

E. Corner lots for residential use shall be planned wider than interior lots to permit conformance with the required front setback requirements of both streets.

F. A city boundary line shall not divide a lot; each boundary line shall be made on a lot line.

G. Lot numbers shall begin with the number #1 and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.

H. Except as specifically authorized by this chapter, not more than one dwelling unit shall occupy any one lot.

I. No area needed to meet the minimum width, yard area, parking, or other requirements of this chapter for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.

J. No portion of a lot may be cut off from another portion of a lot that has been created through a subdivision action.

K. Blocks shall not exceed approximately eight hundred (800) feet in length.

L. Blocks shall be wide enough to adequately accommodate two tiers of lots, unless the Land Use Authority, because of topography, approves a modification or other unusual conditions as provided for by this Ordinance.

M. Access from Major Arterial and Collector Streets. Lots shall not derive access exclusively from a major arterial. Access shall be limited on collector streets except where approved by the Town Council. In such cases driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic.

N. After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:

1. The property cannot be subdivided with Public Street and standard size lots, either at the present or in the future.

2. The staff portion of said lot shall front a dedicated public or private street. The minimum width of the staff portion of the lot shall be 25 feet.
  3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
  4. The front side of the flag lot shall be deemed to be the side nearest the dedicated public or private street up on which the staff portion front.
  5. All lot size and set back requirements shall be the same as may be required the zone in which the lot is located.
6. No more than five (5) flag lots may be served by one staff portion of said lot.
  7. The land use authority shall specifically approve each flag lot.
  8. The twenty five (25) foot access easement shall be improved with an all-weather surface to allow access to emergency vehicles.

### **11-3-3: FIRE FLOW AND LINE SIZE STANDARDS**

The subdivision shall be improved in accordance with the Design Standards, rules and regulations adopted by the town. Such plans and profiles shall include but are not limited to (see Town Subdivision Design Standards) the following:

- A. All fire flow and line size standards shall conform to the international fire code.
- B. In all cases, the water source, water storage and water delivery system shall be engineered and installed to provide the required fire flow during times of peak water usage as if all development within the proposed subdivision were complete, and as may be required by formulas adopted by the state board of environmental quality in connection with the state's approval system. Verification will be at the developer's expense and certified by a licensed engineer.
- C. Water distribution lines in all subdivisions shall be a minimum of eight (8) inches in diameter. The water lines shall be larger if needed to provide for the required fire flow.
- D. Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than one block out of service during repairs, subject to a maximum of one thousand (1,000) feet.
- E. Previously approved subdivisions
  1. All new water storage, new water lines and new fire hydrants that are installed to develop a new phase of a previously approved subdivision shall conform to the current

requirements.

2. Any water lines that are intended to be used as future feeder lines to platted phases of a previously approved subdivision shall be engineered and installed to provide adequate fire flow to the anticipated phase in accordance with the current flow standards.

F. Fire Hydrants specifications:

1. All fire hydrants shall have one 4.5 inch and two (2) 2.5 inch outlets with NH threads.
2. A six-inch (6) inch gate valve shall be installed on each fire hydrant to be shut off in case of damage or need of repairs. This gate valve shall be accessible by standard square key from the street or ground level.
3. All fire hydrants shall be properly thrust blocked with poured in place concrete against undisturbed or compacted soil. Rocks and other materials are not acceptable as thrust blocking. Banding and other forms of mechanical restraint may be used only if approved by the Town Council.
4. All hydrants shall be five (5) feet from the back of the curb or borrow ditch. In all cases hydrants shall have a five (5) foot elliptical radius of unobstructed clearance to adjacent obstacles.
5. The lowest hydrant water outlet shall not be less than eighteen (18) inches nor more than thirty (30) inches above the final ground level.

G. Fire hydrant spacing and location:

1. Fire hydrant spacing and location shall be as defined in the international fire code, but not to exceed two hundred and fifty feet (250) from any subdivided lot.
2. Fire hydrants shall be installed on dedicated easements or public right-of-ways and hydrants will be owned and maintained by the town.
3. Dead end streets should be avoided in the water system. If they cannot be avoided, a hydrant or flushing valve shall be installed at the end of each such dead end street.

### **11-3-4: PROTECTION STRIPS**

Where subdivision street parallels contiguous property of other private property owners, the subdivider may upon approval of the land use authority, retain protection strip no less than one foot in width between the street and adjacent property, provided, that an agreement, approved by the town attorney, has been made by the subdivider, contracting to deed to the then owners of the contiguous property, the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of the one-half the land in the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One

copy of the agreement shall be submitted by the town attorney to the land use authority prior to approval of the final plat and recording. Protection strip shall not be permitted at the end of any public street or proposed street.