

## **TITLE 12.D. LAND-USE - SUBDIVISIONS**

### **12D-100. SUBDIVISION GENERAL PROVISIONS**

12D-101. Purposes. The purposes of this ordinance are:

- (1) To promote the health, safety, and general welfare of the residents of this municipality.
- (2) To provide for the efficient and orderly growth of this municipality.
- (3) To provide standards for the physical development of subdivisions of land, construction of buildings and improvements within this municipality including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water, and sewer systems; accesses to public rights-of-way; and to establish fees and charges for the authorizing of a subdivision.
- (4) To establish procedures for creating a subdivision and the approval thereof by the city.
- (5) To protect or minimize the impacts of development on sensitive lands.
- (6) To encourage the preservation of land through the dedication of open spaces to enhance neighborhoods or the community.

12D-102. Scope. All lots, plots, tracts of land, or parcels located within a subdivision shall be subject to this ordinance whether the tract is owned by the subdivider or a subsequent purchaser, transferee, or holder of the land.

12D-103. Definitions. The following definitions shall apply to this chapter. Any definitions not listed herein shall be as defined in the Design Standards Technical Manual.

- (1) Arterial Route or Street. See Streets.
- (2) Base Zone. The "Base Zone" refers to the particular zone and/or zoning, as defined by the North Logan City zoning ordinance.
- (3) Canals. "Canals" are waterways used for the transporting of water throughout the community to allow for secondary water use, crop irrigation, and storm drain runoff where possible.
- (4) City. "City" and "the City" shall refer to North Logan City, and those acting on its behalf.
- (5) City Engineer. "City Engineer" means the individual duly appointed and acting as the City Engineer.
- (6) City General Plan. A comprehensive plan, or parts thereof, providing for the future growth and improvement of the city and for the general location and coordination of streets and highways, schools, recreation areas, trails, public building sites and other physical development, as well as planning elements which protect sensitive lands, which shall have been duly adopted by the City Council.

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- (7) City Planning Commission. "City Planning Commission" means the North Logan City Planning Commission, sometimes referred to hereinafter as the Commission.
- (8) City Staff. "City Staff" shall mean for the purposes of this ordinance the duly appointed and acting City Administrator, City Engineer, and City Planner.
- (9) Collector Street. See Streets
- (10) Concept Plan. "Concept Plan" is a plan to guide the platting and layout of the proposed subdivision in accordance with the city ordinance.
- (11) Conditional Approval. "Conditional Approval" means an affirmative action by the City Planning Commission or City Council, indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.
- (12) Council. "Council" and "City Council" are used interchangeably and mean the governing body of the City.
- (13) Design Standards Technical Manual. Public improvement standards and regulations setting forth the details, specifications and instructions to be followed in the planning, design and construction of certain public improvements in the city formulated by the City Engineer, the appropriate health authority and other city departments.
- (14) Development Master Plan (DMP). "Development Master Plan (DMP)" means a preliminary master plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages. A DMP may be designed by the subdivider, planner and engineer and shall be subject to approval of the Commission.
- (15) Drainage Systems. "Drainage systems" are natural channels and gullies created by historic storm water runoff, or manmade channels and gullies created for future storm water runoff.
- (16) Easement. "Easement" means a grant by the owner of the use of a parcel of land by the public, a corporation, or other entity, or persons for specified uses and purposes so designated on a plat.
- (17) Engineering Plans. "Engineering Plans" means plans, profiles, cross-sections and other required details for the construction of public improvements, prepared by a registered engineer in accordance with the approved preliminary plat and in compliance with existing standards of design and construction.
- (18) Farmlands. "Farmlands" are those lands that could be used for agricultural purposes. There are three designations of "farmlands" within the city. They are: Prime Farmlands, Statewide Important Farmlands (Irrigated), and Statewide Important Farmlands (non-irrigated).
- (19) Final Approval. "Final approval" means the unconditional approval of the Subdivision by the Council, as evidenced by certification on the Final Plat by the Mayor of the city.

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- (20) Final Plat. "Final Plat" means a map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by a registered professional engineer or a registered land surveyor in accordance with the city's subdivision ordinance.
- (21) Floodplain. The floodplain for North Logan City is defined as all those areas of historic drainage identified by the Federal Emergency Management Agency (FEMA).
- (22) Gateways. Principal entry-ways into the city which have design controls for access management and cooperative landscaping as designated by the city's general plan.
- (23) Geologic Hazard. A "Geologic Hazard" is any area where geologic conditions would pose a threat to persons or property if developed as residential property.
- (24) Improved Lot. "Improved Lot" means a lot which has all the improvements required by the subdivision ordinances.
- (25) Irrigation Facilities. "Irrigation Facilities" include canals, laterals, ditches, conduits, gates, pumps, and allied equipment necessary for the supply, delivery and drainage of irrigation water.
- (26) Lot. "Lot" means a piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record survey map, or by metes and bounds, for purposes of sale, lease or separate use.
- (27) Lot Width. "Lot Width" means the width of a lot which shall be:
- (a) the shortest distance between the side lot lines, if the side property lines are parallel;
  - (b) the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the zone in which the lot is located. The axis of the lot shall be a line joining the midpoints of the front and rear property lines, if the side property lines are not parallel.
- (28) Minor Subdivision. "Minor subdivision" means a subdivision of less than ten (10) lots that meets the requirements to be approved as such and therefore would be divided for development by recording the lots by metes and bounds instead of by means of a subdivision plat. (Ord 02-01)
- (29) Natural Drainage Ways. A "Natural Drainage Way" is a lineal topographic depression which shows evidence of channeling natural runoff from storms and snowmelt.
- (30) Non-Buildable Areas. "Non-Buildable Areas" are areas designated on a subdivision plat in which construction is prohibited. Areas may be designated as non-buildable due to but not limited to steep slopes, soils types, natural drainage corridors, canal channels, wetlands, or other constraints which create potential hazards to life, limb, or property. Any specific prohibitions in addition to

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prohibiting construction within a non-buildable area should be clearly specified on a plat or other appropriate document. (Ord. 05-12)

- (31) Open Space - Public. Designated "Public Open Space" consists of parts of subdivisions that have been designated for non-development or constrained development in accordance with Section 12D-204 and which are owned by the public or required to be accessible to the public. (Ord 04-06)
- (32) Open Space - Private. Designated "Private Open Space" consists of parts of subdivisions that have been designated for non-development or constrained development in accordance with Section 12D-204 and which are not owned by the public nor are required to be accessible to the public. (Ord 04-06)
- (33) Owner. "Owner" means the person, persons, or other legal entity holding title by deed to land, or holding title as vendees under land contract, or holding any other title of record.
- (34) Parcel of Land. "Parcel of Land" shall mean contiguous quantity of land owned by, and recorded as the property of, the same claimants or persons, or the title to which is held by the same claimants or persons as vendees under a land contract.
- (35) Park Space - area designated in a development and dedicated to the city that has been reserved for passive or active recreation and should be congruently used for stormwater management and/or open space which may be maintained in a natural, undisturbed, or re-vegetated condition. The boundaries of such designated land (whether it be open space areas, park space areas and/or stormwater management facilities) shall be clearly delineated on plans, including plats, and marked in the field with signage to distinguish these areas from private open space property. (Ord. 06-20)
- (36) Plat. "Plat" means a map of a subdivision prepared in accordance with standards of the subdivision ordinance.
- (37) Preliminary Plat. "Preliminary Plat" means a preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with this ordinance and Utah Code.
- (38) Recorded Plat. "Recorded Plat" means a final plat bearing all of the certificates of approval required in this title and duly recorded in the county recorder's office.
- (39) Soil Erosion. The loss of or shifting of soil caused by wind, water runoff, natural disasters, the removal of ground cover, steep slopes, liquefaction, etc.
- (40) Soil Rating – A rating for a specific area determined through the Natural Resources Conservation Service’s Soil Survey. Soil types are determined based on composition of the material making up the soils, drainage patterns, slopes, and other criteria. Soil types are then rated with a rating of “not limited”, “somewhat limited”, or “very limited” based on how the soil types might affect various types of construction. (Ord. 05-12)

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- (41) Soils Hazard Mitigation Plan – A subdivision-specific or lot-specific plan showing what will be done when constructing the infrastructure, dwelling, or other structures to ensure any structures are built adequately with respect to soil limitations in the area. (Ord. 05-12)
- (42) Steep Slope Area. An area of steep slope is defined as such that when the highest points of any measured slope line for points within the area have a 30% or steeper slope. Such slopes are measured by the steepest slope downhill from such points and measuring the slope from those points over a horizontal distance of sixty feet (60'). (Ord. 05-12)
- (43) Street. "Street" means any street, avenue, road, lane, parkway, place, viaduct, easement for access or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded in the county recorder's office. A "street" includes the land between the right-of-way lines, whether improved or unimproved and may comprise pavement, shoulder, curbs, gutters, sidewalks, parking areas and lawns.
- (a) Arterials. Arterial route or street is a general term including expressways and major arterial streets and interstate, state or county highways having regional continuity.
- (b) Collectors. These streets are so named as they serve to collect traffic from neighborhoods and residential areas and move it to arterials or to destinations and trip generators in the vicinity, such as schools, churches and parks. Access and mobility are equivalent.
- (c) Local Streets. Local roads include all streets that do not fall into any of the preceding categories. Such roads serve few, if any, traffic generating points directly, their primary function being that of providing access. These streets carry traffic from land adjacent to the collector system and from within residential areas and are useful for travel over relatively short distances or areas of low population.
- (44) Street Lighting. "Street Lighting" means the electrical service for and the poles and lighting fixtures designed for and intended to light streets, intersections and other similar areas. (Ord. 13-04)
- (45) Subdivider. "Subdivider" means the individual, firm, corporation, partnership, association, syndication, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this title.
- (46) Subdivision. "Subdivision" means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on installment plan or upon any and all other plans,

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terms, and conditions. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision". (Ord. 06-05)

- (43a) The term 'any land', as used in the definition of "Subdivision" above, means a single parcel or a combination of contiguous parcels. Parcels that were previously a single parcel but divided by a public right-of-way since the passage of this ordinance may be deemed contiguous parcels for the purpose of this definition. For two parcels to be considered contiguous they need to share a common property line of at least sixty feet (60') in length.) (Ord. 06-05)
- (47) Transportation General Plan. "Transportation General Plan" is a portion of the city's general plan adopted by the city which provides for the development of a system of major streets and trails which may include the location and alignment of existing and proposed thoroughfares.
- (48) Unstable Soils. "Unstable Soils" are those areas where soil instability would be a hazard to development and cannot be mitigated without massive grading and site modification, as identified on the General Plan or other support document of the City.
- (49) Urban Interface with Mt. Naomi Wilderness or Wasatch National Forest. The "Urban Interface with Mt. Naomi Wilderness or Wasatch National Forest" consists of those areas where private land zoned for development borders the Mt. Naomi Wilderness or Wasatch-Cache National Forest, as identified on the General Plan or other support document of the City.
- (50) Usable Lot Area. "Usable Lot Area" means that portion of a lot which is usable for or adaptable to the normal uses of residential property excluding any areas which may be covered by water, steep slopes, designated as non-buildable for any reason, or included in certain types of easements, or are otherwise not usable for development. (Ord. 05-12)
- (51) Utilities. "Utilities" means installations or facilities, underground or overhead, furnishing the public or private electricity, culinary water, gas, communications, water drainage, sewage disposal or flood control, owned and operated by any person, firm, corporation, municipal department or board duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments or boards as applicable herein, which supply such services.
- (52) Utility Corridor. A "Utility Corridor" is an area where utility easements and obstructions are a limitation to development, as identified on the General Plan or other support documents of the City.
- (53) Vegetation. "Vegetation" is native or reclamation grasses, forbs, shrubs and/or trees that protect topsoil from erosion, prevent or slow storm runoff, provide wildlife habitat and beautify the community.
- (54) Water Conservation. "Water Conservation" is the wise use of the city's culinary water supply and any secondary water available for outside irrigation.

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- (55) Water Recharge Area. “Water Recharge Areas” are those upper bench and mountainous areas of the city’s watershed where snow and rainwater enter the ground to recharge the valley's aquifers.
- (56) Wetlands. “Wetlands” are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar uses and they are classified by 3 characteristics which are designated by the Army Corps of Engineers.
- (57) Wildlife Corridors. “Wildlife corridors” are those areas identified by a qualified authority such as the Utah Division of Wildlife Resources or other competent authority as important, regular routes taken by wildlife that should be left unobstructed.
- (58) Wildlife Habitat. “Wildlife habitat” are those areas identified by a qualified authority such as the Utah Division of Wildlife Resources or other competent authority as important, regular locations or places naturally used by wildlife.

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### 12D-104. Prohibited Acts.

- (1) Subdivision Sales or Exchanges. It shall be unlawful for any person to sell, exchange, or offer to sell, or exchange any parcel of land which is a part of an approved subdivision, duly recorded in the office of the county recorder as a subdivision except in compliance with the provisions of this ordinance.
- (2) Subdividing. It shall be unlawful for any person to subdivide for the purpose of transferring, selling, conveying, or assigning any tract or parcel of land which is located in whole or in part within the city except in compliance with the provisions of this ordinance.
- (3) Building Permits. (Ord. 06-19)
  - (A) No building permit for the construction of a building upon any lot in a subdivision shall be issued until after:
    - i. All improvements required by section 12D-114(1) are completed or the developer has executed a development agreement with the City setting forth a schedule to complete all required improvements prior to the issuance of any occupancy permit; and
    - ii. Security is in place pursuant to section 12D-500 below.
  - (B) No person shall be allowed to occupy a building upon any lot in a subdivision until after all improvements required by section 12D-114(1) have been completed to the satisfaction of the City.
  - (C) It shall be unlawful for any subdivider to sell any lot or portion of an approved subdivision until the prospective buyer has been advised that occupancy permits will not be issued until the improvements listed in 12D-114(1) are completed. Such notice shall be given in writing and in a form acceptable to the city.
  - (A) Any permit issued in conflict with this provision shall be void.
- (4) Improved Lots. It shall be unlawful to build any residential unit on any lot or lots not specifically approved as a building lot as defined herein.
- (5) The decision of the City Council shall prevail if and when in conflict with the Planning Commission. (Ord. 06-19)

12D-105. Exemptions. The following divisions of land shall be exempt from the requirements of this chapter:

- (1) The division of land for agricultural purposes; provided, however, that such division shall be into two or less parcels, none of which is less than ten acres in size.

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- (2) An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.
- (3) The unwilling sale of land as a result of legal condemnation as defined and allowed in the Utah Code.
- (4) Widening of existing streets to conform to the city's General Plan.
- (5) The acquisition of street or trail rights-of-way, or other easements, by a public agency in conformance with the city's General Plan.
- (6) The exchange of land for the purpose of straightening property boundaries which does not result in the change of present land usage.

### 12D-106. Modifications.

- (1) Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, the existence of other unusual physical conditions, or the existence of other exceptional conditions, strict compliance with the provisions of this ordinance would cause an unusual and unnecessary hardship on the subdivider, the subdivider may submit an application to the Planning Commission for a waiver, modification, or adjustment as to the requirements of this ordinance regarding the proposed subdivision.
- (2) The Planning Commission shall make its recommendations as to the application to the governing body which shall take final action upon said application.
- (3) In granting the waiver, modification, or adjustment as requested, the governing body may impose such additional conditions as will, in its judgment or in the judgment of the Planning Commission, secure substantially the objectives of the standards or requirements so waived, adjusted or modified.
- (4) Any waivers, adjustments, or modifications granted or authorized shall be entered in the minutes of the Planning Commission and the governing body together with the circumstances and reasons justifying such waivers, adjustments or modifications.

12D- 107. Applicant. The applicant for development shall be the owner of the real property, or the authorized agent of the owner of the real property being considered.

12D-108. Structure Revisions. No use or structure, except flood control work, shall be permitted in any flood channel where such use or structure may adversely affect normal flood flow, increase erosion, or increase amounts of damaging materials carried downstream.

12D-109. Enforcement. Deleted by Ord. 06-19.

12D-110. Permits. The inspector shall not grant a permit nor shall any officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a

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lot which would be in violation of any state law, rule, or regulation or any ordinance of this city. No permit shall be issued on a lot within a subdivision until a final plat or minor subdivision documents have been duly approved pursuant to this chapter and recorded in the office of the County Recorder. Any license or permit issued in conflict with such provisions shall be null and void. (Ord 02-01)

### 12D-111. Penalty.

- (1) Any person, persons, or legal entity, including a corporation, that shall violate any of the provisions of this chapter shall, upon conviction thereof, be guilty of a class C misdemeanor and shall be punished as provided for by state law for a class C misdemeanor.
- (2) Any person, persons, or legal entity, including a corporation, that allows any violation of any provision of this ordinance to continue shall be guilty of a class C misdemeanor for each and every day the violation continues and each day shall be a separate violation.

### 12D-112. Fees.

- (1) Any and all persons requesting approval of any subdivision, concept plan, development plan, preliminary plat, final plat, or plans and specifications for the construction of improvements under this chapter shall first pay all fees in the amounts as set forth in the prevailing fee schedule most recently adopted by the City. Such fees shall be for the costs of the City's checking procedures and engineering costs and shall be paid at the time of each submittal. In the event the original submittal is not approved and subsequent submittals are made, a fee shall be paid to the City on an hourly basis for the time incurred in checking and approving each such re-submittal with the hourly fees being based on the most recent prevailing fee schedule adopted by the City.
- (2) In addition to the above-mentioned fees, a retainer fee for construction inspection shall be payable to the City based upon the said fee schedule prior to any construction of subdivision improvements. All costs of inspection, including any necessary testing, shall be paid by the subdivider. Such fees and costs shall be based on an hourly rate and as set forth in the said fee schedule.
- (3) Fees for the initial seal coat of any asphalt surface within the subdivision, if the seal coat is to be done by the city, shall also be payable to the City based upon the applicable fee schedule prior to any construction of subdivision improvements. If the developer is to do the seal coat, an agreement to that effect shall be established in accordance with Section 12D-501(2). (Ord. 08-10)

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- (4) Failure of the subdivider to pay any required fees shall justify the city in withholding further action on the subdivider's proposal. (Ord. 08-10)

12D-113. Compliance with Federal and State Law. The provisions of this chapter shall be construed, so far as possible, so as to make them consistent with the requirements of all applicable Federal and State law. If such construction is not possible then, where compliance with the requirements of this ordinance would require violation of Federal or State law, Federal or State law shall control; provided, however, that the requirements of this ordinance may be disregarded only to the minimum extent necessary to prevent such violation.

12D-114. Subdivision Improvements Required.

- (1) Required Improvements. Improvements shall be required and constructed in accordance with the Design Standards Technical Manual. The Design Standards Technical Manual containing the Technical Specifications and the Design Standards for the city shall be adopted by resolution enacted by the City Council, and may be amended by subsequent resolution adopted by the City Council. Required improvements include but are not limited to the following:

- (a) Culinary water
- (b) Sanitary sewer
- (c) Provisions for storm water collection and control including curb and gutter
- (d) Streets and roads providing adequate frontage and access to all lots
- (e) Street lighting. Standard street lights and poles of the type provided by and through lease agreements between the City and Rocky Mountain Power (RMP) shall be the standard lighting system for subdivisions. Any special design light poles and/or fixtures not in the standard RMP inventory may be provided by the subdivider if desired to bring a different look to the subdivision. Any such alternate fixtures may only be provided by the developer upon City Council approval. All street lighting, must be designed to be dark sky compliant and conform to the North Logan City Design Standards and Technical Manual. (Ord. 13-04)
- (f) Sidewalks
- (g) Provisions for other common utilities for each lot to include electric service, wiring for telephone and cable television services, and installation of main lines for natural gas. Said utilities shall be installed underground in subdivisions.
- (h) Improvement to and/or reclamation of common areas or open spaces as agreed upon in the subdivision approval process.
- (i) Provisions for the application of an approved seal coat on all asphalt surfaces within the subdivision. Providing for such application shall be determined through the process of approving the development plan for the subdivision. Application of seal coat can be done through either of the following methods:

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- i. The developer shall, by way of an ancillary agreement and guarantee of improvements, accomplish the initial seal coat at a time in the future agreed to by the City Engineer (usually within two years of the completion of the subdivision), or
- ii. The developer shall pay a fee to North Logan City to provide for the application by the City of the seal coat to all paved roads in the subdivision. The seal coat fee shall be equal to the square footage of road surfaces in the subdivision multiplied by the cost per square foot for the type of seal coat to be used. The fee per square foot shall be set by resolution of the City Council in the Master Fee Schedule and modified as needed from time to time.

The type of seal coat to be used (chip seal, slurry seal, etc.) shall be determined by “best practice” for the type of street as determined by the Streets Superintendent. If a seal coat fee is to be paid in lieu of the developers’ doing the seal coat, the use of the fees collected for the actual application of the approved seal coat shall be at the discretion of the City as determined by the City’s municipal budget. The seal coat fee shall be used by the city to accomplish the initial seal coating for the subdivision within seven years of the completion of the subdivision. If not accomplished within those seven years, and at the developer’s request, any un-used seal coat fee shall be refunded to the developer.

(Ord. 08-10)

- (2) Application of Required Improvements. The improvements required by this ordinance apply to all subdividers and to all persons that purchase, lease, rent or receive any interest in any land which is located within a subdivision.
- (3) Order of Making Improvements. Unless waived in writing by the City Engineer, underground utilities, water and sewer laterals and fire hydrants shall be installed prior to surfacing the streets and installing road base, curbs, gutters and sidewalks.
- (4) Orderly Development Required. Whenever the subdivider shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be contiguous and all of the improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferor or lessee of any of the lands subdivided within the time herein stated before or in phases specified.

12D-115. Development Regulations.

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- (1) All subdivisions shall comply with the City's General Plan. The following items, without limitation, shall be addressed on all developments to assure compliance with the city's General Plan and the purposes of this ordinance:
  - (a) the effect of the proposed development on the lands on which the development is proposed to be located;
  - (b) the relationship of the development to, and the effect of the development on:
    - (i) Vegetation,
    - (ii) Gateways to the city, trails, and parks
    - (iii) Geologic hazards
    - (iv) Loss of wetlands
    - (v) Natural floodplain, drainage systems, and canals
    - (vi) Soil erosion
    - (vii) Steep slopes
    - (viii) Unstable Soils
    - (ix) Urban interface with the Mount Naomi Wilderness / Wasatch National Forest including the subdivision's potential for increasing the potential fire hazard in any interface with the wilderness area and/or the national forest. (Ord. 03-08).
    - (x) Utility corridors
    - (xi) Water conservation
    - (xii) Water recharge areas
    - (xiii) Wildlife corridors
  - (c) the effect of the proposed development on other adjacent, surrounding or nearby lands;
  - (d) the effect of the proposed development on the future development of North Logan City;
  - (e) the identification of all existing trails through or adjacent to the property to be developed, and all trails shown as proposed or existing in the city's General Plan;
  - (f) identification of all non-developable land within or adjacent to the area proposed for development;
  - (g) the data and conclusions in all applicable reports concerning any of the foregoing issues;
  - (h) Street Lighting Plan. A Street Lighting Plan shall be required to identify the location of the backbone electrical service for and the street lights locations to be installed as part of the subdivision improvements; and (Ord. 13-04)
  - (i) all applicable legal or regulatory requirements bearing on any of the foregoing.
- (2) The following studies, reports, and plans shall be required on all developments, except as provided for in sections: 12D-401(2)(e) and 12D-401(5)(b)(ii)

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- (a) Soils Report. A soils report shall be prepared by a qualified soils engineer, and must contain at least the following information:
- (i) A Slope Analysis with a contour map accurately depicting no less than five (5) foot contour intervals. Slope classifications shall be identified on a map in percentage of gradients in the following categories:

Class 1	Areas of Non-Steep slopes - less than 30%
Class 2	Areas of Steep slopes - 30% or greater

Percentages shall be calculated as prescribed by the definition for “Steep Slopes”. If the subdivision contains any areas of steep slopes, the person or firm preparing the soils report shall identify the Class 2 areas (areas with 30% slope or more). These areas should be designated as “non-buildable areas”. If, in the opinion of the soils engineer, any Class 2 areas should not be designated as non-buildable areas, the report should include reasons why an exception should be made to not designate such Class 2 slopes as non-buildable. (Ord. 05-12)
  - (ii) A Soils Type and Soils Rating Analysis to include accepted soils engineering tests to determine bearing capacity, settlement and/or slope failure potential, and shrink/swell potential of the site. There shall be a minimum of one (1) test performed for each soil type classified in the Natural Resources Conservation Service’s Soil Survey and additional tests as prescribed by the City Engineer. If the subdivision contains any soils rated as “Very Limited”, the soils analysis shall include a soils hazard mitigation plan for the subdivision’s infrastructure. In such case the final plat (or deeds to the lots, or by some other appropriate method) shall also put owners on notice that building on these soils will require on-site investigation and lot-specific soils hazard mitigation plans. (Ord. 05-12)
  - (iii) An estimate of the normal highest elevation of the season high-water table based on a pizometer-tube test and the locations of swamps, seeps, or springs with the reasons for the occurrence of these underground water sources.
  - (iv) Locations of classified wetlands.
  - (v) A written statement by the person or firm preparing the soils report, identifying any other means proposed to minimize hazards to life, property, and adverse effects on the safety, use or stability of public rights-of-way or drainage channels, and adverse impacts on the natural environment. (Ord. 05-12).
  - (vi) A set of two maps of the subdivision identifying 1) the soils types (RFG2m, RhB for example) and 2) the soil rating using “dwellings with basements” as the criteria from the Natural Resources Conservation Service’s Soil Survey. The soil’s rating for the area

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of the subdivision shall be identified on a map showing the soil rating from the following categories:

Very limited – Shown in Red

Somewhat limited – Shown in Yellow

Not Limited – Shown in Green

Not rated – Shown in grey

(Ord. 05-12)

- (b) Geology Report. A geology report shall be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject. The report shall include mapping of geologic hazards and must identify the author and date of the data upon which the report is based. The report must include an analysis of the geologic conditions, conclusions regarding the effect of geologic conditions on the development, and recommendations covering the adequacy of sites to be developed within a recognized Geologic standard. It shall also include a written statement identifying the means proposed to minimize hazards to life or property, adverse effects on the safety, use or stability of public rights-of-way or drainage channels, and adverse impacts on the natural environment.
- (c) Grading and Drainage Plan. A grading and drainage plan shall be prepared by a professional engineer registered in the State of Utah. The plan shall include at least the following:
- (i) A map of the entire site with existing and proposed contours using a minimum five (5) foot contour interval at the same scale as the Preliminary Plat.
  - (ii) Proposed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed to control storm water runoff and soil erosion.
  - (iii) A plan showing temporary erosion control measures and storm water control during construction.
  - (iv) A written statement by the person or firm preparing the report, identifying any grading and drainage problems of the development and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate such problems in such a manner as to prevent hazards to life or property, and adverse effects on the safety, use or stability of public rights-of-way or drainage channels, and adverse impacts on the natural environment within an acceptable standard.
- (d) Water Conservation Plan The water conservation plan shall contain an assessment of the potential outside culinary water use for the subdivision and recommendations for lot size, landscaping and irrigation practices to minimize culinary water use. For land with irrigation water rights the

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conservation plan should contain an assessment and recommendations for development of a secondary water system.

- (e) Non-Buildable Areas and/or Common Space Vegetation Plan. A vegetation plan shall be developed for all non-buildable areas or common spaces within a subdivision and a report shall be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject, and shall include the following: (Ord 04-06)
  - (i) A plan of the proposed re-vegetation of the site, including top soil requirements, detailing existing vegetation to be preserved, new vegetation to be planted and any modifications to existing vegetation.
  - (ii) A plan for the preservation of existing vegetation during construction.
  - (iii) A vegetation maintenance and weed control program, including initial and continuing maintenance as necessary.
  - (iv) Xeriscaping and water management requirements for areas not serviced by secondary water systems.
  - (v) A written statement by the person or firm preparing the report identifying any vegetation problems and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate such problems in such a manner as to prevent hazard to life or property, adverse effects on the safety, use or stability of public rights-of-way or drainage channels, and adverse impacts on the natural environment within an acceptable standard.
- (f) Traffic Report. In the case of any subdivision, a traffic report may be required. This report should describe the traffic impacts that will be created by the project including but not limited to peak period trip generation rates, impacts on turning movements and road segment level of service, proposals to mitigate the impacts, justification for the proposed numbers of parking spaces, and/or a parking phasing plan when required.
- (g) Fire Protection Plan. A Fire Protection Plan shall be required for any subdivision that has the potential to increase the hazards for fires especially as that hazard relates to the interface with the Mount Naomi Wilderness Area and/or the Wasatch National Forest. The plan shall include as a minimum the plans for any needed firebreaks and planned fire-wise construction and/or landscaping for the subdivision. (Ord. 03-08)
- (h) Other Reports and Plans. Other reports and plans shall be prepared by the developer as determined to be necessary or appropriate during the Pre-Application Review or review of the Concept Plan.
- (i) The text of any Ancillary Agreement proposed by the Applicant. Ancillary agreements would normally include but are not limited to:

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- i. a development agreement including a schedule for constructing improvements in the event that all improvements will not be completed prior to issuing building permits;
- ii. an agreement for the distribution of water rights as part of a water conservation plan.
- iii. an agreement on any special considerations that impact the development to be agreed upon by the developer and the City.
- iv. an agreement providing for the application of the initial seal coat on all asphalt surfaces in the subdivision.

(Ord. 07-01, Ord. 08-10)

- v. In the event that a waiver or modification is granted by the City Council per section 12D-401(5)(b)(ii) for any of the reports or studies required by this section, the applicant shall provide as a minimum, a written statement stating the reasons the reports or studies were waived or modified. The statement shall be provided with the applicant's Development Plan application.

- (3) Non-Buildable Areas. No homes, buildings, or other structures, streets, drives, or alleys shall be erected or built on areas designated and platted as "Non-Buildable"; except for those required for public improvements and facilities such as: power poles, pump houses, reservoirs, regulator stations, etc. Non-Buildable areas shall be designated on the Preliminary and Final Plat by shading and shall have a designation of "No-Build" shown on the plat. The areas with the following characteristics should be considered for designation as Non-Buildable Areas: (Ord. 05-12)

- (a) Areas of Steep Slopes as defined in section 12D-103 of this ordinance;
- (b) Areas with soils with "very limited" soils rating;
- (c) Natural drainage corridors, canal channels, and wetlands;
- (d) Any areas identified by the required studies as potentially hazardous to life, limb, or property; and
- (e) Fire Breaks (Ord. 03-08)

- (4) Streets. Layout of streets shall conform to sound engineering practices. Roads, streets, and other vehicular routes shall not have a slope greater than twelve percent (12 %) unless approved by the City Council based on a determination that:
  - (a) appropriate engineering measures will be taken to ensure safety and minimize the impact of the cuts and fills; and
  - (b) erosion control and slope stabilization will be performed consistent with the purpose of this chapter; and
  - (c) the environment and aesthetics of the area will not be adversely affected.

- (5) Trails. Layout of trails shall conform to sound engineering practices. Rights-of-way and easements should be of sufficient width to allow for a path or tread at the location which most nearly provides a level or uniform slope, minimizes the cost

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of construction and maintenance, and protects adjacent natural features, including but not limited to vegetation, associated with the trail. Trail sizes and standards shall be in accordance with the city's general plan for trails.

- (6) Fences and Walls. Fences and walls in identified wildlife corridors shall be strongly discouraged, but in no case shall exceed forty-two (42) inches in height except those required to protect from hazards to life and limb. All other fences shall comply with the North Logan City Code and "Design Standards Technical Manual".
  
- (7) Utilities. To the maximum extent practical, all utilities shall be placed within existing road rights-of-way and front yard setbacks as set forth in the "Design Standards Technical Manual". All water, sewer, electrical, telephone, natural gas, cable television and other utilities shall be placed underground except that transformers, pedestals and other appurtenances which are normally located above ground in connection with the underground installations are permitted.

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**12D-200. RESIDENTIAL SUBDIVISION METHODS AND REGULATIONS**

12D-201. Fee Simple Parcels. Notwithstanding any other provisions of this ordinance or any other ordinances, upon the application of the subdivider, the City Council may approve a plat or amended plat, upon the recommendation of the Planning Commission in zones where there may be dwellings occupied by more than one family and more than one dwelling unit per lot, and permit the subdivider to divide a lot, or lots, into parcels and convey fee simple title to each parcel to other persons, provided, however, that:

- (1) The number of fee simple parcels will be the same as, and not exceed, the number of dwelling units allowed by the zoning ordinance for that zone as follows:

<u>Type of Dwellings</u>	<u>No. of fee simple parcels permitted</u>
Single family dwellings	One (1)
Two family dwellings	Two (2)
Three family dwellings	Three (3)
Four family dwellings	Four (4)
Multiple family dwellings	Same as number of dwelling units

- (2) There will be three (3) off-street parking sites per lot (i.e. per dwelling unit).
- (3) There shall be common walls between dwelling units which shall be constructed in compliance with the standards of the Uniform Building Code as to walls between dwelling units which are or may be separately owned and occupied.
- (4) All lot requirements as to area, dimensions, and front, rear, and side lot lines and setbacks for that zone shall be fully complied with for the basic lot and entire dwelling structure.
- (5) There shall be only one dwelling structure per lot. This section as to fee simple parcels shall not apply to group dwellings. It shall be prohibited for a subdivider to convey fee simple title to parcels or structures within a group dwelling.
- (6) This section shall apply only to structures constructed after the effective date hereof.
- (7) All fee simple parcels of lots must be clearly shown on the plat or amended plat of the subdivision as a restricted condition of this section.
- (8) Nothing in this ordinance shall be construed to allow the creation of condominium units or the construction of a condominium project in any manner other than as set forth in the Condominium Ownership Act of the State of Utah or of any subsequently enacted condominium provisions in the ordinances of this City. There shall be no common areas allowed in fee simple parcels.

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12D-202. Development Methods. There are three development methods available namely:

- Subdivision by Lot Size,
  - Subdivision by Density Determinant, and
  - Subdivision by Density Bonus.
- (1) Subdivision by Lot Size. Subdivisions using this method may be divided such that all the resulting lots are at least the size of the Standard Lot Size for the zone (see table 1).
- (2) Subdivision by Density Determinants. Subdivisions using this method shall only be allowed a certain number of lots per acre in the subdivision (excluding non-buildable areas) in accordance with this section. Lot sizes may vary within the subdivision but the overall number of lots per acre must be maintained at no more than is established in this section for the subdivision (see table 2).
- (3) Subdivision by Bonus Density. (Ord. 06-20)
- (a) Method. Subdivisions using this method shall allow a density of development greater than is normally allowed in this Zoning Ordinance in exchange for the provisions of satisfying certain bonus density criteria (park space).
- (b) Findings and Intent.
- (i) The city of North Logan has experienced growth with respect to population, housing and general land development. The city has been and is developing and constructing public facilities and providing public services to meet the needs of the community's growing population, but these services and facilities have been hard pressed to keep pace with the ever-growing need. Faced with the problems caused by this growth in relation to park space and its development within the community and being concerned with existing, as well as future overall quality and character of land development within the city, the city has developed this bonus density option to help with the development of park space throughout the city.
- (ii) It is the intention of the city to help provide other means to get park space. This bonus density option is considered a reasonable option to protect the public interest and welfare of the community, to secure a well planned park environment for all neighborhoods throughout the city, and to establish a viable neighborhood park development program that is relevant and meaningful to the people who live within the city. This option intends to provide a publicly adopted strategy for the development of park space in subdivisions.
- (iii) It is necessary and consistent with the overall community development plans of this city to provide neighborhood parks. It is further in the interest of the health, welfare and safety of the people of the city that:
- The city promotes and establishes a park development program.
  - Such program is equitable and consistent with the benefits received.
  - The owners of land, upon which residential dwellings exist or are to be

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constructed have the opportunity to provide for a portion of the development of the park lands within the city.

- (4) General Provisions for all Subdivision Options. This ordinance shall not be construed to restrict the right of the City Council to allow or disallow a subdivider’s election and use of any of the three options for subdivision development. Regardless of the development method selected, special regulations shall be imposed on all developments in order to protect natural or man-made features, sensitive lands, and resource amenities that appear throughout the city. The City Council retains the right to approve or disapprove the use of any of the three subdivision options in order to secure the best interests of the community as a whole.

**12D-202.1. Method 1: Standard Subdivisions.**

- (1) Number of Lots and/or Size of Lots. Subdivisions may be divided such that all of the lots are at least the standard lot size for the zone in which the parcel being divided is located according to the Table 1. Lots may be larger than these standard lot sizes but may not be smaller unless Method 2 is used.

Table 1

Zone	Standard Lot Size Sq. Ft.
RE-1	43,560 (1 acre)
RE-2	87,120 (2 acres)
RE-5	217,800 (5 acres)
R-1-30	30,000
R-1-20	20,000
R-1-15	15,000
R-1-12	12,000
R-1-10	10,000
RB	Lot size shall conform to adjacent zone (See Modifying Regulations 12C-1004(G))

- (2) Building Lot Requirements. Development under the provisions of Method 1 shall be subject to all regulations of the “Design Standards Technical Manual” of the City of North Logan, the subdivision ordinance and other applicable ordinances and regulations which govern development activities within the city.

- (3) Width and yard requirements. Width, and yard requirements for developments shall be the following:

<u>Zone</u>	<u>Width</u> <u>in Feet</u>	<u>Set backs</u> (in feet)		
		<u>Front</u>	<u>Side &amp; Total</u>	<u>Rear</u>

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RE-1	100	50	15 & 35	30
RE-2	250	50	15 & 35	30
RE-5	300	50	15 & 35	30
R-1-30	100	30	10 & 25	30
R-1-20	100	30	10 & 25	30
R-1-15	95	30	10 & 25	30
R-1-12	90	30	10 & 25	30
R-1-10	80	25	10 & 24	25
RB	Width, and setbacks shall conform to the adjacent zone (See Modifying Regulations 12C-1004(G))			

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**12D-202.2. Method 2: Density-Determinant Subdivisions.** Subdivisions may be divided such that the resulting density for the subdivision is in accordance with the density ratios in this section. Subdivisions based on density determinants are designed to help protect the city’s basic zoning density and also provide some flexibility for lot sizes within a zone. (Ord. 06-20)

- (1) Minimum Lot Size in the Subdivision Subdivisions divided using method 2 may be divided such that all of the lots are at least the minimal size for the zone in which the parcel being divided is located according to the table 2. Lots may be larger than these minimal lot sizes but may not be smaller.
- (2) Maximum Number of Lots in the Subdivision. Regardless of the size of the lots in the subdivision the development may not have more lots than is allowed by computing the total area of the subdivision less the non-buildable area in the subdivision and multiplying that by the ratio in Table 2 for the zone in which the subdivision is located. The total number of lots allowed within a development shall be based on the following table which recognizes that approximately 10 to 17% of the land in a subdivision is used for roads and other improvements. The base acreage for density determination is the total acres in the parcel less any non-buildable area. "Number of lots" is synonymous with "number of dwelling units" in R-1 and RE zones.

Table 2

Zone	Allowed Density in <u>Lots / ac.</u>	Minimum Lot Size <u>sq. ft./Lot</u>	Assumed/Typical Portion of Subdivision <u>Used for Roads, Etc.</u>
RE-1	0.90	20,000	10%
RE-2	0.45	43,560 (1 acre)	10%
RE-5	0.18	87,120 (2 acres)	10%
R-1-30	1.28	20,000	12%
R-1-20	1.92	15,000	12%
R-1-15	2.47	12,000	15%
R-1-12	3.09	10,000	15%
R-1-10	3.62	8,000	17%
RB	Density and lot size shall conform to adjacent zone (See Modifying Regulations 12C-1004(G))		

- (3) Rounding. If the number of lots computed results in a fraction of a lot, that number of allowed lots may be rounded to the nearest whole number of lots. Results ending in exactly 0.5 may be rounded up.
- (4) Building Lot Requirements. Development under the provisions of Method 2 shall be subject to all regulations of the “Design Standards Technical Manual” of the City of North Logan, the subdivision ordinance and other applicable ordinances and regulations which govern development activities within the city.

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- (5) Width and yard requirements. Width, and yard requirements for developments shall be the following:

<u>Zone</u>	<u>Width in Feet</u>	<u>Set backs (in feet)</u>		
		<u>Front</u>	<u>Side &amp; Total</u>	<u>Rear</u>
RE-1	100	30	15 & 35	30
RE-2	100	50	15 & 35	30
RE-5	100	50	15 & 35	30
R-1-30	90	30	10 & 25	30
R-1-20	80	30	10 & 24	30
R-1-15	80	30	10 & 24	30
R-1-12	80	30	10 & 24	30
R-1-10	60	25	8 & 18	25
RB	Width, and setbacks shall conform to the adjacent zone (See Modifying Regulations 12C-1004(G))			

(Ord. 07-03, Ord. 04-06)

**12D-202.3. Method 3: Density-Bonus Subdivisions.** Using method three, subdivisions may be divided such that the resulting density for the subdivision is increased if the developer;

- reserves a portion of the development site for public recreational use (park space);
- dedicates the reserved land to the City in such a way that it must continue to be used for recreational purposes and cannot be developed as residences; and
- develops and equips the area for recreational/park use.

The required level of development of the park space to make it useable as a park will be established through a development agreement specific to each subdivision. Density-bonus subdivisions are designed to help the city acquire lands for recreational use as called for in the City’s Parks and Recreation General Plan. Densities are allowed to be greater lot than those established by the base zone under subdivision methods one or two, in return for park space. The residential density within a subdivision may be increased as per Table 3. The percent increase in density allowable within a subdivision (the increase above and beyond the ratio allowed under Subdivision Method Two), may be no more than the ratio of land dedicated to parks for the subdivision, up to the maximum allowed for the particular zone in which the subdivision is located.

- (1) Density Bonus. If this method of subdivision is used, the development provides a percentage of the land being developed for usable public park space.
- (a) A higher ratio of lots per acre will be permitted in exchange for land dedicated for park space.
  - (b) Lands defined by this ordinance as Non-Buildable, may not count towards the amount of park space required for the development.

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- (c) The total number of lots allowed within a development shall be based on the following table and the percentage of land dedicated to public parks. These ratios are computed as the maximum number of lots that can fit in a parcel of land at the minimum lot size after dedicating the maximum allowed land for parks while still allowing space for roads and other improvements. The base allowed density for the density bonus method is the same ratio used in the method two subdivision option. "Number of lots" is synonymous with "number of dwelling units" in R-1-XX and RE-X zones.

Table 3

Zone	Base Allowed Density in <u>Lots / ac.</u>	Maximum Allowed Density in <u>Lots / ac.</u>	Maximum Percent of <u>Park Land</u>	Minimum Lot Size <u>sq. ft./Lot</u>
RE-1	0.90	1.21	34%	20,200
RE-2	0.45	0.60	34%	40,400
RE-5	0.18	0.24	34%	101,000
R-1-30	1.28	1.60	25%	17,100
R-1-20	1.92	2.40	25%	11,400
R-1-15	2.47	3.09	25%	8,400
R-1-12	3.09	3.86	25%	6,700
R-1-10	This option not available in this zone			
RB	Density and lot size shall conform to adjacent zone (See Modifying Regulations 12C-1004(G))			

- (d) The following formula shall be used to determine the allowed number of lots within a development:

Parcel size in developable acres \* [Base Allowed Density in lots per acre from above table \* (1+ percent of park land dedicated, up to maximum percent allowed)] = Maximum lots

Example for 20 acre parcel with 25 percent dedicated park land in an RE-1 Zone:

20 acres \* [0.90 \* (1.00 + 0.25)] = 22.5 lots allowed in project (round up to 23 lots)

Five acres dedicated to park land.

Example for 20 acre parcel with 9 percent dedicated park land in an R-1-12 Zone:

20 acres \* [3.09 \* (1.00 + 0.09)] = 67.4 lots allowed in project (67 lots with no rounding)

1.8 acres dedicated to park land

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- (ii) Rounding. If the number of lots computed by the formula results in a fraction of a lot it may be rounded to the nearest whole number of lots. Results ending in exactly .5 will be rounded up.
- (2) Minimum lot Size. Regardless of the amount of open space desired to be given up or required to be provided due to land characteristics, a subdivision may not have smaller lots than is allowed by the minimum lot size in Table 1.
- (3) Building Lot Requirements. Development under the provisions of this method shall be subject to all regulations of the “Design Standards Technical Manual” of the City of North Logan, the subdivision ordinance and other applicable ordinances and regulations, which govern development activities within the city.
- (4) Area, width, and yard requirements. Minimum lot area, width, and yard requirements for density bonus subdivisions shall be the following:

<u>Zone</u>	<u>Width in Feet</u>	<u>Set backs (in feet)</u>		
		<u>Front</u>	<u>Side &amp; Total</u>	<u>Rear</u>
RE-1	100	30	15 & 35	30
RE-2	100	50	15 & 35	30
RE-5	100	50	15 & 35	30
R-1-30	90	30	10 & 25	30
R-1-20	80	30	10 & 24	30
R-1-15	80	30	10 & 24	30
R-1-12	80	30	10 & 24	30
R-1-10	This option not available in this zone			

RB Width, and setbacks shall conform to the adjacent zone  
(See Modifying Regulations 12C-1004(G))

- (5) Stormwater Management: Where possible, the development should be designed such that the dedicated portion of the development also functions as part of the stormwater and drainage requirement needs for the development.

(Ord. 07-03, Ord. 06-20)

12D-203. Reserved

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12D-204. Open Space. The approved uses and restrictions for any designated open space shall appear by note on the Final Plat. At no time shall any designated open space be reduced in size or changed in use from the uses or restrictions specified in the approved Development Plan and the conditions of its approval without a public hearing and the approval of the City Council.

(1) Conditional Uses within Open Space. All uses and facilities in open space shall be permitted only by conditional use permit, issued pursuant to the provisions of the City's Land Use Ordinance. Conditional uses in Open Space are subject to approval and conditions as required by the Planning Commission. Allowed uses are limited to the following:

- (a) public and private parks and recreation areas which may also include outdoor playgrounds, picnic tables and pavilions (covered but not enclosed), and restrooms;
- (b) athletic fields, tennis courts, and swimming pools which may include restrooms and changing areas;
- (c) equestrian facilities which may include the keeping of horses with associated fences and corrals (covered or not) but not enclosed facilities such as storage barns, riding arenas, or enclosed stables;
- (d) agricultural crop production compatible with adjacent residential development;
- (e) trails;
- (f) other uses which are determined by the City Council to be similar to and compatible with the above stated uses and the nature of the open space relative to the surrounding neighborhood.

(Ord. 06-07)

(2) Prohibited Uses in Open Space. Prohibited uses in open space include storage of rubble and trash, or any other use not consistent with the approved conditional uses, uses provided for in the final plat, ancillary agreement(s) and/or conservation easement.

(3) Access to Public Street. All open space shall contain an ingress / egress access to a public street. The access need not be open to the public (see subparagraph (4)(e) below.) Ingress / egress shall be a minimum of fifteen (15) feet in width.

(4) Ownership, Maintenance, and Restrictions

(a) Types of Ownership Allowed in Public Open Space. Public open space may be owned, managed, administered, and maintained by the City of North Logan, or a recognized land trust or conservancy, or any other entity approved by the City Council.

(b) Types of Ownership Allowed in Private Open Space. Private open space may be owned, managed, administered, and maintained like any other privately owned real property but its use is restricted and limited based on the agreements under which it was designated open space and as modified in accordance with this

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section (12D-204). Designated Open Space may only be further divided if approved by the City Council and following a public hearing. The dividing of open space where no additional developable lots are established does not constitute a subdivision as defined in this Section (NLC Code Title 12D). Any transfer of ownership or dividing of private open space shall not alter the restrictions associated with that open space.

- (c) Leasing of Open Space. The owner of any Open Space may lease the property to any other qualified person or corporation for operation and maintenance of the open space, provided that any such lease agreement shall provide that the open space to be leased shall be maintained for the purpose set forth in this ordinance. The lease shall be subject to the approval of the City Council and any transfer or assignment of the lease shall be further subject to the approval of the City Council. Each lease agreement shall be recorded with the City Recorder within thirty (30) days of its execution and a copy of the recorded lease shall be filed with the City.
- (d) Transfer of Ownership of Private Open Space to Public Open Space. With the permission of the City and in compliance with Section 12D-204., an owner of private open space may transfer that open space and the associated development rights or conservation easements to
- a government entity or
  - a private, non-profit organization among whose purposes it is to conserve open space
- provided that:
- (i) the new owner is acceptable to the City of North Logan, and is a bona fide government entity or organization with perpetual existence;
  - (ii) the conveyance contains appropriate provision for proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its functions;
  - (iii) a maintenance agreement acceptable to the City is entered into by the new owner; and
  - (iv) the owner and developer provide a copy of the transfer of title agreement that contains the following to the city: the conservation organization or agency to obtain the property, showing the legal description, conservation purpose, terms of the agreement, grantee of the agreement and date for finalizing the agreement.
- (e) Access by Public. Public Open Space shall normally be open to public access unless restricted for some reason such as to ensure the protection of health and safety of the public or to maintain the area for some conservation purposes. Any publicly owned open space with restricted public access shall be posted to indicate such. Privately Owned Open Space need not be open to public access subject to easements and/or other agreed upon access.

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(Ord 04-06)

### 12D-205. MINOR RESIDENTIAL SUBDIVISION REQUIREMENTS

- (1) Purpose. In an effort to reduce the expense of developing relatively small residential subdivisions that meet certain conditions, residential subdivisions of less than ten (10) lots may be considered and approved under this minor subdivision chapter. Minor subdivisions, when approved, are exempt from platting requirements for preliminary and/or final plats and in some cases are also exempt from the requirements for construction drawings.
- (2) Minor Subdivision Requirements. To be considered for approval as a minor residential subdivision the subdivision must meet all the following requirements:
  - (a) The subdivision contains less than ten (10) lots.
  - (b) The subdivision is not traversed by the mapped lines of a proposed street as shown in the city's general plan and does not require the dedication of any land for street or other public purposes.
  - (c) The subdivision is not part of an existing, previously platted subdivision. Generally changes to a platted subdivision are to be done by amending the previously approved plat.
  - (d) Each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance. Access and frontage on public streets exist for all planned lots. If developing the subdivision requires the dedication of land for public rights-of-way such as the widening of existing rights-of-way to meet city standards, that dedication must be done by a plat or by some other means. If new streets need to be built to provide frontage or access for any lots in the subdivision then a standard, platted subdivision must be done.
  - (e) All other requirements for a subdivision including infrastructure improvements and bonding therefor, providing for drainage needs, providing required utility easements, and protecting sensitive land issues, etc. must be provided for as applicable.
  - (f) If infrastructure improvements are not immediately required by the City Council, the funds for any such improvements that the City Council deems will be needed in the future, shall be placed in escrow with the City or otherwise provided for by written ancillary agreement.
- (3) Minor Residential Subdivision Application Procedure. The application procedure for a minor subdivision is basically the same as a standard subdivision and the procedures in Chapters 12D-401, 12D-402, and 12D-403 apply with the following additions:
  - (a) Pre-Application Meeting. During the pre-application meeting the city staff shall help the developer determine if the subdivision meets the requirements of a minor subdivision. The staff shall explain to the developer the difference between processing a subdivision as a minor subdivision versus processing the proposal in

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the standard manner and recording the subdivision with a plat. The staff shall review with the developer any requirements for construction drawings that may be needed even if plats are not needed.

- (b) Concept Plan Approval. The concept plan approval process for a minor subdivision shall follow that found in Chapter 12D-401.
  - (c) Development Plan Application Procedure. The development plan approval process for a minor subdivision shall follow that found in Chapter 12D-402 with the exception that the preliminary plats called for in paragraphs (1) (d) and (2) shall not be required. The development plan shall include a land survey, draft copies of deeds that will be used to divide the property, and any other agreements or documentation needed for recording the subdivision including metes and bounds descriptions for all lots, easements, non-buildable areas, or opens spaces in the subdivision. These documents shall be required in lieu of standard plats. The City Engineer shall recommend to the City Council the requirements for any construction drawings that may be needed to ensure infrastructure improvements are built properly. The city staff shall review these documents and advise the Planning Commission and the City Council with regard to their sufficiency for the purposes of recording and completing the subdivision.
  - (d) The Planning Commission and the City Council shall process the proposed minor subdivision and consider it for approval in accordance with the applicable requirements in Chapters 12D-402 and 12D-403.
- (4) Final Minor Subdivision Approval Procedures. Once the Development Plan has been approved by the City Council and the subdivider has received authorization to proceed, the subdivider shall prepare the final documents. The deeds, agreements, and any other documents required for recording the subdivision for all lots, easements, non-buildable areas, or opens spaces in the subdivision shall be submitted to the city within one (1) year from the date of the Development Plan approval, unless the time is, in writing, extended by the City Council. Otherwise, preliminary approval shall be deemed to have been withdrawn. The following are the documents to be filed with the City Recorder in order to have the minor subdivision approved and recorded:
- (a) Cover Letter and Approval Document. The developer/subdivider shall prepare a cover letter to be included with all other subdivision documents for forwarding to the County Recorder to record the subdivision. The cover letter shall include signature blocks for the following to indicate approval of the minor subdivision:
    - i. City Engineer
    - ii. Mayor's Approval and Acceptance on behalf of the City Council.
    - iii. Chairman of the Planning Commission's signature indicating the commission has considered the subdivision and forwarded its recommendation to the City Council
    - iv. City Attorney's approval as to form.
    - v. Utility Companies' Approval.
  - (b) Any other documents needing to be signed by the owner, subdivider, or developer shall also be completed and included in the final submittal.

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- (c) Any other documents required in compliance with the development plan shall also be submitted including:
    - i. Any required construction drawings.
    - ii. A current title report from a licensed title company evidencing the current ownership of the real property included in the minor subdivision.
    - iii. Construction cost estimates of all required improvements and all documents as may be required by the city to guarantee improvements.
  - (d) The drawing of the minor subdivision shall also be included with the other documents and recorded with the County Recorder as an attachment to the approval document that authorizes subdividing the property. The drawing shall not be larger than 8 ½" X 14" in order to be recorded.
  - (e) The City Engineer, the Mayor, and the Attorney shall, on behalf of the city, review the documents for correctness, completeness, and compliance with this ordinance and all other applicable city and state codes for development and sign the cover letter indicating approval.
- (5) Filing Final Documents. When the applicant has received all appropriate signatures on the minor subdivision approval documents, the applicant shall have the documents recorded at the County Recorder's Office. After being recorded a copy of the recorded documents shall be submitted by the applicant to the North Logan City Recorder. One (1) set of approved and signed Construction Drawings (if needed) shall be returned to the subdivider by the City Recorder once approved and signed by the City Engineer. The subdivider shall not perform or allow any work to be performed on the subdivision until a copy of the Recorded Final Documents has been submitted to the North Logan City Recorder and an approved and signed set of Construction Drawings are in the subdivider's possession, and the Improvements Bond has been established and approved by the City Council in accordance with Chapter 12D-501, and has been obtained and submitted to the City Engineer.

### 12D-206 Approval Procedures Flag Lots in Subdivisions

- (1) The City of North Logan discourages and restricts the creation of flag lots. Flag lots will only be allowed when the Planning Commission and the City Council, through the subdivision approval process (minor or regular subdivision process as appropriate), determine that:
- allowing flag lot(s) would be necessary for the efficient use of land; or
  - to allow a property owner reasonable use and benefit of a parcel of land in accordance with the zoning of the parcel; or
  - to alleviate a situation which would otherwise cause extreme hardship for the owner; and
  - where access to a public street could not reasonably be developed to serve the lot(s) such that each lot would meet the minimum lot-width or access requirements for the zone.

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- (2) For the purposes of this ordinance, flag lot shall mean an irregularly shaped lot in which the buildable section of the lot(s) is(are) connected by a narrow strip of real property that provides the access to a public street and in which the width of the narrow strip of real property does not meet the minimum lot width standards in the zone in which it is located.
- (3) If the lot is configured and located such that the standard required access could be developed on a public street in the future, but only if considerable amounts of other land were to be developed, a flag lot(s) may be allowed as an interim measure. In such a case, any right-of-way in the lot(s) that will be needed for the future public roads shall be dedicated to the city by plat or other appropriate agreement. The agreement may, at the city's discretion include the requirement for the property owner(s) to construct, in the future, the road and/or improvements when the city deems it appropriate.
- (4) All flag lots shall conform with the following regulations. Residential subdivisions utilizing flag lots may be permitted when the following criteria are met:
  - (a) Basic Requirements. Flag lots shall be permitted only for single-family detached units located in residential zones. Flag lots shall be permitted only for tracts of land with limited street-frontage, but with sufficient area for additional lots and where the uses of such flag lot(s) would result in an improved subdivision design. Each flag lot shall contain its own access strip, owned in fee simple, as part of the lot and not by way of a grant or right-of-way, easement, license, or similar grant.
  - (b) Access Drive Requirements. The minimum width of the flag lot drive or combination of drives (the narrow strip(s) of the lot(s) accessing a public street) shall be twenty (20) feet. Up to two (2) flag lots may share a single access drive. A cul-de-sac or some other type of turn-around area suitable for emergency vehicles shall be established. Driveway length and width shall be reviewed and approved by the Fire Chief to ensure adequacy for use by emergency vehicles prior to consideration by the Planning Commission. (Ord. 03-05)
  - (c) Lot Size, Width, Setback, and Configuration Requirements. All flag lots created by a subdivision shall meet the size and setback requirements of the zone. The front yard, and hence the front setback, for a flag lot shall be measured from the point where the lot meets the minimum required lot width standard for the zone in which the lot is located and or future public street. Only two (2) flag lots shall be permitted on a tract being subdivided.
  - (d) Access Requirements. Access for all flag lots created by the subdivision shall only be from roads classified as public streets. No more than two (2) contiguous flag lot access strips shall be allowed. Flag lot driveways shall be consolidated with the adjoining flag lot driveway and adjoining regular lot driveways whenever possible.
  - (e) Ancillary Agreement Requirements. Cross easements and maintenance agreements shall be established for the use and maintenance of any common drive set up to meet the requirements of this ordinance. Drafts of any such needed easements and/or maintenance

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agreements shall be submitted to the city for approval in establishing a flag lot. Any such cross-easements and maintenance agreements shall be recorded with the approved subdivision documents and/or for each approved flag lot.

(f) Safety Requirements. The subdivider shall demonstrate to the satisfaction of the Planning Commission and the City Council that use of the flag lots is necessary to the effective development of the land and that the proposed design poses no hazard to public safety as follows:

- (i) Access is clearly defined and does not create access conflicts with adjacent lots
- (ii) There are no visual obstructions at the intersection of the flag lot drive(s) with the street.
- (iii) The length of the flag lot drive does not negatively impact clear addressing or visibility from an emergency or service vehicle.
- (iv) The dwelling address must be clearly displayed at the public road and must be clearly visible from the public road and maintained to clearly differentiate the flag lot from the adjacent property.
- (v) The design for the address display, any needed signs to identify the access road, mailbox location/configuration for the flag lot(s), and the planned location for trash collection for the flag lot(s) shall be submitted to the Planning Commission and the City Council for consideration in approving the flag lot(s).

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### **12D-300 SUBDIVISION – COMMERCIAL/INDUSTRIAL (NON-RESIDENTIAL) PROVISIONS**

**12D-301. Final Site Plan.** In addition to the required subdivision plat, a detailed final site plan is required in all cases involving non-residential uses (commercial or industrial uses), multi family dwellings, conditional use permits, and other developments as determined by the City Council. Site plans, in addition to the requirements of 12D-402(d) Preliminary Plat, the Final Site Plan shall contain the following information:

- (1) A vicinity map at a scale of not less than one (1) inch equals one thousand (1,000) feet (1 " = 1,000 ft.).
- (2) A legal description and accompanying map exhibit of the exterior boundaries of the development area giving lengths and bearings of the boundary lines at the scale of one inch equals one hundred feet (1' = 100 ft.) showing the location and type of boundary evidenced. Such information should be provided from the recorded plats. The legal description shall include the following data:
  - (a) Metes and bounds of all property lines;
    - (i) Total area of property;
    - (ii) North scale and north arrow; and
  - (b) Name and route numbers of boundary roads and the width of existing right(s)-of-way.
- (3) Existing topography with maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two (2) percent, then either one foot contours or spot elevation shall be provided where necessary.
- (4) A final detailed land use plan at a reasonable scale showing:
  - (a) The location and arrangement of all proposed uses, including building area.
  - (b) The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade.
  - (c) A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development.
  - (d) The yard dimensions from the development boundaries and adjacent roads and alleys.
  - (e) The traffic and the pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas and parking structures, trails, walkways and bicycle paths.
  - (f) Off-street parking and loading areas and structures, and landscaping for parking areas.
  - (g) Any public recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas,

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and delineating those areas proposed for specific types of recreational facilities.

- (h) Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping.
- (i) A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening.
- (j) When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit.
- (k) A copy of all covenants, restrictions and conditions pertaining to the use, maintenance and operation of private open space areas.
- (l) All existing monuments found during the course of the survey (including a physical description such as "brass cap").
- (m) All existing easements or rights-of-way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the County's records.
- (n) All rights-of-way and easements and trails (including open space) created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose. For curved boundaries the curve radius, central angle, and length of arc shall be given.
- (o) A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:
  - (i) The area of all parcels created, total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels;
  - (ii) Total number of dwelling units, by development phase;
  - (iii) Residential density and units per acre;
  - (iv) Total floor area and floor area ratio for each type of use;
  - (v) Total area in open space and length of trails;
  - (vi) Total area in developed recreational open space; and
  - (vii) Total number of off-street parking and loading spaces.

12D-302. Final Site Plan contents. The final site plan shall conform to current surveying practice and shall show the following information.

- (1) A title block giving the subdivision's name and the quarter- quarter section, section, township, range, principal median, and County of its location.
- (2) A notation of any adjoining plats or certificates of survey and titles thereto.
- (3) All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.

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- (4) The owner's certificate of consent including a legal description of the subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated, and notarized.
- (5) The owner's certificate should include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.
- (6) A certificate of consent from any and all mortgagors, lien holders, or others with a real property interest in the subdivision. These certificates shall be signed, dated, and notarized.
- (7) A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed, and dated.
- (8) Signature blocks prepared for the dated signatures of the City Engineer, and representatives from applicable utility companies for utility easement coordination (Utah Power & Light Co., Questar Gas Company, cable TV company etc.).

12D-303. Site Plan materials; size; copies. Plan may be prepared on linen or on a stable base polyester film (Mylar). Plats shall be 24 by 36 inches. Three paper copies shall be submitted along with the linen or film copy.

12D-304. Multiple sheets. Multiple sheet plans may be used. All sheets shall be numbered and referenced to an index, and all required certificates shall appear on a single sheet (alone, with the index and vicinity maps.)

### 12D-305. Final Site Plan Submittal (Staff Review).

- (1) Three (3) full size (24" x 36") engineering scaled copies of the Final Site Plan shall be submitted for the review of the city staff. If the Final Site Plan is not complete, the Applicant shall be provided with written notice identifying the deficiencies in the Site Plan. The written notice shall include a checklist of items indicating which requirements have been met, which required items are missing.
- (2) Following approval of the city staff, the applicant shall submit the final mylar drawings of the Final Site Plan with all corrections or changes recommended by the city staff, for final review and approval. The Applicant shall receive approval of the Final Site Plan from the city staff before any work is done on the project

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### 12D-400 SUBDIVISION APPLICATION PROCEDURE

#### 12D-401. Concept Plan Application Procedure.

- (1) Pre-Application Meeting. The application procedure shall begin with a meeting between the applicant and the staff of the Planning Commission. The purpose of this meeting will be to explain the application process to the applicant, review the City's General Plan with the applicant and preliminarily identify issues which are likely to be of concern in evaluating the application.
- (2) Contents of Concept Plan. When the Pre-Application Meeting is completed, the applicant shall prepare a Concept Plan. The Concept Plan shall address the issues listed under section 12D-115(1), and shall include the following:
  - (a) A map, plat, or other scale drawing of the area to be developed. The concept plan drawing need not be produced by a licensed professional but must include at least the following information as applicable: (Ord 02-01)
    - (i) potential locations of hazards and sensitive lands or features;
    - (ii) potential open space;
    - (iii) potential locations of any characteristics which may impose peculiar construction requirements, such as geologic hazards, bogs, quicksand, drainage systems or steep slopes;
    - (iv) the way in which the proposed development will fit into the context of the surrounding area, and the configuration, size and number of lots in the proposed development;
    - (v) the present and planned surrounding roads and utilities;
    - (vi) access points and limiting of access, if required;
    - (vii) trail systems;
    - (viii) other land ownership in the area and the potential for cooperation;
    - (ix) the relationship between the proposed development and the City General Plan and including, without limitation, planned roads, utilities, trails, sensitive lands, parks, and drainages;
  - (b) the current zoning of the lots, and any rezoning which would be necessary;
  - (c) the anticipated time schedule for the development;
  - (d) plans and needs for water, sewers, roads, street lighting, and sanitation disposal; (Ord. 13-04)
  - (e) a detailed list describing any portion of the studies and reports listed in section 12D-115(2) the developer feels may not be necessary for development of the subdivision; and the reasons why such studies or portions thereof ought to be waived or modified.
  - (f) the development method that will be used, the total acreage involved, the number of allowable lots and the number of planned lots;
  - (g) any planned phasing or future development of adjacent land;
  - (h) plans for ownership and maintenance of open space;

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- (i) any maps and narratives required by any other provisions of the North Logan City ordinances.
  - (j) The requested subdivision recording option. The concept plan shall include whether the lots are to be recorded by a plat or if the subdivision meets the requirements of a minor subdivision, as provided in Chapter 12D-205, and would therefore be recorded by metes and bounds. (Ord 02-01)
  - (k) The anticipated method of ensuring completion of the subdivision's infrastructure including whether all the improvements will be completed prior to any building permits being issued or whether a bond will be established with an accompanying development agreement. (Ord. 07-01)
- (3) Concept Plan submittal (Staff Review).
- (a) Five (5) copies of the Concept Plan shall be submitted for the review of the city staff. The application shall, within thirty (30) calendar days, be reviewed for content, correctness, completeness, and compliance with the subdivision ordinance. Upon such review, the Applicant shall be provided with written notice of any corrections needing to be made and/or deficiencies in the Concept Plan. The Applicant shall correct any deficiencies in the concept plan to the satisfaction of the city staff before any item is placed on the Planning Commission agenda.
  - (b) Following the correction of deficiencies in the concept plan to the satisfaction of the city staff, and at least twenty (20) days prior to the Planning Commission meeting at which the concept plan is to be considered, the applicant shall submit thirteen (13) copies of the completed Concept Plan, with all changes recommended by the city staff, for review by the Planning Commission and City Council.
- (Ord. 02-08, Ord. 08-05)
- (4) Planning Commission Review.
- (a) Upon receipt of a completed Concept Plan, the Planning Commission shall review the plan. The Planning Commission shall determine whether the proposed development has addressed the list of items in section 12D-401(2). The Planning Commission shall consider the factors listed in section 12D-115(1) to ensure that the subdivision meets the intent of the City's General Plan when preparing its recommendation.
  - (b) Meeting. The Planning Commission shall hold a regularly scheduled public meeting to discuss with the applicant the adequacy of the Concept

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Plan and any other issues bearing on the merits of the proposed development.

- (c) Planning Commission Recommendation. Following the public meeting, the Planning Commission shall forward the Concept Plan, together with its recommendations, to the City Council for review. The Planning Commission shall include in its recommendation any studies and reports or other special conditions that they feel should be added, waived, or modified for the proposed development.

### (5) City Council Review.

- (a) Following the recommendation of the Planning Commission, the City Council shall review the Concept Plan. They shall determine whether the proposed development has addressed the list of items in section 12D-401(2). The City Council shall consider the factors listed in section 12D-115(1) to ensure that the subdivision meets the intent of the City's General Plan when preparing its approval.
- (b) City Council Action. The City Council shall hold a regularly scheduled public meeting to discuss with the applicant the adequacy of the Concept Plan and any other issues bearing on the merits of the proposed development. The City Council shall approve, reject, or defer its decision of the Concept Plan. Prior to its approval, each of the following issues shall be addressed:
  - (i) Specifically identify any items listed in 12D-401(2) which have not been adequately addressed, and at its option, may require preparation and submittal of a revised Concept Plan in order to correct such deficiencies prior to submission of the Development Plan;
  - (ii) Establish a list of the studies and reports, or any portion thereof, called for by section 12D-115(2) that may be waived or modified, where such reports would not contain information relevant to the consideration of the Application, or where such reports would be duplicative of materials already in existence and reasonably available to the Applicant, the City Council, and the Planning Commission;
  - (iii) Establish a list of any additional studies and reports that will be required of the applicant as called for by section 12D-115(2)(E).
  - (iv) Decide whether to require one or more site visits, by the Applicant and members of the City Staff, Planning Commission and/or City Council, as appropriate, to the location of the proposed development.

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- (v) Decide whether to require the approval and recording of the subdivision to be done by a plat; or decide that the subdivision meets the requirements of a minor subdivision (Chapter 12D-205, Minor Residential Subdivision Requirements) and shall therefore be recorded by metes and bounds. (Ord 02-01)
- (vi) Decide whether the requested method of ensuring completion of the subdivision's infrastructure is appropriate (all improvements to be completed prior to building permits being issued or a bond to be established accompanied by a development agreement.) (Ord. 07-01)

### **12D-402. Development Plan Application Procedure.**

- (1) Contents of Development Plan. The Development Plan shall be prepared after the Concept Plan has been approved by the City Council and shall include the following:
  - (a) cross sections or other technical illustrations, as may be necessary to communicate the intent of the project;
  - (b) a narrative describing ownership, use and maintenance responsibilities for all common and public improvements, utilities, and Open Space;
  - (c) Reports as listed in section 12D-115 (2), unless otherwise waived or modified by the City Council, each of which shall be prepared by a professional with the appropriate license and/or training in the field, as specified in section 12D-115 (2). Also, any additional studies and reports that may have been recommended by the city staff or planning commission and required by the City Council.
  - (d) A preliminary plat containing the following information:
    - (i) Form of presentation. The information required in this chapter as part of the Development Plan submittal shall be shown graphically or by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale. Scales shall be adjusted to produce an overall drawing measuring (24" x 36"). Each sheet of the preliminary plan shall contain the name of the project, scale, sheet number, and north arrow.
    - (ii) Identification and descriptive data. Required identification and descriptive data shall be:
      - (A) Proposed name of subdivision.
      - (B) The legal description by metes and bounds, dimension, section, township, and range; reference by dimension and

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bearing to a section corner, quarter section corner or other legal land subdivision corner.

- (C) Name, address and phone number of subdivider.
- (D) Name, address and phone number of engineer, surveyor, and landscape architect or land planner preparing the plat.
- (E) Scale, north point and date of preparation including dates of any subsequent revisions.
- (F) Vicinity map clearly showing proposed division in relationship to adjacent subdivision, main arterial routes, collector streets, utilities and so forth.

(iii) Existing conditions data. Required data regarding existing conditions shall be:

- (A) Topography by contours related to USGS survey, datum or other datum approved by the City Engineer, shown on the same map as the proposed subdivision layout. Contour interval shall be not more than five (5) feet. Contour interval shall be not more than five (5) feet. Any area with a slope thirty percent (30%) or greater shall be shown by crosshatching and any areas proposed to be designated as non-buildable shall be shown by shading. Any area which the soils report rates as "Very Limited" shall also be identified. (Ord. 05-12)
- (B) The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries.
- (C) The location, width and names of all existing or recorded streets both within the proposed subdivision and within two hundred (200) feet of the proposed subdivision and of all prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporation lines, within and adjacent to the tract; and also showing the location of public utilities and other important features and existing structures within the land adjacent to the land to be subdivided, including railroads, exceptional topography, water table within five (5) feet of ground surface, airports and air approaches to the airport.
- (D) The location of any irrigation systems whether culinary or secondary
- (E) Name, book and page numbers of any recorded adjacent subdivision having common boundary with the tract.

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- Boundary lines of adjacent tracts of un-subdivided lands showing the names and addresses of the owners thereof.
- (F) By note, the existing zoning classification of the tract.
  - (G) By note, the acreage or square footage of the tract.
  - (H) Location and principal dimensions for all water courses including the location of streams or drainage channels with flood prone areas specifically designated as flood plains using the requirements for storm water control in Chapter 300 of the North Logan Design Standards Technical Manual. Existing flow rates shall be calculated and stated as to whether flow is constant or intermittent. (Ord. 10-02)
  - (I) Existing sewers, storm drains, water mains, culverts, or other underground facilities within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact locations.
  - (J) The location of existing bridges, culverts, surface or subsurface drainage ways, wetlands, geologic hazards, floodplains, canals, utilities, public buildings, pumping stations or appurtenances, within subdivision or within three hundred (300) feet thereof.
  - (K) Where the plan submitted covers only a part of the subdivider's tract, or is part of a larger vacant area, the plan shall show the location of the subdivision as it forms part of the larger tract or parcel of land. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
  - (L) A preliminary title report shall be submitted indicating all easements, restrictions, covenants and reservations of record. All easements shall be clearly shown on the preliminary plat.
  - (M) Location and nature of any prominent natural features.
- (iv) Proposed Conditions Data. Required data regarding proposed conditions shall be:
- (A) Street layout, including location, width and proposed names of public streets, alleys, crosswalks, easements; connections to adjoining platted tract, parks and other open spaces, and proposed street lighting. (Ord. 13-04)
  - (B) Typical lot dimensions (scaled); dimensions of all corner lots and lots of curvilinear sections of streets; each lot

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- numbered individually; total number of lots; total amount of open space, all sensitive lands, and non-buildable areas.
- (C) Designation of all land to be dedicated or reserved for public or common use with use indicated.
  - (D) If plat includes land for which multi-family, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classifications and status of zoning change, if any.
  - (E) Building setback lines – including showing dimensions where required by the Planning Commission.
  - (F) Easements for water, sewer, drainage, utility lines and other purposes, if required by the Planning Commission.
  - (G) Typical street cross-section and preliminary street profiles where required by the Planning Commission.
  - (H) A tentative plan or method by which the subdivider proposes to handle storm water as required in Chapter 300 of the North Logan Design Standards Technical Manual and to be included in a water drainage plan for the subdivision. (Ord. 10-02)
  - (I) A tentative plan for culinary water improvements and waste disposal improvements for all lots proposed within the subdivision.
  - (J) Meets and bounds locations of all non-buildable areas and open space.
- (v) Proposed Utility Methods. Required data regarding proposed utility methods shall include:
- (A) Sewage Disposal. It shall be the responsibility of the subdivider to furnish the appropriate health authority such evidence as that department may require to its satisfaction as to the design and operation of sanitary sewage facilities proposed. The existing city sewage collection system must be used unless otherwise authorized by the city.
  - (B) Water Supply. Evidence shall be given of adequate delivery capabilities for peak instantaneous flow plus flow from demands. All developments must connect to the existing city culinary system.
  - (C) Storm Water Disposal. Preliminary calculations and a layout of the proposed system shall be provided.
- (vi) Zone Changes. Proposed changes to existing zoning boundaries or zoning classifications, if any, shall be shown and described.
- (vii) Annexation Needed. Proposed annexation to city, if applicable, shall be shown.
- (viii) Information on Guarantee of Improvements. By note on the final plat, information to property owners regarding when building

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permits will be allowed to be issued relative to the completion of the subdivision's infrastructure, i.e. will all infrastructure be finished prior to the issuance of building permits or reference made to a development agreement which will state when building permits will be issued in the course of development of the infrastructure. (Ord. 07-01)

### (2) Development Plan and Preliminary Plat submittal (Staff Review).

- (a) Five (5) full size (24" x 36") and one half size (11" x 17") engineering scaled copies of the Development Plan and Preliminary Plat, shall be submitted for the review of the city staff. The development plan shall, within thirty (30) calendar days, be reviewed by the city staff for content, correctness, completeness, and compliance with the subdivision ordinance. Upon such review, the Applicant shall be provided with written notice of any corrections needing to be made and/or deficiencies in the Development Plan. The Applicant shall correct any deficiencies in the development plan to the satisfaction of the city staff before any item is placed on the Planning Commission agenda.
- (b) Following the correction of deficiencies in the development plan to the satisfaction of the city staff, and at least twenty (20) days prior to the Planning Commission meeting at which the development plan is to be considered, the applicant shall submit thirteen (13) engineering scaled copies (11" x 17" minimum) of the Development Plan and Preliminary Plat, with all changes recommended by the city staff, for review by the Planning Commission and City Council. The Applicant shall receive approval of the Development Plan and Preliminary Plat from the city staff before any proposal is placed on the Planning Commission agenda.

(Ord. 02-08, Ord. 08-05)

### (3) Planning Commission Review.

- (a) Upon receipt of a completed Development Plan and Preliminary Plat, the Planning Commission shall review the Development Plan and Preliminary Plat and determine whether the proposed development meets the requirements of this chapter and is consistent with the Concept Plan, based on the required reports and other data available to it.
- (b) Meeting. The Planning Commission shall hold a regularly scheduled public meeting to discuss with the applicant the adequacy of the Development Plan and Preliminary Plat and any other issues bearing on the merits of the proposed development.

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- (c) The Planning Commission shall have the option, to have the professional reports submitted with the Development Plan and Preliminary Plat, reviewed by other local, state, and/or federal agencies. This may be done when the Planning Commission deems it necessary to obtain outside technical advice. The Planning Commission shall consider the factors listed in section 12D-115(1), when making its recommendation.
  - (d) Planning Commission Recommendation. After its review, the Planning Commission shall forward the Development plan and Preliminary Plat together with its recommendation, to the City Council for its review.
- (4) City Council Review.
- (a) Following the recommendation of the Planning Commission, the City Council shall review the Development Plan and Preliminary Plat, together with the Planning Commission recommendation. The City Council shall consider the factors listed in section 12D-115(1) to ensure that the subdivision meets the intent of the City's General Plan when considering the Development Plan and Preliminary Plat.
  - (b) City Council Action. The City Council shall hold a regularly scheduled public meeting to discuss with the applicant the adequacy of the Development Plan and Preliminary Plat and any other issues bearing on the merits of the proposed development.
  - (c) City Councils Action, Ancillary Agreement. The City Council may:
    - (i) approve the Development plan and Preliminary Plat;
    - (ii) approve the Development plan and Preliminary Plat subject to additional conditions, which shall be set forth specifically in the documentation of its decision, which conditions may include, without limitation, the execution by the Applicant or developer of an Ancillary Agreement containing such terms as the City Council may require, which may include, without limitation, commitments by the Applicant or developer with respect to the property being subdivided or other property under the Applicant's or developer's control but outside the area of the current proposal;
    - (iii) Defer its decision and request additional reports or studies which it determines to be necessary to evaluate the extent to which the proposal is consistent with the intent of this chapter, or the extent to which a proposal mitigates any adverse consequences of the proposed development to public health or safety, to property, or to the natural or human environment.

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- (iv) deny the Development plan and Preliminary Plat with a request for modifications;
  - (v) deny the Development plan and Preliminary Plat;
  - (vi) Approve the form of the improvement bond and the associated development agreement unless it is agreed that all improvements will be completed before any building permits are to be issued. (Ord. 07-01)
- (d) The City Council shall make any approval conditional on a binding commitment by the Applicant to place, on each instrument of conveyance of any part of the proposed development, a statement that any Open Space within the subdivision may not be subdivided into separate parcels, and a statement describing all requirements related to the existence or maintenance of open space, trail easements, non-buildable areas, conditional and prohibited uses, and restrictions on land use, in or affecting the development or subdivision.
- (5) City Council Reconsideration. If the City Council asks for a changes in the proposed plan, or seeks additional information on the Development Plan, the Development Plan and Preliminary Plat shall be returned to the Planning Commission for their review and recommendation. The Planning Commission shall require the subdivider to make such adjustments or modifications as may be necessary to comply with the determinations of the City Council, if any, and upon such adjustments or modifications being made, thereafter, the Planning Commission shall re-submit the Development Plan and Preliminary Plat to the City Council which shall, at its next regular meeting approve or disapprove the Development Plan and Preliminary Plat or refrain from taking any action at all and consider the matter at subsequent meetings.
- (6) Approval for One (1) Year. Approval of the Development Plan and Preliminary Plat by the City Council shall only be valid for twelve (12) months unless the Council grants an extension, in writing, to the subdivider. If a Final Plat has not been recorded within the twelve (12) month period, the Development Plan and Preliminary Plat shall be void. Any further action by the subdivider to gain approval of the subdivision would require a re-submittal of the plan through the regular subdivision approval process. However, preliminary approval of a larger tract of land shall not be voided if a Final Plat showing only a portion of the total area in the Preliminary Plat is submitted for final approval within one (1) year.
- (7) Authorization to Proceed. Three (3) full size (24” x 36”) copies of the “approved” Development Plan and Preliminary Plat with all conditions required by the City Council shall be submitted to the City Recorder. The Mayor, Planning Commission Chairman, and City Engineer shall review the Development Plan and Preliminary Plat for completeness and correctness. If the Development Plan and

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Preliminary Plat are found to be consistent with the City Councils approval, including any conditions that may have been required, The Mayor and Planning Commission Chairman shall sign the Development Plan and Preliminary Plat.

If the City Engineer finds that the subdivision fully complies with the improvements required by the ordinance, that the survey description is correct and that the easements are appropriately located, he shall sign the Development Plan and Preliminary Plat. One signed copy of the Development Plan and Preliminary Plat by the Mayor, Planning Commission Chairman, and City Engineer shall be given to the subdivider. One Signed copy shall be filed with the City Recorder, and one copy shall be a working copy for the city. Receipt of the signed copy by the subdivider shall be authorization for the subdivider to proceed with the preparation of plans and specifications for the improvements required in the Final Plat and Construction Drawings. Approval of the Development Plan and Preliminary Plat does not constitute acceptance of the Final Plat or the Construction Drawings of the Subdivision.

### **12D-403. Final Plat and Construction Drawings Application Procedure.**

- (1) Final Plat Submittal. Once the Development Plan and Preliminary Plat have been approved by the City Council and the subdivider has received authorization to proceed, the Applicant shall prepare the Final Plat. A Final Plat of the subdivision covering all or part of an approved Development Plan and Preliminary Plat, and including an appropriate improvement bond or other proposed form of guarantee of improvements insuring both the completion of and payment for required improvements, shall be submitted within one (1) year from the date of the Preliminary Plat approval, unless the time is, in writing, extended by the City Council. Otherwise, preliminary approval shall be deemed to have been withdrawn. (Ord. 00-08)
- (2) Contents of the Final Plat Submittal. The Final Plat shall include the following:
  - (a) Method and Medium of Presentation of the Final Plat.
    - (i) The final plat shall be drawn in Permanent ink on linen, plastic, or other non-shrinking material, on a sheet of (24" x 36") proportions and signed by a registered land surveyor who is licensed in the state of Utah.
    - (ii) Copies of the final plat shall be reproduced in the form of blue lines or black line prints on a white background.
    - (iii) The plat shall be drawn to an accurate scale not more than (1" = 50') unless otherwise approved as to scale.
    - (iv) The plat shall use the standard form, including margins.
    - (v) A copy of the Final Plat shall be submitted in electronic form on a three and a half-inch (3.5") floppy, zip disk, or CD-ROM.

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(b) Required Data. The following data shall be set forth in the final plat:

(i) Identification Data.

- (A) A title in bold letters which includes the name for the subdivision and its location by number of section, township, range, and county;
- (B) Signature and seal of the registered land surveyor preparing the plat;
- (C) Scale, north arrow and date of plat preparation

(ii) Survey Data.

- (A) Boundaries of the tract (to be drawn slightly heavier than street and lot lines) shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof. All boundary, lot and other geometrics on the final plat shall close to an accuracy of not less than one (1) part in five thousand (5,000).
- (B) Any excepted parcel(s) within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
- (C) And description of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced; each of two (2) corners of the subdivision traverse shall be tied by course and distance to separate section corners, quarter section corners, or other legal land subdivision corners.
- (D) of all physical encroachments upon the boundaries of the tract.

(iii) Descriptive Data.

- (A) Names, right-of-way lines, courses, lengths, widths, and bearings and curve data on the centerline, of all public streets, alleys, crosswalks and utility easements, radii, points of tangency and central angles of all curvilinear streets and alleys, radii of all rounded street line intersections;
- (B) All drainage ways shall be shown on the plat with the same information and in the same manner as set forth in the preliminary plat.

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- (C) All easements for right-of-way provided for public services or utilities and any limitations of the easements. Construction within the easement shall be limited to utilities and wood, wire, or removable section type fencing;
  - (D) Location, lines, dimensions, bearings, and number of all residential lots and blocks. All residential lots shall be numbered by consecutive numbers throughout the plat;
  - (E) All lots, blocks, or parts thereof reserved for any reason within the subdivision, and all other exceptions, tracts and “private parks”, shall be so designated, lettered or named and clearly dimensioned;
  - (F) Location, dimensions, bearings, radii, arcs and central angles of all sites to be dedicated to the public will be clearly indicated and intended use specified;
  - (G) Location of all adjoining properties with date, book, and page number of recordation noted, or if unrecorded, so marked;
  - (H) Any proposed private deed restrictions to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land shall be typewritten and attached to the plat and to each copy submitted;
  - (I) Any open space within the subdivision and a statement describing all requirements related to the existence or maintenance of open space, trail easements, non-buildable areas, conditional and prohibited uses, and restrictions on land use, in or affecting the development or subdivision.
  - (J) Any non-buildable areas shown by shading with metes and bounds and the designation “No-Build” written on each such area.
- (iv) Required Signatures. The specified standard form for the required signature blocks are listed in the Design Standards Technical Manual. The following signatures blocks are required:
- (A) Surveyor’s Certificate
  - (B) Owner’s Dedication
  - (C) Acknowledgment by owner to include Corporate, Partnership, Limited Liability Company, or Trust Acknowledgment as applicable
  - (D) Agreement(s) as applicable
  - (E) Utility Companies Approval
  - (F) County Recorder’s Number
  - (G) County Surveyor’s Certificate
  - (H) City Engineer’s Certificate

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- (I) Attorney Approval
- (J) Mayor's Approval and Acceptance
- (K) Planning Commission Chairman's Approval and Acceptance

- (3) Other Required information. The following shall be submitted with the final plat:
  - (a) Construction drawings
  - (b) A current title report from a licensed title company evidencing the current ownership of the real property included in the Final Plat (Ord. 00-08)
  - (c) All documents as may be required by the city to guarantee improvements
  - (d) Compliance agreement
  - (e) Construction cost estimates of all required improvements
  - (f) Such other documents as are required for the guarantee of improvements as required in Chapter 12D-501. Inspection and Gurantee of Work. (Ord. 00-08)
  
- (4) Contents of Construction Drawings. Construction drawings for the subdivision shall be designed in accordance with the "Design Standards Technical Manual" and shall contain all required improvements listed in section 12D-114. Subdivision construction drawings shall be designed by an engineer licensed in the State of Utah. All construction drawings shall be signed and stamped by said engineer. Said construction drawings shall be submitted together with the final plat.
  
- (5) Final Plat and Construction Drawings Review, Approval and Filing.
  - (a) Four (4) copies of the Final Plat and Construction Drawings must be submitted to the city staff for its review and approval. The purposes for the submittal of the Final Plat are so that:
    - (i) The city may be enabled to ensure that the Final Plat substantially conforms to the Preliminary Plat as approved, including any modifications, deletions, or additions thereto as required by the city or agreed upon by and between the city and the subdivider in the review process,
    - (ii) The dedication to the city of any streets, parks, utility easements, sewer easements, open space, or similar land and interests is properly certified and described,
    - (iii) Appropriate determination and action be taken by the city in the instance that the Final Plat has not been submitted within the time provided by this ordinance,
    - (iv) There is an assurance that between the date of approval of the Preliminary Plat and the submission of the Final Plat for review

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there have been no significant changes in the property or the community which will constitute a potential hazard to the city should the Final Plat be approved, and

- (v) Any open space within the subdivision can be examined to have a statement that does not allow for it to be subdivided into separate parcels, and a statement describing all requirements related to the existence or maintenance of Open Space, trail easements, non-buildable areas, conditional and prohibited uses, and restrictions on land use, in or affecting the development or subdivision is noted.
  
- (b) City Engineer Review. The City Engineer shall review the Final Plat, construction drawings, construction cost estimates of all required improvements and such documents as are required for the guarantee of improvements for content, correctness, completeness, and compliance with the subdivision ordinance, the Design Standards Technical Manual, and all other applicable city and state codes for development. When the Final Plat and Construction Drawings are completed to the satisfaction of the City Engineer, the Final Plat and Construction Drawings shall be approved and signed by the City Engineer. (Ord. 00-08)
  
- (c) Planning Commission Chairman Review. The Planning Commission Chairman shall review the Final Plat. If the Chairman finds the Final Plat consistent with the Development Plan and Preliminary Plat that was recommended for approval of the City Council, and other conditions that may have been required by the City Council for approval, he shall approve the Final Plat and sign it.
  
- (d) Mayor Review. Following the approval of the Final Plat by the City Engineer and Planning Commission Chairman, the Mayor shall review the plat. If the Mayor finds the Final Plat consistent with the Development Plan, and other conditions that may have been required by the City Council for approval, he shall approve the Final Plat and sign it.
  
- (e) City Attorney Review. Following the approval of the Final Plat and approval of the type and form of the guarantee of improvements submitted, by all required persons, the Attorney shall review the Final Plat as to form, signifying compliance with all state laws and statutes and shall review such documents as are required and were approved for the guarantee of improvements. Upon finding the plat in compliance and that the type and form of the guarantee of improvements is as approved, the attorney shall approve and sign the Final Plat. (Ord. 00-08)
  
- (f) Filed Plat. When the applicant has received all appropriate signatures on the Final Plat, the applicant shall have the Final Plat recorded at the

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County Records Office, and a copy of the recorded Final Plat shall be submitted by the applicant to the North Logan City Recorder. One (1) set of approved and signed Construction Drawings shall be returned to the subdivider by the City Recorder once approved and signed by the City Engineer. The subdivider shall not perform or allow any work to be performed on the subdivision until a copy of the Recorded Final Plat has been submitted to the North Logan City Recorder and an approved and signed set of Construction Drawings are in the subdividers possession.

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### **12D-500. SUBDIVISION CONSTRUCTION AND GUARANTEE OF WORK**

#### **12D-501. Inspection and Guarantee of Work.** (Ord. 09-07)

- (1) Definitions. The following definitions are used in this section relating to the guarantee of improvements in subdivisions:
  - (a) Acceptance Inspection: An inspection of the completed subdivision improvements conducted by the City Engineer and/or his designated representative to determine completion status of all required improvements for a subdivision (or a specific phase of a subdivision). Once the improvements are complete, the City Engineer issues a report stating such and accepts the improvements on behalf of the City.
  - (b) Cost Estimate of Improvements: The subdivider's estimate (normally done by the engineer responsible for the project and verified by the City Engineer) of the costs of all work to be done to complete the subdivision improvements required in accordance with the subdivision's approved development plan. This cost estimate is used to determine the amount of the Improvements Bond for the subdivision. The actual cost of the improvements is used to establish the amount of the Warrantee Bond.
  - (c) Final Inspection: An inspection of the completed subdivision improvements conducted by the City Engineer and/or his designated representative after the one-year Guarantee Period for the subdivision improvements to determine if the improvements are free from defective material or workmanship for the Guarantee Period.
  - (d) Guarantee Period: The period (normally one year) following the completion and acceptance by the City of all subdivision improvements during which time the subdivider is responsible to ensure, by a Warrantee Bond, that the improvements are free of defective material or workmanship.
  - (e) Improvements Bond: The legal/financial instrument by which the subdivider of the subdivision guarantees to the City, and the purchasers of the various lots within the subdivision, that all of the subdivision improvements required in accordance with the subdivision's approved development plan are completed. The amount of the Improvement Bond is equal to one-hundred ten percent (110%) of the Cost Estimate of Improvements.
  - (f) Improvements Completion and Acceptance Report: A report issued by the City Engineer or his designated representative stating the findings of the Acceptance Inspection and acknowledging the City's acceptance of the subdivision improvements.
  - (g) Notice to Proceed: The written notification by the City (normally issued by the City Engineer) to the subdivider and/or his responsible contractor that work may commence on the subdivision improvements.
  - (h) Partial Acceptance Inspections: Periodic inspections by the City Engineer and/or his designated representative throughout the construction of the subdivision improvements to determine if the work is being done properly. Some of these inspections are done as each "Part" of the construction is completed, in order to release portions of the Improvements Bond to the -subdivider.
  - (i) Parts 1, 2, and 3: A list and grouping of tasks within the total work requirements for a subdivision, that divides and sequences the project. This is done in order to provide points at which inspections can be made and partial bond releases made such that work is

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accepted in a logical and value added manner. For example: Part 1 normally includes the installation of underground utilities and stormwater structures, Part 2 normally includes the construction of roads to the point that they provide access to the lots (without asphalt), and Part 3 normally includes asphaltting the roads and installing sidewalks.

- (j) Pre-Construction Meeting: A meeting held prior to any construction being started for the subdivision (or at each phase of the subdivision) in which appropriate city staff members and the subdivider along with his associates meet together to discuss the project.
  - (k) Subdivision Development Agreement: A standard North Logan City agreement negotiated between the subdivider and the City for a specific subdivision whereby the subdivider agrees to construct all improvements in the subdivision in accordance with an estimated schedule and the City agrees to allow for building permits to be issued within the subdivision at an agreed upon point in the construction process, usually upon the completion of Parts 1 and 2.
  - (l) Warranty Bond: The legal/financial instrument by which the subdivider of the subdivision warrants to the City, and the purchasers of the various lots within the subdivision, that all of the subdivision improvements are free of defective material or workmanship for one-year following the City's acceptance of the improvements. The amount of the Warranty Bond is equal to ten percent (10%) of the actual cost of making the subdivision improvements.
- (2) Inspections.
- (a) All construction work involving the installation of improvements in subdivisions shall be subject to inspection by the municipality. The appropriate persons or agencies of the City shall inspect or cause to be inspected in the course of construction, installation, or repair: all roadways, curb and gutter, sidewalks, landscaping, structures, fire hydrants, water supply systems, sewage disposal systems, and any required improvements to or reclamation of open spaces or common areas. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered until such installations shall have been inspected and approved by the City Engineer or other authorized city inspector. If such installation shall be covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible persons by the City Engineer or other authorized city inspector. Certain types of construction shall have continuous inspection while others may have only periodic inspections. On construction requiring continuous inspection, no work shall be done except in the presence of the inspector or with the specific approval from the inspector allowing the work to proceed in his/her absence. Partial Acceptance Inspections shall be made as needed in order to evaluate the completion of the various Parts of the subdivision improvements and to allow for the partial release of the Improvements Bond. (Ord. 09-07)
    - (i) Continuous Inspection. Continuous inspection shall be required on the following types of work:
      - (A) Laying of street surfacing

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- (B) Pouring of concrete for curb and gutter, sidewalks and other structures
      - (C) Laying of sewer pipe, drainage pipe, valves, hydrants, and testing.
    - (ii) Periodic Inspection. Periodic inspection shall be required on the following:
      - (A) Street grading and gravel base.
      - (B) Excavations for curb and gutter and sidewalks.
      - (C) Excavations for structure.
      - (D) Trenches for laying pipe.
      - (E) Forms for concrete for curb and gutter, sidewalks and structures.
      - (F) Required improvements to or reclamation of open spaces or any common areas.
  - (b) Requests for Inspection. Requests for inspection shall be made to the municipality by the person responsible for the construction. Requests for inspection on work requiring continuous inspection shall be made at least three (3) days prior to the commencing of the work. Notice shall also be given at least one (1) day in advance of the starting of work requiring periodic inspection.
  - (c) Acceptance Inspection. Upon the request of the subdivider an Acceptance Inspection shall be made by the City Engineer after all construction work is completed. Any faulty or defective work shall be corrected by the persons responsible for the work within a period of thirty (30) days of the date of the City Engineer's inspection report defining the faulty or defective work. Upon satisfactory completion of all improvements, allowing for minor "punch list" items, the City Engineer shall issue to the subdivider an "Improvements Completion and Acceptance Report". (Ord. 09-07)
  - (d) Whenever, in the judgment of the City Engineer, the subdivision improvements cannot be seen, tested, or otherwise properly inspected (as would be the case if the area was covered with snow), he may postpone and/or delay inspection of the subdivision improvements, including the final/completion inspection, until such time that the improvements requiring inspection can be appropriately seen/tested/inspected. (Ord. 09-07)
- (3) Allowing Building Permits In Subdivisions. No building permit for the construction of a building upon any lot in a subdivision shall be issued until after:
- (a) All improvements required by section 12D-114(1) are completed or the subdivider has executed a Subdivision Development Agreement with the City setting forth a schedule to complete all required improvements prior to the issuance of any building permit; and
  - (b) An Improvements Bond is in place pursuant to this section. (Ord. 09-07)
- (4) Guarantee of Work. The subdivider shall warrant and guarantee that the improvements provided for hereunder, and every part thereof, will be completed to the satisfaction of the City and thereafter remain in good condition by providing the following two forms of assurance for the subdivision, or each phase thereof as applicable.

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- (a) The first required assurance shall be an “Improvements Bond” that shall provide assurance that all agreed upon improvements are completed in accordance with the Development Plan, and this ordinance. The work to be covered by this guarantee shall begin with the “Notice to Proceed” for the subdivision and shall end with the issuance of an “Improvements Completion and Acceptance Report” by the City Engineer whereby the improvements are accepted by the municipality. No specific time period is associated with the Improvement Bond. It must remain in place until the issuance of an “Improvements Completion and Acceptance Report” by the City Engineer and the Warrantee Bond has been provided.
- (b) The second required assurance is the “Warrantee Bond” that will ensure that the improvements constructed are free from defective material or workmanship for a period of one year following the date of the “Improvements Completion and Acceptance Report” issued by the City Engineer (“Guarantee Period”). This Warrantee Bond shall be filed with the City Engineer and shall secure the subdivider’s agreement to make all repairs to and maintain the improvements and every part thereof in good condition during that time with no cost to the municipality. The municipality reserves the right, in appropriate cases, to extend the Guarantee Period to a period of two (2) years following the date of the “Improvements Completion and Acceptance Report issued by the City Engineer, in accordance with the provisions of Section 10-9a-604.5, Utah Code Annotated, and as it may be amended.
- (c) The City Engineer shall determine when repairs or maintenance are required for improvements that have not been accepted by the municipality, or for improvements that have been accepted by the municipality, based on the Improvements Completion and Acceptance Report, but which are not free of defective materials or workmanship for the one (1) year Guarantee Period. Unless unreasonable, arbitrary or capricious, the City Engineer’s decision shall be binding on the subdivider. Required repairs or maintenance to improvements may extend to but are not limited to, the street base, and all pipes, joints, valves, backfill and compaction as well as the working surface, curbs, gutters, sidewalks, and other accessories which are or may be affected by the construction operations.
- (d) Whenever, in the judgment of the City Engineer, the work needs repair, maintenance, or rebuilding, he shall cause a written notice to be served on the subdivider and thereupon the subdivider shall undertake and complete such repairs, maintenance or rebuilding. If the subdivider fails to do so within thirty (30) days from the date of the service of such notice, the City Engineer may have such repairs made and the costs of such repairs shall be charged to the subdivider with an additional twenty-five per cent (25%) of the cost of the repairs levied in addition thereto for stipulated damages resulting from such failure on the part of the subdivider to make the repairs.

(Ord. 09-07)

- (5) Guarantee of Improvements. Except as provided for in 12D-502 (3), prior to the ~~approval~~ recording of the Final Plat, whereafter lots may be sold, and before the issuance of any building permit within the subdivision, the subdivider shall guarantee, by an Improvements Bond, the installation and construction of and payment for the required improvements. Prior to the City’s acceptance of the improvements and the final release of the Improvements Bond, the subdivider shall guarantee, by a Warrantee Bond that the improvements shall be maintained in a state of good repair, free from defective material or workmanship for the Guarantee Period. The provisions of both such guarantees, regardless of form, shall be as approved by the City Engineer

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as to the amount of the bond and as approved by the City Attorney as to the form of the guarantee and shall provide for the following:

- (a) Improvements Bond shall be in an amount equal to one hundred ten (110%) of the cost of all improvements as estimated by the subdivider and verified by the City Engineer. The estimated improvements costs shall include only those costs for which the subdivider is responsible including the installation and construction of, and payment for such improvements within the time period required by the City, and based on the circumstances of each subdivision and set forth in an agreement between the City and subdivider. The estimated cost upon which the Improvements Bond is based shall not include the subdivision processing fees, the fee for the initial seal coat application for roads built as part of the subdivision, or any improvements for which the subdivider has no responsibility such as those improvements to be done at another time, those to be done by the City or other entity, or as otherwise agreed upon in the process of approving the subdivision.
- (b) The subdivider shall have the right to partial release(s) against the Improvements Bond with the municipality providing however that a sum equal to ten percent (10%) of the estimated costs of all improvements installed in the subdivision shall remain with the municipality until after the issuance of an “Improvements Completion and Acceptance Report” by the City Engineer and the Warrantee Bond has been provided. The subdivider must show evidence of payment of all costs for the improvements and show that the lots and the improvements thereto are free from any liens before any release (partial or full) of funds from the Improvements Bond. The City Engineer may release a portion of this remaining part of the Improvement Bond (meaning the 10% above the estimated costs of all the improvements) if, in his opinion, there remains encumbered a sufficient amount of the Improvement Bond to ensure the completion of the required subdivision improvements. The Warrantee Bond provided to the City is to guarantee that improvements are correctly installed, constructed, and are maintained through the Guarantee Period and to secure the City as to the costs of any required corrections of defects of such improvements.
- (c) During said Guarantee Period, if all or any part of the required improvements are found not to be correctly installed, constructed and maintained, and paid for according to the standards required in the municipality’s subdivision ordinance, the City shall notify the subdivider in writing of the defects or any other problems and shall make demand on the subdivider that defects/problems be corrected and paid for. If the defects are not corrected and paid for within thirty (30) days the municipality may correct the defects and charge to the subdivider the costs of correcting the defects as provided for in paragraph (4)(b) above. There shall be no draw(s) made by the subdivider against the Warrantee Bond. The cost of correcting any deficiencies must be borne by the subdivider without access to the Warrantee Bond.
- (d) After eleven (11) months of the Guarantee Period ~~has~~ have expired, the subdivider shall call for Final Inspection by the City Engineer. If the required improvements remain substantially free from defects, or other problems, and free from liens, the municipality shall certify such fact to the subdivider and the municipality shall discharge the subdivider of its obligation to the municipality within thirty (30) days from the time of Final Inspection by releasing the Warrantee Bond. Any items that need correcting following the Final Inspection must be corrected within thirty (30) days to have the Warrantee Bond released. Any items not completed at the end of these last thirty (30) days, or in other words one year from the date of initial acceptance of the improvements, shall require an additional, or extension of the, Warrantee Bond be established to ensure the completion of

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any corrections, and/or the City may obtain draw(s) against the Warrantee Bond for such purpose.

(Ord. 09-07)

- 6) Form and Method of Guarantee of Improvements. The form and method of the guarantee of improvements, for both the Improvements Bond and the Warrantee Bond shall be as approved by the City Engineer as to the amount of the bond, escrow, letter of credit or deposit with the municipality and as approved by the City Attorney as to the form of said guarantee documents. All guarantee methods shall provide surety in accordance with paragraph (5) above and may consist in the form of one or more of the following:
- (a) Bond. The subdivider may furnish and file with the City Recorder a bond issued by a licensed, reputable corporate surety in an amount as required by this ordinance. The bond agreement must include a provision that the bond may only be released, in whole or in part, by an order executed by the subdivider and by an authorized officer of the City, subject to the requirements of (e), below.
  - (b) Escrow. The subdivider may deposit with a licensed, reputable and/or duly chartered insurance company, bank, title company or savings and loan institution in an escrow account an amount as required by this ordinance. The escrow agreement must include a provision that the funds in escrow may only be released, in whole or in part, by an order executed by the subdivider and by an authorized officer of the City, subject to the requirements of (e), below.
  - (c) Irrevocable Letter of Credit. The subdivider may file with the municipality an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution in an amount as required by this ordinance. The letter of credit must include a provision that the guaranteed credit amount may only be reduced by an order executed by the subdivider and by an authorized officer of the City, subject to the requirements of (e), below.
  - (d) Deposit with Municipality. The subdivider may deposit with the municipality a sum equal to the amount required by this ordinance. The deposit shall be accompanied with an agreement signed by the subdivider and the City detailing how the amounts on deposit shall be paid to the order of persons or entities installing or constructing the required improvements.
  - (e) Any of the above Forms and Methods for Guarantee of Improvements shall be subject to approval by the City Attorney, as to form and content of the documents used, and shall be signed by the subdivider, the municipality, and the entity providing the surety bond or holding the escrow, or the financial institution providing the letter of credit, or by the subdivider and municipality for a deposit with the municipality, as applicable. The Guarantee of Improvement may include provisions that allow for partial release or reduction of the funds for partial completion of work in the case of any of the approved Methods for Guarantee of Improvements. The Guarantee of Improvements utilized must name the City as the payee or beneficiary, in the event of default or non-performance and shall provide for the City's access to all or any remaining funds, without the subdivider's

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approval, for both Improvements Bond and Warrantee Bond purposes, in the event of default or non-performance by the subdivider. In the case of both the Improvements Bond and Warrantee Bond, the provisions shall provide for use of all or any remaining funds by the City in accordance with paragraph (4), above, in order to complete required improvements and/or make repairs not completed in a timely manner by the subdivider. The Guarantee of Improvements documents used shall also include provisions whereby the subdivider agrees to pay all legal fees and other costs of enforcement incurred by the City pursuant to the agreement.

(Ord. 09-07)

### **12D-502. Notice to Proceed and Authorization to begin Work on the Subdivision.**

- (1) The City Engineer may require that all contractors participating in the construction meet for a pre-construction conference to discuss the project prior to beginning work.
- (2) Conditions Prior to Authorization. Except as provided in paragraph (3) below, prior to authorizing construction, the City Engineer shall be satisfied that the following conditions have been met:
  - (a) The final plat, or if a minor subdivision the Approval Document, shall have been approved by the City and filed with the County Recorder as required in this Code.
  - (b) All required contract and construction documents shall be completed and filed with the City Engineer.
  - (c) Fee simple title to all necessary off-site easements or dedications required for public facilities, not shown on the final plat or final site plan, must be conveyed separately to the City, or other agency approved by the City, with proper signatures affixed. The originals of each document, and filing fees as determined by the City shall be delivered to the City Engineer prior to approval and release of the construction documents.
  - (d) The Improvements Bond and other documents required to be accomplished in accordance with this ordinance and the development plan, and any applicable ancillary agreements shall be completed and filed with the City Engineer.
- (3) Authorizing Work to Begin on a Subdivision Without Improvements Bond. The City Engineer may authorize work to begin on a subdivision without an Improvements Bond if all of the conditions in Paragraph (2) above have been met. Until the Mayor has signed the final plat, or if a minor subdivision the Approval Document, no plat shall be filed with the County Recorder and therefore no lots may be sold. The final plat or Approval Document shall be signed by the Mayor and filed with the County Recorder only after all subdivision improvements have been completed and the 10% Warrantee Bond has been established and filed with the City Engineer.
- (4) All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the City Engineer. These plans shall remain on the job site at all times.
- (5) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City Engineer.
- (6) All applicable fees must be paid to the City.

(Ord. 09-07)

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### **12D-503 Acceptance of Completed Subdivision.**

- (1) **Applicant's Submittal of Completed Subdivision.** When the applicants believe that they have done the following:
  - (a) completed all infrastructure work in the subdivision or development, as prescribed in the city's "Design Standards Technical Manual",
  - (b) provided to the city the required as-built drawings, and
  - (c) otherwise complied with all conditions required by the City Council or this ordinance as preconditions to approval of the Development Application, Final Plat, and Construction Drawings; the applicant shall so notify the City in writing, of their completing the subdivision.
- (2) **As-Built Drawings.** The subdivider shall provide to the city as-built drawings and specifications for all infrastructure improvements in the subdivision. Drawings and specifications shall include but not necessarily be limited to roads, curb/gutter, sidewalks, drainage systems, irrigation systems, waterlines, and sewer lines. Standards for as-builts shall be the same as called for in construction drawings in the Design Standards Technical Manual. The drawings and specifications, certified by a registered engineer, shall be submitted to and approved by the City Engineer before final release of funds established by the subdivider to ensure improvement completion under any Improvements Bond provided, as set forth in section 12D-501. One (1) reproducible mylar copy of drawings shall be provided to the city. In addition the subdivider shall provide either:
  - (a) A Computer Assisted Design file of the subdivision (must be readable by AUTOCAD as updated) or
  - (b) If the subdivision was not created by the use of computer aided design as specified, five (5) blueprint copies of as-builts may be accepted.
- (3) **City Engineer Review.** The City Engineer shall conduct such review as he/she considers appropriate to determine whether the subdivision is complete and whether the Applicant has satisfied all applicable conditions. If the City Engineer finds that the Applicant has completed the subdivision and has satisfied all applicable conditions, and that all other requirements of applicable law have been met, the City Engineer shall, in accordance with section 12D-501, approve the as-built drawings and shall forward to the City Recorder a copy of the Improvements Completion and Acceptance Report, and notify him that the Improvements Bond has been released.
- (4) **Partial Releases of Improvements Bond.** The City Engineer is authorized from time to time, at the request of the subdivider or his successors in interest, and with recommendation from the City Attorney to release all or a portion of a subdivider's Improvements Bond up to the amount of one hundred percent (100%) of the value of the improvements. The remaining percent (10%) may only be released in accordance with section 12D-501.
- (5) **Final Release of Warrantee Bond - Release Submittal and Approval.** Following a review of the subdivider's request to have the subdivision's Warrantee Bond released, the City Engineer shall forward to the City Council a recommendation for the release of the Warrantee Bond and the City Council shall release, in accordance with section 12D-501 (5), the subdivider's Warrantee Bond, with respect to the subdivision.

(Ord. 09-07)