

ORDINANCE NO: O-2024-04

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE HIGHLAND CITY DEVELOPMENT CODE RELATED TO SUBDIVISION PROCEDURES AND REQUIREMENTS, PLANNING COMMISSION DUTIES AND POWERS, CREATING A NEW DEVELOPMENT ADMINISTRATION BOARD, AND RELATED MATTERS

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, SB 176 and HB 406 require municipalities to amend their subdivision and development regulations related to subdivision approval procedures, infrastructure requirements, and related matters;

WHEREAS, the Planning Commission held a public hearing on this Ordinance on December 19, 2023;

WHEREAS, the City Council held a public hearing on this Ordinance on January 16, 2024; and

WHEREAS, after reviewing the recommendation of the Planning Commission, and after having made such adjustments to the Ordinance as the City Council found appropriate and necessary, the City Council finds that adopting this Ordinance will be in interest of Highland City and its residents, will provide for the general welfare, prosperity, and benefit of Highland residents, and will ensure the City’s development code complies with governing state law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND, UTAH, as follows:

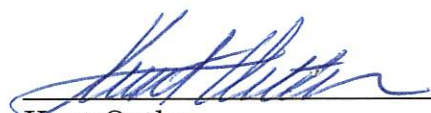
Section 1. The Highland City Development Code is amended as shown in Exhibit A, attached hereto.

Section 4. All ordinances or provisions thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall take effect immediately upon its adoption and publication, in accordance with law.

PASSED and ADOPTED this 16th day of January, 2024

HIGHLAND CITY, UTAH


Kurt Ostler
Highland City Mayor

ATTEST:



Stephannie B. Cottle
City Recorder



COUNCIL MEMBER	YES	NO
Brittney P. Bills	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Doug Cortney	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXHIBIT A – Amendments to Development Code

Chapter 2 Municipal Planning

Article 1 General Plan
Article 2 Planning Commission
Article 3 Appeal Authority
Article 4 Zoning Administrator
Article 5 Planning Administrator
Article 6 Development Administration Board
Article 7 Development Review Procedures

Chapter 2, Article 2 Planning Commission

2-201 Establishment Of Planning Commission
2-202 Term Of Office
2-203 Organization
2-204 Employees; Expenditures
2-205 Duties And Powers

2-201 Establishment Of Planning Commission

There is hereby created a Planning Commission. The Planning Commission shall consist of seven members to be appointed by the Mayor with the advice and consent of the City Council from among qualified electors of the City. Members shall be selected without respect to political affiliation and shall serve with such compensation as the City Council may approve, plus reimbursement for reasonable expenses incurred in performing their duties as members of the Commission. The Mayor may also appoint, with the advice and consent of the City Council, no more than two alternate members who shall sit as members of the Planning Commission in the temporary absence of a regular member. Alternate members shall sit on a rotating basis under a procedure to be established by the Commission. At least 4 members of the Commission must be present to form a quorum. Current City Council members may not be appointed to or serve on the Planning Commission.

2-202 Term Of Office

1. Each regular member of the Planning Commission shall serve for a term of four years and until their successor is appointed; provided, that the first appointments shall be for such terms that the term of at least one member shall expire annually.
2. Alternate members shall serve for a term of one year, subject to reappointment as an alternate member for additional one-year terms or appointment as a regular member, at the discretion of the Mayor in accordance with this Article.
3. The term of office for each member shall commence on the first day of February in the year in which such member is appointed.
4. The City Council may remove any member of the Planning Commission for cause, and after public hearing, if a hearing is requested by the member. Any vacancy occurring on

said Commission by reason of death, resignation, removal or disqualification shall be filled in the same manner as an original appointment for the unexpired term.

2-203 Organization

1. At its first meeting in February of each year, the Planning Commission shall elect one of its members as Chair and a second member as Vice-Chair. The Chair shall serve for a term of one year and until a successor is chosen in the same manner. A vacancy in the position of Chair shall be filled for the unexpired term by election at the next meeting of the Planning Commission. A person may be elected to serve consecutive terms as Chair and Vice-Chair.
2. The Chair shall preside at all meetings of the Planning Commission. In the absence of the Chair, the Vice-Chair shall preside. If both the Chair and Vice-Chair are absent, the Commission may select one of its members as Chair Pro-Tem to preside at any meeting.
3. The Planning Commission shall adopt rules consistent with this Code for its own organization and for the transaction of business. Meetings of the Planning Commission shall be held monthly or more frequently as the Commission deems advisable. Reports of official acts and recommendations of the Planning Commission shall be made by the Planning Administrator in writing to the City Council and shall indicate how each member of the Commission voted with respect to such act or recommendation. Any member of the Commission may also make a concurring or dissenting report or recommendation to the City Council whenever he or she so desires.

2-204 Duties And Powers

The minimum number of affirmative votes required to make a recommendation to the City Council, or any other approval as outlined in this Code, shall be a majority of the members present but shall never be less than four (4) affirmative votes.

The Planning Commission shall have the following powers and duties:

1. The Planning Commission, as provided by Sections 2-101 to 2-103, shall prepare and recommend to the City Council, a General Plan and amendments to the General Plan.
2. The Planning Commission may make reports and recommendations relating to the planning and development of the City to public officials and agencies, and other organizations and citizens.
3. The Planning Commission shall prepare regulations governing the subdivision of land within the City or amendments to such regulations and to submit said regulations or amendments to the City Council for adoption.
4. The Planning Commission shall review and decide applications for the subdivision of land as provided in Chapter 5.
5. The Planning Commission may, or by order of the City Council shall, make and recommend to the City Council a zoning plan, including both the full text of the zoning

regulations and maps and amendments thereto. The zoning regulations, including the maps, may be amended from time to time by the City Council. However, all proposed amendments shall be first submitted to the Planning Commission for its recommendation which shall be returned to the City Council for its consideration within thirty days.

6. The Planning Commission shall hear and decide applications for conditional use permits and other land use applications for which the Planning Commission is authorized by this Code to act as the land use authority.
7. The Planning Commission, by order of the City Council, shall make and recommend to the City Council a multi year improvement program which shall set forth an orderly program for the acquisition of land, buildings and other facilities that are needed for City purposes.
8. The Planning Commission may conduct hearings and meetings with interested property owners, land use applicants, officials, and citizens in the process of carrying out its functions.

Chapter 2, Article 5 Planning Administrator

2-501 Planning Administrator

2-502 Powers And Duties Of Planning Administrator

2-501 Planning Administrator

There is hereby created the office of Planning Administrator. The Zoning Administrator shall be the Planning Administrator, unless The Planning Commission, by and with the consent of the City Council, appoints a different Planning Administrator. It shall be the duty and function of the Planning Administrator to assist the Planning Commission in the performance of its duties.

2-502 Powers And Duties Of Planning Administrator

The Planning Administrator shall have the following powers and duties:

1. To review all applications which the Planning Commission is required to review and to advise the Planning Commission regarding the completeness of said application and any plans, documents, or other supplementary data submitted therewith.
2. To respond to requests for information from citizens and officials regarding the details of the City's General Plan, subdivision requirements, and the activities of the Planning Commission.
3. To make technical studies relating to amendments of the General Plan and Development Code.
4. To cooperate and coordinate their work with the City engineer, Zoning Administrator, planning consultants and other municipal officers and employees.
5. To assist the Planning Commission in updating the General Plan in carrying any part of the Plan into greater detail.
6. To assist the Planning Commission in the preparation of its annual multi year improvement program for the City.
7. To enforce the provisions of the Development Code relating to subdivisions and other developments. Whenever violations occur, to consult with the City attorney, post or issue citations and to prepare exhibits, testimony, and other data which may be needed in such enforcement.
8. To deliver to and record with the county recorder and any other state or federal agency all plats, maps, agreements and other documents relating to annexation of land, or the approval of subdivision, condominium projects or similar large-scale developments as are required to be delivered or recorded under the terms of this Code or any other provision of law.

Chapter 2, Article 6 Development Administration Board

2-601 Development Administration Board

2-602 Organization and Meetings

2-603 Voting

2-604 Duties and Power

2-601 Development Administration Board

There is hereby created a Development Administration Board. The Development Administration Board shall consist of five members as follows:

1. City Community Development Director;
2. City Engineer;
3. City Attorney;
4. Two additional members consisting of current members of the Planning Commission. All Planning Commission members may serve on the Development Administration Board, provided that only two such members may participate at a time in any particular meeting or decision of the Board.

2-602 Organization and Meetings

The Development Administration Board shall meet from time to time according to the needs of the City and the schedule, policies, and procedures adopted by the Board. All meetings shall comply with the requirements of the Utah Open and Public Meetings Act, Title 52, Chapter 4, Utah Code Ann. At least four members of the Board, including one member who is a Planning Commission member, must be present to form a quorum. Electronic meetings may be held according to the City's ordinances and policies regarding electronic meetings.

2-603 Voting

The minimum number of affirmative votes of members of the Development Administration Board required to take any formal action regarding a land use application or other matter delegated to the Board shall be a majority of the members present, but shall never be less than three (3) affirmative votes.

2-604 Duties and Powers

The Development Administration Board shall have the following powers and duties:

1. Make reports and recommendations related to the planning and development of the City to the Planning Commission and City Council.
2. Conduct meetings and adopt rules, policies, and procedures consistent with this Code to govern its operations and meetings and the submission and review of land use applications.

3. Review, hear, and decide all applications for final subdivision plat approval and such other land use applications and matters for which the Board is authorized by this Code to act as the land use authority or to otherwise review or decide.

Chapter 2, Article 7 Development Review Procedures

2-701 Pre-Application

2-702 Neighborhood Notification Meeting

2-701 Pre-Application

1. Prior to application for any general plan amendment, rezoning request, conditional use permit, design review, or any other review or permit process not otherwise provided for in the development code, a pre-application review with City Staff will be required. Prior to application for any subdivision plat, a pre-application review with City Staff is available at the request of the applicant. The purpose of the pre-application review is:
 - a. To familiarize City Staff with the request;
 - b. To determine application requirements, provide the applicant with access to or copies of applicable land use regulations, standards, and application forms and checklists, and familiarize the applicant with the review process and procedures;
 - c. To identify land use and development policies that may affect the outcome of the request;
 - d. To permit a cursory technical review at a conceptual stage to identify conflicts in objectives and to identify potential solutions for those conflicts;
 - e. To identify important features that may require additional mitigation or preservation efforts or are subject to state, federal or other special regulation, including those regulations set forth in Chapter 8, such as natural vegetation, ponds, streams, ditches, flood plains, wetlands, wildlife habitats, view sheds, trees, green spaces, scenic points, historic sites, and areas with geologic hazards or topographical challenges; and
 - f. To identify the requirements for citizen participation and familiarize the applicant with related issues.
2. If an applicant requests pre-application review for a subdivision, the applicant shall provide the City Staff with a concept plan of the subdivision. The concept plan shall not limit either the applicant's or the City's right to modify or request modifications of the proposed subdivision in the future in accordance with applicable land use regulations and standards. A concept plan submitted to the City shall be a public record. The City shall schedule the pre-application review meeting with the applicant within fifteen business days of the applicant's request and submission of a concept plan.
3. The pre-application review requirement is designed to provide the applicant with helpful information and suggestions before he or she incurs the expense and time involved in submitting an application. As part of pre-application review, City staff may make recommendations, suggestions, and dispense information regarding City ordinances, standards, and the General Plan, but such comments shall not be binding on the City nor

limit the City from requiring compliance with all applicable land use regulations and standards. Only the designated land use authority may make formal recommendations or final, binding decisions. There shall be no right to appeal the pre-application review process.

4. Pre-application review shall not constitute the submission of a land use application for purpose of entitlement to review or vested rights. Entitlement to review and the vesting of right to approval under applicable ordinances, regulations, and standards is established by submission of a complete application and payment of application fees, subject to a finding of compelling, countervailing public interests or the initiation of proceedings to amend this Code or other applicable ordinances, regulations, and standards at the time of the application.

2-702 Neighborhood Notification Meeting

The Neighborhood Notification Meeting is an opportunity for the applicant to meet with citizens and other interested parties to share details of the applicant's request and receive comments regarding the proposal. Neighborhood Notification Meetings shall conform to the following standards:

1. Neighborhood Notification meetings shall be required for all rezonings and general plan amendments. For all city-initiated applications, the usual Planning Commission public hearing shall serve as the neighborhood meeting. Neighborhood Notification meetings are not required for any other land use application or approval.
2. The neighborhood meeting shall be held a minimum of ten (10) calendar days prior to the first public hearing before the Planning Commission. The Planning Administrator shall notify applicants when they may proceed with a neighborhood meeting.
3. Neighborhood Notification Meetings shall be scheduled between Tuesday and Thursday after 6:00 pm. The applicant shall arrange for the facilities and bear all costs associated with the meeting, including all required notifications.
4. Neighborhood Notification meetings shall be advertised as follows:
 - a. Mail Distribution — Notices must be mailed to all property owners within 500 feet of the subject property at least 10 days prior to the neighborhood meeting or hearing. Staff will review a copy of the draft letters prior to mailing. The applicant is responsible for the mailing of the notices and shall provide information to the Planning Administrator that the mailings have been completed.
 - b. On-site Posting – The applicant shall post a 4' X 4' sign upon the subject property at least 10 days prior to the neighborhood meeting. The applicant is responsible for site postings and shall provide a dated picture of said sign placed on the property to the Planning Administrator. The applicant must make a reasonable effort to maintain the visibility of the sign during the notification period.
5. Within four (4) business days following any neighborhood meeting, the applicant shall

provide a report summarizing any questions, issues or concerns expressed at the meeting and copy of the sign-in sheet from the neighborhood meeting showing all who attended.

6. The Applicant must publish neighborhood notification meeting proceedings to become part of the Planning Commission and City Council minutes which are posted on the city website.
7. Disclosure must be made that the applicant does not represent the City and if residents have questions they should call the City.

Chapter 3 Zoning – General Requirements

Chapter 3, Article 4.8 Open Space Density Bonus (Legacy)

3-4802 Purpose, Limitations of Article

1. The intent of the open space ordinance is to offer developers the opportunity to plan higher quality developments with a wider variety of plans meeting requirements, but the ordinance does not guarantee approval, and it is the responsibility of the developer to demonstrate to the Planning Commission and City Council that their proposal is better for the City of Highland than the traditional R-1-40 zone. For the good and enhancement of Highland City, this provision is intended to:
 - a. Encourage better utilization of land through the creation and preservation of open spaces;
 - b. Promote imaginative, well designed subdivisions which preserve and encourage the creation of open space and respect the physical qualities of the land;
 - c. Develop a sense of community and insure compatibility with surrounding neighborhoods; and
 - d. Preserve existing features and natural habitat.
2. Previous Open Space Subdivisions were approved as follows: The Planning Commission may recommend and The City Council may approve Open Space Subdivisions in the R-1-40 zone.
3. No new Open Space Subdivisions shall be created or approved on or after January 1, 2024. This Article is retained within this Code as a legacy ordinance that serves solely as reference for existing Open Space Subdivisions.

Chapter 3, Article 4.8.1 Parkland Bonus Overlay (Legacy)

3-4812 Purpose, Limitations of Article

1. The intent of the parks open space ordinance is to offer developers the opportunity to plan higher quality developments with a wider variety of plans at the same time providing parkland in those areas required in the Parks Master Plan, but the ordinance does not guarantee approval, and it is the responsibility of the developer to demonstrate to the Planning Commission and City Council that their proposal is better for the City of Highland than the traditional R-1-40 zone and an outright purchase of parkland. For the good and enhancement of Highland City, this provision is intended to:
 - a. Encourage better utilization of city park funds by receiving park sites through dedication as opposed to purchase;
 - b. Promote imaginative, well designed subdivisions which provide flexibility in the creation of parkland; and
 - c. Develop a sense of community and insure compatibility with surrounding neighborhoods.
2. Previous Parkland Bonus Overlay Subdivisions were approved as follows: The Planning Commission may recommend and The City Council may approve Parkland Bonus Overlay Subdivisions in the R-1-40 zone.
3. No new Parkland Bonus Overlay Subdivisions shall be created or approved on or after January 1, 2024. This Article is retained within this Code as a legacy ordinance that serves solely as reference for existing Parkland Bonus Overlay Subdivisions.

Chapter 3, Article 6 Supplementary Regulations

3-626 Driveway Regulations

1. Driveways and other accesses that provide vehicular access from a public or private road shall conform to all requirements of the applicable zoning district, the clear view requirements set forth in Section 3-610, and the city's adopted engineering, design, and construction standards and specifications.
2. Driveways and other accesses that provide vehicular access from a public or private road shall be planned and designed in connection with any site plan or building permit that requires or necessitates the driveway or access.
3. Driveways and other accesses that provide vehicular access from a public or private road shall not be permitted to cross or be constructed upon a landscape easement, parkway detail, conservation or open space area, or any land reserved or dedicated for stormwater, drainage, or flood control purposes.
4. After January 1, 2024, no new driveways or other accesses that provide vehicular access from a public or private road to a property shall be permitted to connect to the following roads:
 - a. Highland Boulevard
 - b. 4800 West from SR-92 north to Highland City boundary
 - c. 11800 North
 - d. 6800 West from 9600 North south to Highland City boundary

Chapter 4 Conditional Use Procedures

4-104 General Requirements

1. Prior to submitting an application for a conditional use permit, the applicant shall meet with City Staff for a pre-application review as set forth in 2-701.

Chapter 5 Subdivisions

Article 5-1 General Provisions

Article 5-2 Control And Application

Article 5-3 (Reserved)

Article 5-4 Subdivision Requirements and Procedures

Article 5-5 General Requirements Of All Subdivisions

Article 5-6 Public Improvements

Article 5-7 Adjusting Property Boundaries; Amending A Recorded Plat

Chapter 5, Article 1 General Provisions

5-1-101 Short Title

5-1-102 Purpose

5-1-103 Interpretation

5-1-104 Definitions

5-1-105 Considerations

5-1-106 General Responsibilities

5-1-107 Appeal of Decisions

5-1-101 Short Title

This Title shall be known as the “Highland City Subdivision Ordinance.” This Title shall also be known as Highland City Code. It may be cited and pleaded under either designation.

5-1-102 Purpose

1. The purpose of this Chapter, and any rules, regulations and specifications hereafter adopted, are to promote the public health, safety and general welfare through provisions designed to:
 - a. Provide for the harmonious and coordinated development of the City, and to assure sites suitable for building purposes and human habitation.
 - b. Ensure adequate open space for traffic, recreation, light and air.
 - c. Facilitate the conservation of, or production of, adequate transportation, water, sanitation, drainage and energy resources.
 - d. Avoid scattered and premature subdivisions which would cause insufficient public services and facilities, ensure that new subdivisions are responsible for their impact to public services and facilities, and avoid an excessive and unfair expenditure of public funds for the supply of public services and facilities.
 - e. Preserve outstanding natural, cultural, or historic features.
2. This Code is designed to inform the subdivider and public of the requirements and conditions necessary to obtain approval of a subdivision. To this end, this Code requires all subdividers and the public to comply with all requirements expressly delineated in this Chapter, as well as all requirements established in the City’s general and master plans, other applicable land ordinances, including the City’s development and municipal codes, and the City’s adopted design, construction, and engineering standards and specifications, including the City’s design criteria for public improvements and the City’s standard drawings. The City may impose reasonable conditions upon a subdivider or other land use applicant in order to effectuate and carry out the terms, conditions, requirements, and intent of the City’s land use regulations, to the extent such conditions do not conflict with any requirements set forth in this Code, Utah State law, or other applicable ordinances or laws.

5-1-103 Interpretation

In their interpretation and application, the provisions of this Title shall be considered as minimum requirements. Where the provisions of this Chapter impose greater restrictions than any statute, other regulation, ordinance, or covenant, the provisions of this Chapter shall prevail. Where the provisions of any statute, other regulation, ordinance, or covenant impose greater restrictions than the provisions of this Chapter, the provision of such statute, other regulation, ordinance or covenant shall prevail.

5-1-104 Definitions

Whenever any word or phrase used in this Chapter is not defined herein, but is defined in related sections of the Utah Code or in other sections of the Highland Municipal or Development Code, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory and the term "may" is permissive. The following terms as used in this Title shall have the respective meanings hereinafter set forth.

1. **Agricultural Use** means land used for the production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl, except household pets, and not including any agricultural, industry or business.
2. **Agricultural Industry or Business** means the processing of raw food products by packaging, treating and/or intensive feeding. Agricultural industry includes, but is not limited to, animal feed yards, the raising of furbearing animals, food packaging and/or processing plants, commercial poultry or egg production, commercial greenhouses, and similar uses as determined by the Planning Commission.
3. **Alley** means a public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
4. **Arterial Street, Major** means a street for which the principle function is movement of large volumes of traffic from collector streets. Providing access to abutting land is a secondary function.
5. **Arterial Street, Minor** means a street for which the principle function is movement of traffic. Providing access to abutting land is a secondary function.
6. **City** means Highland City.
7. **City Administrator** means the administrative official as appointed from time to time by the Highland City Council. The City Administrator shall also be the Zoning Administrator and City Planner.
8. **City Attorney's Office** means the City Attorney's Office of Highland City, as may be

appointed from time to time.

9. **City Council** means the City Council of Highland City.
10. **City Mayor** means the Chief Executive Officer of Highland City.
11. **City Recorder** means the Highland City Recorder.
12. **Clustering** means the congregation of housing lots so as to provide open space lands in a development.
13. **Collector Street** means a street which carries traffic from minor streets to the arterial street system, including the principle entrance streets of residential developments and the primary circulating streets within such developments.
14. **Community Development Office** means the City Zoning Administrator's Office in Highland City.
15. **Concept Plan** means a schematic drawing prior to preliminary plat for major subdivisions or prior to final plat in the case of minor subdivisions to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.
16. **Consolidated Fee Schedule** means the schedule of fees adopted from time to time by resolution of the City Council setting forth the various fees charged by the City.
17. **Cul-de-sac** means a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic.
18. **Dedication of Land** refers to land set aside by the subdivider to be used by the public, such land being conveyed to the City.
19. **Development Administration Board** means the board created by Chapter 2, Article 6.
20. **Dwelling Unit** means a building arranged or designed to be occupied by only one family; a structure having only one dwelling unit. The intent of this definition is to preclude additional dwelling units for rental purposes.
21. **Easement** means an interest in property owned by another that entitles its holder to a specific use on, under, or above said property.
22. **Final Plat** means a map of land subdividing the land into lots, roads, and other delineations, and providing or recording all other relevant property interests, notes, conditions, and restrictions as may be required by this Chapter or agreed to by the subdivider, prepared for final approval and recordation, which has been accurately surveyed and drawn, so that streets, alleys, blocks, lots and other divisions thereof can be identified and recorded; such plat being in conformity with the ordinances of the City and Title 57, Utah Code Annotated, 1953, as amended.

23. **Fire Department** means the appropriate Fire Department serving Highland City.
24. **Flood Control and Storm Drainage Ordinance** means the Highland Flood Control and Storm Drainage Ordinance as presently adopted and amended in the future.
25. **Flood, One Hundred Year** means a flood having a one percent chance of being equaled or exceeded in any given year.
26. **Flood, Ten Year** means a flood having a 10 percent chance of being equaled or exceeded in any given year.
27. **Flood Plain, One Hundred Year** means that area adjacent to a drainage channel which may be inundated by a 100 year flood.
28. **Grading/Site Development Ordinance** means the Highland City Development Ordinance as presently adopted and as amended in the future.
29. **Land Use Authority** means the person, board, commission, agency, or body designated by this Code to act upon a subdivision application.
30. **Lot** means a parcel of land occupied or capable of being occupied by one building or a group of buildings together with such yards, open spaces and yard areas as are required by this Title and the Zoning Code, and having full frontage on and unrestricted access to a dedicated street.
31. **Lot Split** shall refer to the division of a property which may be divided into no more than two legal size lots.
32. **Major Street Plan** means the plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, which has been approved by the Planning Commission and City Council.
33. **Master Plan or General Plan** means the City's general plan and all parts and plans adopted therein, a future land use and development plan, a transportation or circulation plan, or another plan of general applicability for the City adopted by the City Council..
34. **Minor Street** means a street for which the principle function is access to abutting land. Traffic movement is a secondary function.
35. **Municipal Utility Easement** means the same as the term is defined in Utah Code section 10-9a-103(40).
36. **Natural Drainage Course** means any natural watercourse which is open continuously for flow of water in a definite direction or course.
37. **Official Street Map** means the public street map adopted by the City Council.
38. **Open Space Subdivision.** A subdivision where the City's density requirement is

accomplished through perpetual open space. No new open space subdivisions are permitted on or after January 1, 2024.

39. **Owner** means the owner in fee simple of real property as shown in the records of the Utah County Recorder's Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof.
40. **Parcel of Land** means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same owner.
41. **Planning Commission** means the Highland City Planning Commission.
42. **Preliminary Plat** means the detailed map of a proposed subdivision that demonstrates the subdivision's compliance with zoning regulations, establishes the layout of the proposed lots, roads, and major utility facilities, and provides such other information as required by this Chapter.
43. **Protection Strip** means a strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.
44. **Public Utility Easement** means the area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.
45. **Public Way** means any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.
46. **Public Works Department** means the Public Works Department of Highland City.
47. **Reservation of Land** refers to land set aside for public use within a subdivision, such land to be developed and maintained by the subdivider or by the residents of the subdivision.
48. **Review Comments** refers to requests issued to an applicant by the City as part of the review cycle process, including requests for modifications to plats, plans, designs, reports, and studies submitted with the application, requests to supplement any incomplete information, document, or material submitted with or that was required to have been submitted with the application, and requests to correct any other deficiency with an application to ensure compliance with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
49. **Review Cycle** refers to the process described in Utah Code section 10-9a-604.2, as amended, and Section 5-4-307 of this Code, consisting of one full cycle of a subdivision applicant's submittal of a complete application, the City's review of that application, the

City's response to that application, and the applicant's reply to the City's response.

50. **Review Response** refers to the applicant's response to the City's review comments, including a written response addressing each review comment and the submission of revised, modified, or corrected plats, plans, and other information, documents, and materials.
51. **Right-of-Way** means a strip of land used or intended to be used as a street, sidewalk, sanitary or storm sewer, drainage, utilities or other uses approved by the City Council.
52. **Staff** means all city employees and city contractors who are authorized by the City to review or make recommendations or decisions regarding land use applications. Includes the Zoning Administrator, City Attorney, and City Engineer.
53. **Sensitive Lands Submittal** means the information, studies, reports, and materials required to be submitted by the applicant pursuant to Chapter 8 of this Code.
54. **Sensitive Lands Report** means the report, analysis, or recommendation issued by the Zoning Administrator and City Engineer pursuant to Chapter 8 of this Code.
55. **Sidewalk** means a passageway for pedestrians, excluding motor vehicles.
56. **Street** means a public or private way primarily used or intended to be used for passage or travel by motor vehicles and to provide access to abutting properties.
57. **Subdivider** means the owner of the real property proposed to be subdivided, including any successors or assigns.
58. **Subdivision** means any land that is divided, resubdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions. Subdivision includes the division or development of residential and nonresidential uses, including commercial and industrial zoned land, whether by deed, metes and bounds description, devise and testacy, map, plat, foreclosures, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot.
59. **Subdivision Improvement Plans** means the civil engineering plans, grading and landscaping plans, drawings, details, specifications, and other technical or engineered plans or designs associated with required infrastructure, municipally controlled utilities, and public landscaping required for a subdivision.
60. **Subdivision, Major** means all subdivisions including but not limited to subdivisions of three or more lots, any size subdivision consisting of or including multi-family or condominium-type development with two or more units per lot or parcel, or any size subdivision requiring any new street or extension of the local governmental facilities.
61. **Subdivision, Minor** means any subdivision of land that results in two or fewer lots,

provided that each lot thereby created has frontage on an improved public street or streets, and providing further that there is not created by the subdivision any new street or streets.

62. **Survey Monument** means mark affixed to a permanent object along a line of survey to furnish a survey control.
63. **Transfer Development Rights.** The ability to transfer the right to develop property from one area of the city to another area of the city
64. **Water Company and Improvement Districts** means the Highland Water Company, Timpanogos Special Sewer District, and any other water or sewer improvement district existing or hereinafter organized, whichever has jurisdiction over the land proposed to be subdivided.
65. **Zoning Code** means the Highland City Zoning Ordinance, including Chapter 3 of this Code, as presently adopted and as amended in the future.

5-1-105 Considerations

1. The General Plan shall guide the use of all land within the corporate boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, the Zoning Code, and this Development Code.
2. Trees, native land cover, natural watercourses, and topography shall be preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the City Development Code. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.
3. Community facilities, such as parks and recreation areas, and transportation facilities shall be provided in the subdivision in accordance with General Plan standards, this Title, and other applicable ordinances. This Chapter establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider may be required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes as specified.
4. Subdivision Plats which incorporate areas which in the judgment of the City include land features which are either environmentally or historically unique and which if modified would alter the nature and character of the community in an adverse manner, may be defined as either Public or Private Conservation Areas. The Conservation area may include natural water courses, old growth wooded areas, unique land features, and natural historical landmarks, which make a material contribution to the nature and character of

the community. Conservation areas shall be protected by deed restrictions, conservation easements, subdivision CCR's, or public dedications (or a combination of these) as the City may deem appropriate. Documents necessary to create and protect the conservation area must be recorded at the time of subdivision plat recording.

5-1-106 General Responsibilities

1. The subdivider shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until he or she has obtained the necessary approvals as outlined herein.
2. The City Zoning Administrator shall review the plats for design, for conformity to the General Plan and to the Zoning Code; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this Chapter.
3. Plats of proposed subdivisions shall be referred by the Zoning Administrator to such City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The City Zoning Administrator coordinates the comments received from all public and private entities and shall decide which agencies to refer proposed subdivision plats.
4. The City Administrator may request the City Engineer to make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this Code and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated.
5. The Planning Commission is charged with making investigations, reports, and recommendations on proposed subdivisions as to their conformance to the General Plan and Zoning Code, and other pertinent documents. The Planning Commission shall also approve, approve with conditions, or disapprove of the preliminary plats, as provided for in this Chapter.
6. The City Attorney may be consulted by the Zoning Administrator to approve the form of the final plat if it is correct and acceptable that the subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report, which shall be submitted by the subdivider.
7. For the purpose of administering the subdivision process, the City Zoning Administrator should act as liaison between the subdivider, Planning Commission, staff, and the Development Administration Board. The City Zoning Administrator shall also provide regular reports to the City Council regarding the status of current subdivisions and other developments.
8. The City Council has final jurisdiction in the establishment by ordinance of requirements

for and design standards of public improvements, the acceptance of lands and public improvements that may be proposed for dedication outside of the dedication or provision of lands and public improvements required by this Chapter and the City's design standards and specifications, and the approval of development agreements or similar arrangements that contain terms or allow uses that that are not expressly provided for or permitted by this Chapter.

5-1-107 Appeal of Decisions

1. Recommendations and reports from staff, the Development Administration Board, or the Planning Commission may not be appealed unless such recommendation or report constitutes a final decision on a land use application.
2. Recommendations and legislative decisions made by the City Council may not be appealed.
3. Except as otherwise provided herein, a land use applicant or adversely affected party, including the City, may appeal any final decision by staff, the Development Administration Board, the Planning Commission, or the City Council on a land use application to the Appeal Authority per the requirements of Chapter 2, Article 3 of this Code.
4. Disputes arising from subdivision improvement plans related to a City requirement for pavement on a residential roadway in excess of 32 feet may be appealed per the requirements of Utah Code section 10-9a-604.2(8) and section 10-9a-508(5).

Chapter 5, Article 2 Control And Application

5-2-101 Subdivision Control

5-2-102 Required Plat Approval

5-2-103 Transfer Of Land – Issuance Of Building Permits

5-2-104 Transfer Of Land – Voidable

5-2-105 Penalties

5-2-101 Subdivision Control

1. It shall be unlawful for any owner of any land within the corporate limits and jurisdiction of the City to subdivide such land, regardless of the method of the subdivision, unless and until:
 - a. A plat of such subdivision is made in accordance with the requirements set forth herein;
 - b. Approval of such plat is secured as provided herein; and
 - c. Copies of such plat are recorded in the Office of the Utah County Recorder.
2. This shall not restrict or prevent a division of land, if such division is expressly exempted under Utah State Code from subdivision and subdivision plat requirements.

5-2-102 Required Plat Approval

A plat of any subdivision shall not be recorded until it has been submitted and approved as provided herein. A plat shall not be approved if such plat is in conflict with any provision or portion of the General Plan, Official Map, Major Street Plan, Master Transportation Plan, Zoning Code, Development Code, this Title, or any other State law or City ordinance.

5-2-103 Transfer Of Land – Issuance Of Building Permits

Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this Chapter and the provisions of the Utah State Code, and until the improvements required in connection with the subdivision have been constructed or guaranteed as provided herein. Building permits shall not be issued without written approval of such public agencies as may be required by the Zoning Administrator. A building depending on public water, sewer, energy facilities, or fire protection shall not be permitted to be occupied until such facilities are provided and operational.

5-2-104 Transfer Of Land – Voidable

A person shall not offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions of this Title.

5-2-105 Penalties

It shall be a Class "B" misdemeanor for any person to fail to comply with the provisions of this Code. In addition to any criminal prosecution, the City may pursue any other legal remedy to ensure compliance with this Code including, but not limited, to injunctive relief.

Chapter 5, Article 4 Subdivision Requirements and Procedures

5-4-100 General Subdivision Review Procedures

5-4-200 Minor Subdivision Process

5-4-300 Major Subdivision Process

5-4-400 Open Space Subdivision Option (Legacy)

5-4-100 General Subdivision Review Procedures

5-4-101 Review for Completeness

1. The Zoning Administrator shall review each application for a minor subdivision or for a major subdivision preliminary or final plat to determine whether the application is complete for purposes of further substantive processing and review.
 - a. An application shall be deemed to be complete for the purposes of further substantive processing and review if the application contains all information and materials identified on or required by the application form.
 - b. A defect, deficiency, or error in information and materials submitted with an application that causes the application to not comply with this Chapter or any other governing law, land use regulation, applicable land use decision, ordinance, or standard shall not render the application incomplete unless such defect, deficiency, or error reasonably prohibits or precludes substantive review of the application or a material portion thereof.
2. If the Zoning Administrator determines that the plat application is complete, the Zoning Administrator shall:
 - a. notify the applicant that the application is complete;
 - b. circulate and review the plat application in accordance with Section 5-4-102; and
 - c. for minor subdivisions, mail the notice described in Section 5-4-204.
3. If the Zoning Administrator determines that the plat application is incomplete or deficient with respect to a specific and objective application requirement imposed by this Chapter or another governing law, land use regulation, applicable land use decision, ordinance, or standard, the Zoning Administrator shall notify the applicant of the deficiency, with a description of the information, documents, and materials required to correct the deficiency. The plat application shall not be deemed complete and shall not be entitled to substantive processing or review until the applicant corrects the deficiency and submits all required information, documents, and materials.
4. The decision of the Zoning Administrator regarding an application's completeness may be appealed by the applicant to the Development Administration Board. The appeal shall

be in writing and filed within ten (10) calendar days of the Zoning Administrator's decision.

5-4-102 Review Cycle Process for Plat Applications

1. For each complete subdivision application, the City shall review the plat, plans, and other application materials through the review cycle process forth in this Section and Utah Code section 10-9a-604.2 to ensure compliance with all requirements of this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
2. A review cycle begins with the City's receipt of either a complete application for a new application or a complete review response submitted as part of a prior review cycle.
3. The City may issue review comments with each review cycle to correct any deficiencies with the plat, subdivision improvement plans, and related information, documents, and materials.
 - a. The City shall complete its review and shall issue review comments within the following timeframes:
 - i. For preliminary plats and preliminary subdivision improvement plans for single-family, two-family, and townhome subdivisions that do not involve property within identified geological hazard areas, the City shall have fifteen (15) business days after receipt of the complete application or complete review response to complete its review and to issue review comments.
 - ii. For final plats and final subdivision improvement plans for single-family, two-family, and townhome subdivisions that do not involve property within identified geological hazard areas, the City shall have twenty (20) business days after receipt to complete its review and to issue review comments.
 - iii. For all other plats and subdivision improvement plans for other subdivisions, the City shall have a reasonable timeframe to complete its review and to issue review comments.
 - b. Review comments issued by the City shall be specific, include citations to the law, ordinance, regulation, decision, standard, or specification justifying the review comment, and shall be compiled and logged into a single index of requested modifications for the application.
 - c. The City's failure to issue a review comment regarding a specific deficiency or defect of the preliminary plat, subdivision improvement plans, or related information, documents, and materials submitted by the applicant shall waive the City's right to require that the deficiency or defect be corrected, unless:

- i. The modification or correction required by the review comment is necessary to protect public health and safety or to enforce state or federal law;
 - ii. The modification or correction required by the review comment is necessitated by the applicant's review response or other adjustment to the proposed subdivision plat, plans, or related materials;
 - iii. The modification or correction required by the review comment is necessitated by the applicant's update to the proposed phasing of the development that adjusts the needed infrastructure; or
 - iv. The applicant does not submit a revised plan in response to the City's review comments within twenty (20) business days after the City issued its review comments.
- 4. The applicant shall provide a complete review response in response to the City's review comments, consisting of revised plats, plans, information, documents, or materials together with a written explanation identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - a. The applicant's written explanation shall be comprehensive and specific, including citations to the relevant law, ordinance, regulation, decision, standard, or specification and including an index of requested revisions or additions for each required correction.
 - b. The applicant's failure to address a review comment shall render their review response incomplete. The review cycle is not complete, and the subsequent review cycle or action shall not begin until all review comments are addressed and the applicant submits a complete review response.
- 5. The City may not require more than four review cycles, provided that the City may restart the review cycle process at the first review cycle, if the applicant makes a material change to a plan set. Such restarted review cycle process shall apply only to the portion of the plan set that the material change substantively affects.

5-4-103 Final Decision on Plat Application

- 1. After conducting a public meeting or public hearing, as required by this Article, the land use authority shall approve, approve with conditions, or deny a subdivision plat application.
- 2. If the land use authority finds and determines that the plat and subdivision improvement plans comply with and conform to the requirements of Utah State Code, this Chapter, and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards, the land use authority shall approve the plat and subdivision improvement plans.

3. In approving a plat or subdivision improvement plans, the land use authority may impose conditions on the approval to ensure compliance with the requirements of Utah State Code, this Chapter, and all other governing laws, land use regulations, applicable land use decision, ordinances, and standards.
4. If the land use authority finds and determines that the plat or subdivision improvement plans do not comply with or conform to the requirements of Utah State Code, this Chapter, and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards, and such noncompliance cannot be corrected by the imposition of conditions on the approval of the plat or plans, the land use authority shall reject and disapprove the final plat or subdivision improvement plans.
5. The Zoning Administrator shall notify the applicant, in writing, of the land use authority's final decision regarding the plat application, any conditions of approval, and the basis for any rejection or disapproval.

5-4-200 Minor Subdivision Process

5-4-201 Purpose

5-4-202 Applicability

5-4-203 Filing Minor Subdivision Application

5-4-204 Review for Completeness

5-4-205 Standards and Required Conditions And Improvements

5-4-206 Review of Minor Subdivision

5-4-207 Action on Minor Subdivision

5-4-208 Appeal Of Decision

5-4-209 Assurance Or Improvements Required

5-4-210 Recording Of Plat

5-4-211 Expiration Of Final Approval

5-4-201 Purpose

The intent of the minor subdivision process is to allow for small subdivisions to be processed as quickly as possible. Minor subdivisions include “lot splits” and other developments of two or fewer lots for single-family residential development purposes, which developments meet the requirements of this Code. In this process, the preliminary and final plats, required for most subdivisions, are simplified and combined.

5-4-202 Applicability

1. The procedures set forth in this Article shall govern the processing of, and the requirements pertaining to, minor subdivisions, and shall take precedence over any other provisions of this Code to the contrary.
2. All other provisions of this Code and other City ordinances and standards not expressly superseded by this Article, including but not limited to the requirements of Chapter 5, Article 5 General Requirements of All Subdivisions, and Chapter 5, Article 6 Public Improvements, shall apply to minor subdivisions.

5-4-203 Filing Minor Subdivision Application

1. Prior to filing an application for a minor subdivision, the subdivider may meet with the Zoning Administrator, or other City staff as appropriate, for pre-application review per Section 2-701.
2. After completing pre-application review, if applicable, the subdivider of a minor subdivision shall file an application with the Zoning Administrator on a form prescribed by the City and submit all information, documents, materials required by this Code and the City's application form and required to ensure the subdivision complies with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
3. No separate preliminary plat is required to be submitted or approved for a minor subdivision prior to the submission of a final plat and related subdivision improvement

plans.

4. The application form shall specify the requirements, information, documents, and materials required to be submitted in order for the preliminary plat application to be complete. At least the following information, documents, and materials shall be required as part of the application to be submitted by the subdivider:
 - a. A complete application form;
 - b. Owner's affidavit;
 - c. Project narrative;
 - d. Legal description of the property being subdivided;
 - e. ALTA survey;
 - f. Title report for the property being subdivided;
 - g. Sensitive lands submittals, in accordance with Chapter 8;
 - h. Proposed final plat, in accordance with Section 5-4-311;
 - i. Proposed subdivision improvement plans, in accordance with Section 5-4-312;
 - j. Vicinity map indicating the exact location of the property and each other property within 1/2 mile of the property being subdivided;
 - k. Property ownership map and list of names and addresses of each owner of record of each other property within 500 feet of any portion of the property being subdivided, and pre-addressed and pre-stamped envelopes for each such owner;
 - l. All applicable fees.
5. The application form may be amended, added to, and updated by the City Administrator or designee as necessary to ensure that minor subdivision applicants are informed as to the requirements for an application to be complete and to ensure that the City can successfully evaluate each application for compliance with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
6. The applicant shall submit electronic and/or paper copies of the minor subdivision application and related materials in the form, method, size, and standard specified by the City.
7. The subdivider shall pay all application fee(s) as published in the Consolidated Fee Schedule for the minor subdivision application. These fees shall not be refunded or waived in the event the subdivider does not obtain approval of the minor subdivision plat or does not proceed with the subdivision.

5-4-204 'Review for Completeness, Notice of Plat

1. The Zoning Administrator shall review the minor subdivision application to determine whether the application is complete for the purposes of further substantive processing and review pursuant to Section 5-4-101.
2. If the Zoning Administrator determines that the minor subdivision plat is complete, the Zoning Administrator shall mail a notice to each owner of property within 500 feet of any portion of the property being subdivided, which notice shall describe the property being subdivided, contain a depiction of the proposed subdivision, and explain that written objections to the proposed minor subdivision may be submitted to the City within twenty (20) business days after the day on which the applicant submitted the application.

5-4-205 Standards, Required Conditions, And Improvements

The following requirements shall be satisfied as part of the review process prior to approval of the minor subdivision, and may be imposed as a condition of approval of a minor subdivision:

1. Not more than two lots are created in the minor subdivision, and the lots created encompass all of the property being subdivided.
2. The area to be subdivided is immediately adjacent to existing streets and utilities and shall not involve or require the extension of any such streets or utilities.
3. The subdivider provides or agrees to provide all necessary public landscaping improvements and infrastructure improvements, as required by this Code and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards, and the subdivider prepares and obtains approval of subdivision improvement plans for such improvements. Such improvements include the improvement of all streets on which the subdivision fronts with curb, gutter, sidewalk, asphalt, and other required street improvements, and the connection of each lot to existing utilities, including culinary water, pressurized irrigation, sewer, power, and gas.
4. The subdivision improvement plans, and the design, construction, installation, and inspection of all required improvements, shall conform to this Code and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
5. The minor subdivision and lots created therein do not adversely affect adjoining property in a manner prohibited by applicable Utah State Code or Highland City land use regulations, applicable land use decisions, ordinances, and standards.
6. The minor subdivision and lots created therein conform to the applicable provisions of this Code, including all zoning regulations for the applicable zoning district and the requirements of Chapter 5, Article 5 of this Code.
7. The minor subdivision satisfies the requirements of Chapter 8 related to sensitive lands.

8. Municipal and public utility easements and all rights of way and easements or other interests of record are identified, preserved, and dedicated, as necessary.
9. Any redevelopment of the minor subdivision or any lot created therein shall be processed under the Major Subdivision Process.
10. The form of the proposed final plat conforms to the City's standards and contains all necessary plat notes and conditions of approval.

5-4-206 Review of Minor Subdivision

The minor subdivision application, final plat, subdivision improvement plans, and related information, documents, and materials shall be reviewed as a final plat in accordance with the process set forth in Section 5-4-102.

5-4-207 Action on Minor Subdivision

1. Upon the completion of the fourth or final review cycle under Section 5-4-102, if the applicant has not materially changed the final plat or subdivision improvement plans, the applicant may request that the minor subdivision application be submitted for decision.
2. The Development Administration Board shall be the land use authority for minor subdivision applications and shall consider and issue an approval, approval with conditions, or denial of the minor subdivision application pursuant to Section 5-4-103 at a public meeting.
3. The Zoning Administrator shall notify the applicant, in writing, of the Development Administration Board's decision, any conditions of approval, and the basis for any rejection or disapproval.

5-4-208 Appeal Of Decision

A subdivider may appeal any final decision of the Development Administration Board to the Appeal Authority as described in Section 5-1-107 and Chapter 2, Article 3 of this Code.

5-4-209 Assurance Or Improvements Required

Prior to recordation of an approved plat, the subdivider shall comply with the requirements of Sections 5-4-317 through 5-4-319 and Chapter 6, Guarantee of Performance, in this Code.

5-4-210 Recording Of Plat

After approval and either completion of the required public improvements and provision of improvement warranty assurances or provision of improvement completion and improvement warranty assurances, as provided in this Chapter, the plat may be signed and presented to the Utah County Recorder for recordation.

5-4-211 Expiration and Extension Of Approval

1. If the recording requirements set forth above are not met by the subdivider within 180 calendar days from the date of approval, such approval shall expire, and the approved final plat and subdivision plans shall become null and void. The applicant shall be required to reapply for minor subdivision approval and pay all associated fees.
2. The 180-day time period may be extended by the Development Administration Board for up to one additional period of 180 calendar days if the subdivider petitions the City for an extension prior to the expiration date and pays extension fees and the subdivider demonstrates good cause for the extension and that substantial effort is being made to complete the subdivision in accordance with the conditions and the requirements of this Chapter.
3. The Development Administration Board shall not grant a subdivision extension if:
 - a. the subdivision no longer conforms to current land use regulations, applicable land use decisions, or other applicable City ordinances and standards;
 - b. surrounding property has received final approval for a subdivision and/or has otherwise developed in a manner that results in new alignments, development requirements, or similar considerations that restrict or require alteration of the approved final plat or subdivision improvement plans;
 - c. geological, geophysical, or other conditions have changed or been identified that require compliance with Chapter 8;
 - d. the subdivider desires or has attempted to modify the proposed minor subdivision since the final plat approval.

5-4-300 Major Subdivision Process

- 5-4-301 Pre-Application Review
- 5-4-302 Preliminary Plat – Purpose
- 5-4-303 Preliminary Plat – Application
- 5-4-304 Preliminary Plat – Preparation And Required Information
- 5-4-305 Preliminary Plat – Subdivision Improvement Plans
- 5-4-306 Preliminary Plat – Review for Completeness
- 5-4-307 Preliminary Plat – Substantive Review
- 5-4-308 Preliminary Plat – Decision on Application
- 5-4-309 Preliminary Plat – Effect Of Approval, Expiration
- 5-4-310 Final Plat – Application
- 5-4-311 Final Plat - Preparation And Required Information
- 5-4-312 Final Plat – Subdivision Improvement Plans
- 5-4-313 Final Plat – Review for Completeness
- 5-4-314 Final Plat – Substantive Review
- 5-4-315 Final Plat – Decision on Application
- 5-4-316 Appeal Of City Decisions
- 5-4-317 Completion of Improvements, Assurances
- 5-4-318 Owner's Payment Bond Required
- 5-4-319 Final Plat – Recordation
- 5-4-320 Final Plat – Expiration Of Approval

5-4-301 Pre-Application Review

Prior to submission of an application for preliminary plat approval of a major subdivision, the subdivider may meet with the Zoning Administrator, or other City staff as appropriate, for pre-application review per Section 2-701.

5-4-302 Preliminary Plat – Purpose

The purpose of the preliminary plat process is to require formal preliminary approval of a major subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat and to plan for the roadway, utility, and other improvements necessary for the function and connectivity of the overall subdivision for phased projects. The preliminary plat and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this Chapter and any other applicable ordinances, regulations, and standards.

5-4-303 Preliminary Plat – Application

1. After completing pre-application review, if applicable, the subdivider of a major subdivision shall file an application for preliminary plat approval with the Zoning Administrator on a form prescribed by the City and submit all information, documents, materials required by this Code and the City's application form and required to ensure the subdivision complies with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
2. The application form shall specify the requirements, information, documents, and materials required to be submitted in order for the preliminary plat application to be

complete. At least the following information, documents, and materials shall be required as part of the application to be submitted by the subdivider:

- a. A complete application form;
 - b. Owner's affidavit;
 - c. Project narrative;
 - d. Project data information;
 - e. Legal description of the property being subdivided;
 - f. ALTA survey;
 - g. Title report for the property being subdivided;
 - h. Sensitive lands submittals, in accordance with Chapter 8;
 - i. Preliminary plat, in accordance with Section 5-4-304;
 - j. Preliminary subdivision improvement plans, in accordance with Section 5-4-305;
 - k. Vicinity map indicating the exact location of the property and each other property within 1/2 mile of the property being subdivided;
 - l. Property ownership map and list of names and addresses of each owner of record of each other property within 500 feet of any portion of the property being subdivided, and pre-addressed and pre-stamped envelopes for each such owner;
 - m. All applicable fees.
3. The application form may be amended, added to, and updated by the City Administrator or designee as necessary to ensure that applicants are informed as to the requirements for an application to be complete and to ensure that the City can successfully evaluate each application for compliance with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
 4. The applicant shall submit electronic and/or paper copies of the preliminary plat application and related materials in the form, method, size, and standard specified by the City.
 5. The subdivider shall pay all application fee(s) as published in the Consolidated Fee Schedule for the preliminary plat application. These fees shall not be refunded or waived in the event the subdivider does not obtain approval of the preliminary plat or does not proceed with a final plat application.

5-4-304 Preliminary Plat – Preparation And Required Information

1. The preliminary plat shall be clearly and legibly drawn at a scale not less than one inch equaling 100 feet. The Plan shall be so drawn that the top of the sheet is north. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and seconds.
2. The preliminary plat shall contain the details, designs, and information required by this Code, the City's application form, and as may be required to ensure the subdivision complies with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards, including the following:
 - a. Legal description of the property being subdivided;
 - b. Zoning of the property and all abutting and/or adjacent properties;
 - c. Dimensions and size of the property being subdivided;
 - d. Layout, dimensions, and location of current and proposed lots, parcels, streets, and other areas, including:
 - i. Current and proposed lots, parcels, open space, conservation areas, and similar property divisions;
 - ii. Current and proposed dedications for public use and other easements, including for utilities, water conveyance facilities, and access;
 - iii. Current and proposed streets and other pedestrian circulation elements, with their proposed classification and width;
 - iv. Current and proposed water wells, ditches, drainage, and detention/retention areas;

5-4-305 Preliminary Plat – Subdivision Improvement Plans

The preliminary subdivision improvement plans shall contain the plans, maps, details, designs, and information required by this Code, the City's application form, and as may be required to ensure the subdivision complies with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards, including the following:

1. Proposed construction phasing;
2. Fences and walls;
3. Freestanding signage;
4. Utility, service, and public infrastructure facilities and improvements, including fire hydrants, backflow prevention, water, sewer, stormwater, natural gas, telephone, energy, and telecommunication lines and extensions;
5. Preliminary drainage plan and storm drain calculations, including existing and proposed

- drainage channels, ditches, water conveyance facilities, and retention/detention areas;
6. Landscaping plan;
 7. Grading plan with topographic contours;
 8. Circulation plan showing streets, trails, sidewalks, and other vehicular and pedestrian circulation elements, with proposed cross-sections and other design considerations.

5-4-306 Preliminary Plat – Review for Completeness

The Zoning Administrator shall review the preliminary plat application to determine whether the application is complete for the purposes of further substantive processing and review pursuant to Section 5-4-101.

5-4-307 Preliminary Plat – Substantive Review

The preliminary plat application, preliminary plat, preliminary subdivision improvement plans, and related information, documents, and materials shall be reviewed in accordance with the process set forth in Section 5-4-102.

5-4-308 Preliminary Plat – Decision on Application

1. Upon the completion of the fourth or final review cycle under Section 5-4-102, if the applicant has not materially changed the preliminary plat or preliminary subdivision improvement plans, the applicant may request that the preliminary plat application be submitted for decision.
2. The Planning Commission shall be the land use authority for major subdivision preliminary plat applications, and shall consider and issue an approval, approval with conditions, or denial of the preliminary plat application pursuant to Section 5-4-103 after conducting a public hearing.
3. Notice of the public hearing shall be posted at least 10 calendar days in advance of the public hearing and shall be mailed at least 10 calendar days in advance of the public hearing to each owner of property within 500 feet of any portion of the property being subdivided, which notice shall describe the property being subdivided, contain a depiction of the proposed subdivision, and provide the date, time, and address of the public hearing.
4. The Zoning Administrator shall notify the applicant, in writing, of the Planning Commission's decision, any conditions of approval, and the basis for any rejection or disapproval.

5-4-309 Preliminary Plat – Effect Of Approval, Expiration

1. The approval or approval with conditions of the preliminary plat shall be authorization for the subdivider to proceed with the preparation of the final plat and final subdivision

improvement plans.

2. The preliminary plat approval shall be valid for one year from the date of approval. The final plat and final subdivision improvement plans shall be submitted and applied for prior to the expiration of the one-year period.
3. For phased developments, a preliminary plat approval shall remain valid for five years from the date of approval so long as a final plat for at least one phase of the subdivision is submitted and applied for within one year after Preliminary Plat approval. The final phase of the development shall be submitted and applied for prior to the expiration of the five-year period.
4. If the final plat and final subdivision improvement plans are not submitted and applied for within the time periods described herein, the approval shall expire, and the approved preliminary plat and preliminary subdivision improvement plans shall become null and void. The applicant shall be required to reapply for preliminary plat approval and pay all associated fees.
4. Preliminary plat approval may be extended by the Planning Commission for an additional one (1) year if the subdivider petitions the City for an extension prior to the expiration date and pays extension fees and the subdivider demonstrates good cause for the extension and that substantial effort is being applied to create a final plat.
5. The Planning Commission shall not grant an extension of preliminary plat approval if:
 - a. the subdivision no longer conforms to current land use regulations, applicable land use decisions, or other applicable City ordinances and standards;
 - b. surrounding property has received final approval for a subdivision and/or has otherwise developed in a manner that results in new alignments, development requirements, or similar considerations that restrict or require alteration of the approved preliminary plat or preliminary subdivision improvement plans;
 - c. geological, geophysical, or other conditions have changed or been identified that require compliance with Chapter 8;
 - d. the subdivider desires or has attempted to modify the proposed subdivision since the preliminary plat approval.
5. Preliminary plat approval shall in no way relieve the subdivider of their responsibility to comply with all required conditions and ordinances and to provide the improvements and easements necessary to meet all City standards.

5-4-310 Final Plat – Application

1. An application for approval of a final plat shall not be filed unless there is an approved Preliminary Plat for the proposed subdivision as provided in this Chapter.

2. After obtaining preliminary plat application approval, the subdivider of a major subdivision shall file an application for final plat approval with the Zoning Administrator on a form prescribed by the City and submit all information, documents, materials required by this Code and the City's application form and required to ensure the subdivision complies with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
3. The application form shall specify the requirements, information, documents, and materials required to be submitted in order for the final plat application to be complete. At least the following information, documents, and materials shall be required as part of the application to be submitted by the subdivider:
 - a. A complete application form;
 - b. Owner's affidavit;
 - c. Project narrative;
 - d. Project data information;
 - e. Legal description of the property being subdivided;
 - f. Sensitive lands submittals, in accordance with Chapter 8;
 - g. Final plat, in accordance with Section 5-4-311;
 - h. Subdivision improvement plans, in accordance with Section 5-4-312;
 - i. Any information, document, or material required as a condition of approval of the preliminary plat;
 - j. Vicinity map indicating the exact location of the property and each other property within 1/2 mile of the property being subdivided;
 - k. Property ownership map and list of names and addresses of each owner of record of each other property within 500 feet of any portion of the property being subdivided, and pre-addressed and pre-stamped envelopes for each such owner;
 - l. All applicable fees.
4. The application form may be amended, added to, and updated by the City Administrator or designee as necessary to ensure that applicants are informed as to the requirements for an application to be complete and to ensure that the City can successfully evaluate each application for compliance with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
5. The applicant shall submit electronic and/or paper copies of the preliminary plat application and related materials in the form, method, size, and standard specified by the

City.

6. The subdivider shall pay all application fee(s) as published in the Consolidated Fee Schedule for the final plat application. These fees shall not be refunded or waived in the event the subdivider does not obtain approval of the final plat or does not record the final plat.

5-4-311 Final Plat – Preparation And Required Information

1. The final plat drawing shall be made on a scale large enough to clearly show all details, drawn so that the top of the sheet is north, and the workmanship on the finished drawing shall be neat, clear and readable. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and seconds.
2. The printing or reproduction process used shall not incur any shrinkage or distortions and the reproduced tracing furnished shall be of good quality, to true dimension, clear and readable and in all respects comparable to the original Plan so that the lines, dimensions and marking will not rub off or smear.
3. The final plat shall be in substantial conformance to the approved preliminary plat and shall conform to all conditions of approval of the preliminary plat.
4. The final plat shall contain the details, designs, and information required by this Code, the City's application form, and as may be required to ensure the subdivision complies with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards, including the following:
 - a. Legal description of the property being subdivided;
 - b. Dimensions and size of the property being subdivided;
 - c. The location of the subdivision within the City, shown by a small scale vicinity map on the first sheet.
 - d. Layout, dimensions, and location of lots, parcels, streets, and other areas, including:
 - i. All lots, numbered consecutively, with their locations and dimensions;
 - ii. All parcels, open space, conservation areas, detention/retention areas, and similar property divisions or interests, with their locations and dimensions;
 - iii. All dedications of property for public use;
 - iv. All public utility easements and municipal utility easements for each lot and otherwise;
 - v. All other easements of record or created by the plat, including for utilities,

water conveyance facilities, and access;

- vi. All streets and other vehicular and pedestrian circulation elements;
- e. City approved plat notes, approval blocks, typical lot diagram with building envelope and setbacks, and other required details and form requirements for the final plat;
- f. Certification by a State of Utah Professional Land Surveyor;

5-4-312 Final Plat – Subdivision Improvement Plans

1. The final subdivision improvement plans shall contain the plans, maps, details, designs, and information required by this Code, the City's application form, and as may be required to ensure the subdivision complies with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
2. The final subdivision improvement plans shall conform to the approved preliminary plat and preliminary subdivision improvement plans.
3. The final subdivision improvement plans shall include at least the following:
 - a. Civil drawings for infrastructure improvements, including sewer, street and right-of-way, pressurized irrigation, storm-water and drainage, and culinary water;
 - b. Drainage plan and storm drain calculations;
 - c. Landscaping plan with public landscaping improvements;
 - d. Grading plan;
 - e. Drawings and plans for any mitigation, revegetation, slope correction, or other work required by Chapter 8;
 - f. Retaining wall, sign, and fence designs and plans;
 - g. Geotechnical Report;
 - h. A soil report, based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah, shall be required following preliminary plat approval for review by the City Engineer in connection with a final plat application. If the soil report indicates the presence of critically expansive soils, high water table or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the City Engineer. The soil investigation shall recommend corrective action intended to prevent damage to the proposed structure or public improvements.

The fact that a soil report has been prepared shall be noted on the Final Plat.

5-4-313 Final Plat – Review for Completeness

The Zoning Administrator shall review the final plat application to determine whether the application is complete for the purposes of further substantive processing and review pursuant to Section 5-4-101.

- 1.

5-4-314 Final Plat – Substantive Review

The final plat application, final plat, subdivision improvement plans, and related information, documents, and materials shall be reviewed in accordance with the process set forth in Section 5-4-102.

5-4-315 Final Plat – Decision on Application

1. Upon the completion of the fourth or final review cycle under Section 5-4-102, if the applicant has not materially changed the final plat or subdivision improvement plans, the applicant may request that the final plat application be submitted for decision.
2. The Development Administration Board shall be the land use authority for major subdivision final plat applications, and shall consider and issue an approval, approval with conditions, or denial of the final plat application pursuant to Section 5-4-103 at a public meeting.
3. The Zoning Administrator shall notify the applicant, in writing, of the Development Administration Board's decision, any conditions of approval, and the basis for any rejection or disapproval.

5-4-316 Appeal Of City Decisions

A subdivider may appeal any final decision of the Planning Commission or Development Administration Board to the Appeal Authority in the time and manner described in Section 5-1-107 and Chapter 2, Article 3 of this Code.

5-4-317 Completion of Improvements, Assurances, Contractor

1. Prior to recordation of a final plat, after it has received City approval, the subdivider shall complete one of the following within the timeframes specified in this Chapter:
 - a. Complete and install all public landscaping and infrastructure improvements required by the final plat and the subdivision improvement plans and provide a warranty assurance, per Chapter 6; or
 - b. Provide a performance guarantee and warranty assurance for any remaining or incomplete public landscaping or infrastructure improvements required by the

final plat and the subdivision improvement plans, per Chapter 6.

2. All public improvements required under this Code shall be installed by a contractor or subcontractors licensed by the State of Utah.
3. Prior to the installation of such improvements, the subdivider, contractor, or subcontractor shall obtain the necessary permits from the City and file performance guarantees and warranty assurances, as necessary, per Chapter 6, Guarantee of Performance.

5-4-318 Owner's Payment Bond Required

1. Prior to the issuance of any permits to install any public improvements, the subdivider shall file with the City a copy of the bond required by Section 14-2-1, Utah Code Annotated 1953, as amended, which requires prompt payment for material furnished and labor performed under the subdivider's contract with the contractor.
2. The City may condition or withhold release of a portion of a performance guarantee or warranty assurance to discharge or settle any construction, contractor, material, labor, tax, or other liens or claims related to work performed by the subdivider, contractor, or subcontractor related to the installation of public landscaping, public infrastructure improvements, or property dedicated or granted to the City.

5-4-319 Final Plat – Recordation

After approval, completion of the required public improvements or filing of the assurances described in Section 5-4-316, above, and Chapter 6, Guarantee of Performance, in this Code, satisfaction of all other city requirements, and signing of the plat by the City, the plat and any other instrument required to be recorded with the plat, such as covenants, conditions and restrictions for the subdivision, shall be presented to the Utah County Recorder for recordation.

5-4-320 Final Plat – Expiration Of Approval

1. The final plat approval shall be valid for one year from the date of approval. The final plat must be recorded, in accordance with the requirements set forth in Section 5-4-317 prior to the expiration of the one-year period.
2. If the final plat is not recorded within the time periods described in this Chapter, the approval shall expire, and the approved final plat and final subdivision improvement plans shall become null and void. The applicant shall be required to reapply for final plat approval and preliminary plat approval, if necessary, and pay all associated fees.
3. Final plat approval may be extended by the Development Administration Board for an additional one (1) year if the subdivider petitions the City for an extension prior to the expiration date and pays extension fees and the subdivider demonstrates good cause for the extension and that substantial effort is being applied to complete or assure the remaining improvements and record the final plat in accordance with the conditions of approval and the requirements of this Chapter.

4. The Development Administration Board shall not grant an extension of final plat approval if:
 - a. the subdivision no longer conforms to current land use regulations, applicable land use decisions, or other applicable City ordinances and standards;
 - b. surrounding property has received final approval for a subdivision and/or has otherwise developed in a manner that results in new alignments, development requirements, or similar considerations that restrict or require alteration of the approved preliminary plat or preliminary subdivision improvement plans;
 - c. geological, geophysical, or other conditions have changed or been identified that require compliance with Chapter 8;
 - d. the subdivider desires or has attempted to modify the proposed subdivision since the preliminary plat approval.
5. If any of the fees charged as a condition of subdivision approval, including but not limited to, inspection fees, parks fee, flood control fees, impact fees as well as the amounts the City uses to estimate bonds to insure completion of improvements, have increased, the Development Administration Board shall require that the subdivider pay such increases as a condition of granting the extension.

5-4-400 Open Space Subdivision Option (Legacy)

5-4-401 Purpose

5-4-402 Land Area

5-4-403 Density: Number Of Lots

5-4-404 Permitted Uses

5-4-405 Minimum Lot Area

5-4-406 Minimum Percentage Of Open Space

5-4-407 Location Of Open Space

5-4-408 Site Planning Procedures

5-4-409 Ownership And Maintenance Of Open Space

5-4-401 Purpose, Limitations of Section

1. The open space subdivision option was previously used and intended to promote imaginative, well designed subdivisions, which preserve and encourage the donation of open space and respect the physical qualities of the land. The Planning Commission may recommend and the City Council approve Open Space Subdivisions in the R-1-40 zone and in the R-1-20 zone, provided the following conditions are met:
2. No new subdivisions shall be created or approved pursuant to the Open Space Subdivision Option set forth in this Section on or after January 1, 2024. This Section 5-4-400 *et seq.* is retained within this Code as a legacy ordinance that serves solely as reference for existing Open Space Subdivisions.

Chapter 5, Article 5 General Requirements of All Subdivisions

- 5-5-101 Subdivision Layout
- 5-5-102 Site Development Permit
- 5-5-103 Blocks
- 5-5-104 Lots
- 5-5-105 Streets
- 5-5-106 Protection Strips
- 5-5-107 Dedication And Reservation
- 5-5-108 Landscaping
- 5-5-109 (Blank, Deleted 4/20/04)
- 5-5-110 Neighborhood Box Units
- 5-5-111 Watercourses
- 5-5-112 Water Rights To Be Conveyed To City
- 5-5-113 Solar Access And Orientation

5-5-101 Subdivision Layout

1. The subdivision layout shall conform to the official General Plan, all applicable Zoning Regulations, and the requirements of this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
2. Where trees, groves, waterways, scenic points, historic spots, other City assets and landmarks, flood hazards, environmentally sensitive areas such as wetlands, areas with potential geologic hazards or topographical challenges, or other features or land subject to state, federal, or other special regulation, including those regulations set forth in Chapter 8, as determined by the City, are located within a proposed subdivision, the subdivider shall identify and provide means to study, analyze, preserve, mitigate, eliminate, and/or protect these features as part of the proposed subdivision.
3. Whenever a tract to be subdivided adjoins or embraces any part of an existing or proposed street so designated on the major street plan, such part of the public way shall be platted and dedicated, and improved by the subdivider in the location and at the width specified.
4. The subdivision layout shall include as part of the Preliminary Plat all of the property within the lots or parcels proposed to be subdivided that are owned by or under common ownership or control of or with the subdivider. The subdivision layout shall not propose a remnant parcel unless the subdivider provides a road and utility plan as part of the Preliminary Plat that adequately provides for the future development of the remnant parcel or the remnant parcel is restricted from development by easement, deed, or dedication. A remnant parcel is a tract of land that is capable of further subdivision but is not proposed to be developed as part of the Preliminary Plat.

5-5-102 Site Development Permit

The Zoning Administrator, after receiving a subdivision plat application, shall indicate to the subdivider whether special site development considerations are required prior to the subdivider altering the terrain or vegetation on the proposed subdivision site. Such considerations shall include those addressed by Chapter 8.

5-5-103 Blocks

1. Lots having double frontage shall not be approved except where necessitated by topographic or other unusual conditions. The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this Title, unless the general layout of the vicinity, lines of ownership, topographical conditions or locations of arterial streets or freeways justify or make necessary a variation from this requirement.
2. Blocks shall not exceed 1320 feet in length. In any block over 660 feet in length, there a crosswalk or pedestrian way shall be provided in accordance with generally acceptable transportation practices, the City's Traffic Calming and Pedestrian Safety Manual, and other City land use regulations, standards, and specifications.

5-5-104 Lots

1. All subdivisions shall result in the creation of lots which are developable and capable of being built upon. Other than lots or parcels designated and intended to be as non-buildable and/or dedicated for open space, conservation, drainage areas, or similar purposes, a subdivision shall not create lots, and no building permit shall be issued for any such lot, where improvement, construction, or other development otherwise allowed by the applicable zoning regulations is impractical or prohibited due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions, including those conditions or features addressed by Chapter 8, or due to encumbrances or other legal impediments, such as utility or conservation easements.
2. All lots or parcels created by the subdivision shall have access to a dedicated street improved to standards hereinafter required. Private streets shall not be permitted. Any exception to this requirement shall require the recommendation of the Planning Commission and the legislative approval of the City Council, finding and determining that the most logical development of the land requires that lots be created which are served by a private street or other means of access, with such findings memorialized in writing with the reasons stated therein. Land designated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and not be included in the area of such lots.
3. The minimum area and dimensions of all lots shall conform to the requirements of the Zoning Code for the district in which the subdivision is located.

4. The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvatures, if such street is curved. Sidelines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces. The City may allow exceptions to this requirement where considerations for solar orientation are involved.
5. Corner lots for residential use shall be platted wider than interior lots in order to permit conformance with the required street setback requirements of the Zoning Code.
6. A lot shall not be divided by a City limit line. Each such boundary line shall be made a lot line.
7. Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or more suitable for a common open space, private utility or public purpose.
8. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, without omissions or duplications; block designations shall not be used. Temporary address as approved by the City shall be noted.
9. Except as specifically authorized by this Title and the Zoning Code, not more than one dwelling unit shall occupy any one lot.
10. The arrangement, location, and design of lots shall comply with the limitations imposed by the City's adopted standards, specifications, and regulations related to the installation, location, ownership, maintenance, and provision of public and private infrastructure and utility facilities.
11. Finished floor elevations, and grading around the structure and site, must meet or exceed the current requirements of building code, as most recently adopted. Lots shall be graded and developed to satisfy this requirement.

5-5-105 Streets

1. All street shall be designated and constructed with the street classification requirements described herein and in accordance with the City's adopted design and construction standards and specifications. In the event of a conflict between this Chapter and a design or construction standard or specification adopted by the City, the more restrictive standard shall govern. In the event that neither standard is more restrictive, the City Engineer shall determine the standard that shall govern:

STREET CLASSIFICATION

Minimum Requirements	Major Arterial	Minor Arterial	Major Collector (intersections)	Major Collector	Minor Collector	Subdivision Street	Subdivision Street (low volume)

Rights-of-way Width	100 ft.	90 ft.	74 ft.	74 ft.	66 ft.	56 ft.	56 ft.
Pavement	62 ft.	62 ft.	60 ft.	52 ft.	44 ft.	34 ft.	32 ft.

2. A traffic study and/or transportation planning, performed by a licensed professional traffic engineer and reviewed and accepted by the City or the City's designated consultant, shall be required in the following circumstances:
 - a. All new non-residential developments;
 - b. All new residential developments with at least 20 lots or units;
 - c. When the Zoning Administrator or City Engineer determines that a subdivision will have a material impact on the existing street system that has not been previously studied or planned for;
 - d. When a subdivision presents unique or unusual circumstances concerning access, topography, or street layout; and
 - e. When otherwise required by the City's adopted design standards and specifications.

3. The following principles shall govern street names in a subdivision:
 - a. Each street which is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street previously ordered by the City Council to be surveyed, opened, widened or improved, the street shall be given the name established in said Council order.
 - b. The names of newly created streets of a non-continuous or noncontiguous nature shall not duplicate or nearly duplicate the name of any streets in the City or in unincorporated areas of Utah County.
 - c. The words "Street," "Avenue," "Boulevard," "Place," "Way," "Court," or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the Planning Commission. Any named street shall also have the proper south or west coordinate as approved by the City Engineer.

4. Street patterns in the subdivision shall be in conformity with the plan for the most advantageous development of the property and to avoid detrimental impacts to the overall City circulation network. The following principles shall be observed:

- a. Where appropriate to the design and terrain, proposed streets shall be contiguous and in alignment with existing planned or platted streets with which they are to connect.
- b. Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless such extension is not desirable or needed for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- c. Dead-end streets, intended as access to future development parcels, shall be a maximum of one lot depth in length. With City approval, any dead-end street longer than one lot depth shall have a minimum of a 40-foot radius temporary turnaround area with an all-weather surface and shall not exceed 600 feet in length.
- d. Any street exceeding 600 feet shall have at least two points of independent access.
- e. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. "T" intersections rather than "cross" intersections shall be used wherever possible for local streets.
- f. Excessively long and straight connecting local residential streets, conducive to high speed traffic, shall be avoided, unless the streets are designed with traffic control and safety features, and crosswalks or pedestrian ways are provided, in accordance with generally acceptable transportation practices, the City's adopted Traffic Calming and Pedestrian Safety Manual, and the City's other adopted standards and specifications..
- g. Alleys shall not be permitted in residential subdivisions except when approved for access to lots abutting an arterial. Alleys in nonresidential subdivisions may be permitted.
- h. Cul-de-sacs shall not exceed 600 feet in length and shall have a minimum terminal radius of 50 feet. Driveways, mailboxes, fire hydrants, or any other obstruction to the terminal of a cul-de-sac shall be designed in such a way as to provide an area for the piling of snow. Cul-de-sacs shall comply with the City's adopted design and construction standards and specifications, including drainage requirements and maximum and minimum fill and grading requirements. Provision of dedicated drainage corridors and other drainage facilities shall be required if standard grading and drainage standards cannot be satisfied.
- i. Homes shall face local residential streets, and lots shall be designed and platted to allow residential lots to have driveways and vehicular access onto local residential streets. It is not desirable to have lots with road frontage on front and back unless one is an arterial or major collector and proper screening is used.

- j. Streets, dead-end streets, stub streets, or other access points shall not be permitted or required if the continuation of the street or access point would violate Municipal Code 12.08.050, except as provided therein.
 - k. Private driveway connections to collector and arterial streets shall be avoided.
5. Subdivisions adjacent to arterials and freeways shall be designed as specified in the major street plan and as determined by the Planning Commission. The following principles and standards shall be observed:
- a. Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on an arterial. The number of intersecting streets along an arterial shall be held to a minimum.
 - b. A landscaped pedestrian way along arterial streets shall be not less than twenty feet in width measured from top back of curb and at least five feet of landscaped planter shall be located between the curb and sidewalk. A meandering sidewalk shall not be less than five feet in width. The design and improvement of the pedestrian way and meandering sidewalk shall be in conformance with the City's adopted parkway detail specification.
 - c. Design of lots abutting arterial streets shall conform to one of the following alternatives:
 - i. Lots may be platted along a frontage street which is separated from the arterial street by at least 10 feet of permanent landscaping. Frontage roads shall enter arterial by means of intersections designed with turning and stacking capacity adequate for the traffic volume as estimated by the Planning Commission.
 - ii. Double frontage lots shall be platted with a minimum depth of 110 feet and a minimum width of 75 feet. In cases where homes are sited on double frontage lots with the rear yard adjacent to the arterial, a concrete or masonry wall shall be constructed abutting the sidewalk. Access shall not be allowed from double frontage lots directly onto arterial streets. Accessory buildings shall not be allowed within 25 feet of any dedicated street in a residential zone.
 - iii. Lots may be platted on cul-de-sacs extending toward an arterial from a minor collector within the subdivision. A concrete or masonry wall shall be required along the rear yards of lots platted on such cul-de-sacs or as required by the Planning Commission.
 - iv. Lots and streets shall be designed and platted to avoid driveway access onto arterial streets. If the subdivider demonstrates that there is no feasible alternative, including alternative road configurations or construction of

new roads as part of the subdivision, and demonstrates that there would be no material health, safety, or traffic impacts from the access, a lot may front onto an arterial, provided that a circular drive or some other type of vehicular maneuvering area or other City-approved driveway access shall be provided on the lot to enable vehicles to enter traffic moving forward rather than backing.

- d. When any lot borders an arterial, the subdivider may be required to execute and deliver to the City an instrument, deemed sufficient by the City Attorney's Office, prohibiting the right of ingress and egress from the arterial to the lot, and a legal document sufficient to guarantee maintenance of landscaping. The subdivider shall also be required to install such paving as necessary to construct the arterial or to bring the arterial up to standard width and shall install curb, gutter and sidewalk, along the arterial.

5-5-106 Protection Strips

Protection strips shall not be permitted under any circumstances.

5-5-107 Dedication And Reservation

1. In order to satisfy increased recreation facility needs created by a new development, an impact fee shall be paid for the acquisition and development of park land. The fee shall be on a per dwelling unit basis and shall be based on the Parks, Recreation and Trails Element of the General Plan and The Parks, Recreation and Trails Capital Improvement Program and Impact Fee Analysis. The fee shall be listed in the Consolidated Fee Schedule and may change from time to time due to changes in the Impact fee analysis. The fee shall be deposited in a designated account with monies expended only for planned park and recreation facilities identified in the Capital Improvement Program.
2. The City may, at its discretion, allow the dedication of land or other facilities for park and recreational purposes in lieu of some or all of the fee. Land to be dedicated may include all of the proposed park or recreation facility, or may include only part of a facility. Such partial dedication may be supplemented by additional land on adjoining property not owned by the subdivider.
3. All land to be dedicated or facilities to be constructed for park or recreational purposes shall be found to be suitable by the Planning Commission, the Zoning Administrator, City Council, and the City Engineer as to location, parcel size and topography, type, and nature for the park and recreation purposes for which it is indicated in the General Plan or any planned community plan, prior to the City's acceptance of such land or facilities. Such purposes may include active recreation facilities such as playgrounds, play fields, structures, and other recreational facilities, pedestrian or bicycle paths, and areas of particular natural beauty and wooded areas to be developed or left in their natural state.
4. When park or recreational facilities approved for dedication are completed and accepted, a deed shall be conveyed to the City, after which the supervision and maintenance shall

be the responsibility of the City. When park or recreational facilities are reserved, the developer shall establish conditions as to ownership, maintenance and use of such areas as deemed necessary by the City to assure preservation of the intended use.

5-5-108 Landscaping

1. Whenever, in the opinion of the land use authority, the cuts and fills in a hillside subdivision are of sufficient size or visibility to demand special treatment, the subdivider shall be required to landscape such areas with suitable permanent plant materials and to provide for their maintenance.
2. The subdivision shall be so designed as to either preserve, or provide for, the greatest amount of on-site vegetation.
3. The requirements of this section shall be in addition to, and shall not supersede, limit, or replace, the requirements of Chapter 8.

5-5-109 Public Utility and Municipal Utility Easements

1. The subdivider shall dedicate and provide public utility easements and municipal utility easements within each lot within the subdivision, according to this Code and the City's standards and specifications.
2. The subdivider, public utility companies, entities with a valid franchise agreement with the City, and other persons who have obtained the City's written consent may use municipal utility easements within a lot for any purpose that a public utility easement may be used or for such purposes as the City has expressly authorized in writing.
3. All restrictions and limitations on private use of, construction on or within, or encroachment upon or within a public utility easement shall apply to a municipal utility easement. The owner of the property encumbered by the municipal utility easement shall not interfere with the lawful and authorized use of a municipal utility easement, and such owner shall bear the risk of loss or damage to any improvements to land that interfere with the easement rights described herein, as though the municipal utility easement were a public utility easement subject to Utah Code section 54-3-27.

5-5-110 Neighborhood Box Units

If the Postal Service requires Neighborhood box units, mail boxes in new subdivisions shall be consolidated in centralized locations no further than 500 feet from any dwelling which the box unit is designed to serve. Boxes shall not be located on corners, but shall be located at mid-block on a property line. The boxes shall serve only those on same side of the street so that no street crossings are necessary to retrieve mail.

5-5-111 Watercourses and Water Conveyance Facilities

1. The subdivider shall dedicate a right-of-way or other property for storm drainage conforming substantially with the lines of the limits established for future development of the American Fork River Walkway, or any other natural watercourse or channel, stream,

creek, irrigation ditch, drainage area, or flood plain that enters or traverses the subdivision. The subdivider shall also dedicate rights-of-way or other property interest for any pipe, conduit, channel, and retention or detention area as approved by the City Engineer for flood control and drainage. All such facilities shall be designed, constructed, and maintained in accordance with the City's adopted design and construction standards and specifications.

2. As a requirement or condition for approval of a subdivision or of a building permit, all canals and ditches within the proposed subdivision or within the lot or parcel associated with the building permit used for the distribution of irrigation water shall be covered or piped. Ditches contiguous to the land being developed may be required to be piped, if the proposed development will impact the use of or access to such ditches, including situations in which streets or driveways may cross the ditch. Irrigation easements shall be maintained or dedicated for existing ditches and water conveyance facilities and for all new water conveyance facilities along a suitable grade. No ditches within a subdivision shall be allowed to remain open. Appropriate grates, gates, vents, valves, drains and other control structures shall also be required. In compliance with Section 73-1-15.5, UCA 1953, as amended, the developer shall be responsible for obtaining written approval from all affected irrigation companies for any proposed work related to a ditch or other water conveyance facility before final subdivision approval is granted or a building permit is issued; provided, however, the developer shall also meet the specifications for pipe or covering size and requirements adopted by the City, as reasonably required by the irrigation company, and as required by state law.
3. Fencing of property from canals and major ditches that are permitted to remain open may be required by the City, subject to the concurrence of the irrigation company. Canals and ditches within a defined conservation area need not be fenced, piped, or covered if the City Council determines that these improvements would destroy the purpose of the conservation area. The City Council may prohibit fencing of ditches and canals. All fences and retaining walls shall comply with the City's fence regulations set forth in this Code.

5-5-112 Water Rights To Be Conveyed To City

1. It is the intent of Highland City to assure each current and future lot owner reasonable access to adequate irrigation water to make that lot productive; and to initiate a program to provide funding and adequate water resources for a more efficient irrigation water distribution system.
2. All developers of subdivisions and all land owners requesting a building permit within the boundaries of Highland City shall convey to Highland City adequate irrigation water for the property being developed and shall provide and install an adequate distribution system to serve the subdivision or land being built on in accordance with the City's adopted design and construction standards and specifications with appropriate easements along a suitable grade by which to convey the water to each lot. Adequate water is

defined as providing 3.0 acre-feet per acre of water for the irrigation season (April 15 – October 1) each year, with at least 50% of said water right to be a stored water right. A combination of water shares may be used to meet this requirement. Underground water rights may be used at a value to be recommended by the City Engineer and approved by the City Council provided that such rights are an underground water well right used on the property for which the water is to be conveyed and not based on a change application from outside of Highland, or a change application from an irrigation water right. The following table defines acceptable shares of irrigation company stock per developed acre and their relative yield:

- a. All land owners requesting connection to the Highland City Culinary Water system are required to provide water to the city at a ratio of one acre foot per acre of stored water per acre of property, except those parcels of land which were included in the original boundaries of the Highland Water Co. Stored water is defined as an underground water right accepted pursuant to the provisions of the Highland Development Code or a stored surface right as permitted by Highland Development Code.

IRRIGATION COMPANY	ACRE-FOOT YIELD PER ACRE
American Fork	2.0
Lehi Irrigation	2.0
Highland Conservation	1.0
Provo Res. Water Users Full Season	4.0 (Effective 3/7/2000)
Provo Res. Water Users Late Season	2.5
Winn Ditch	0.06
Other Surface and Underground Water Rights	As approved by the City Council

3. Because of the restrictions on transfer of Highland Conservation District (District) water, transfer of any such water to Highland City shall be made by an irrevocable assignment in a form acceptable to the City Council and the District which provides that the City may at any time transfer the water to other property it owns or controls in the District. Any and all use of such water by the City shall be governed by the Agreement between the City and the District and any assignment of District water to the City shall be conditioned on compliance with all terms and conditions of the Agreement. Transfer or assignment of District water shall not be effective unless approved in writing by the District.

4. For purposes of this section an acre is defined to be 43,560 square feet. Acreage shall be computed to two decimal places (e.g. 0.52 ac.). If fractional shares cannot be provided then the number of shares required shall be determined by rounding up to the nearest whole share.
5. When any land for which water rights or shares have previously been transferred to the City as a condition of annexation, subdivision approval, or issuance of a building permit is sought to be built upon, subdivided, or otherwise developed, the water rights or shares so transferred to the City shall be credited to that land. This shall not relieve the builder, subdivider, or developer of the obligation to extend and construct such facilities as may be necessary to connect the development to the City's pressurized irrigation system or to provide any additional water rights or shares required by this Chapter.
6. As a condition of subdivision approval, annexation, or issuance of a building permit the developer/owner shall enter into a contract with Highland City that any shares of irrigation stock or other water rights in excess of that required by this Code, held by the owner of such property on June 20, 1991, shall remain in Highland City. Developer/owner shall also agree to notify the City Zoning Administrator of any transfer of said water shares or stock. If the owner fails or refuses to agree as provided in this subsection; has subsequent to June 20, 1991 sold water shares or water rights outside of Highland without first contacting with the City as provided in this subsection; the developer/owner shall, upon the City's discovery of such failure or refusal, pay to the City for such shares or water rights twice the market value per share. The intent of this subsection is to retain in Highland all irrigation water rights currently in Highland.
7. The City Council may accept payment to the City of an amount equal to the market value of the required water shares or other water rights in lieu of providing water rights as required by this section under the following conditions: (a) it would be an unusual hardship to require the developer to provide water shares or other water rights; or (b) it would be in the best interest of the City to accept payment rather than requiring transfer of water shares or other water rights. The market value of the water shares or other water rights shall be determined by the City Council and shall include the estimated cost to the City of locating and purchasing equivalent water shares or other water rights. The determination of whether to accept payment in lieu of transfer of water shares or other water rights shall be at the discretion of the City Council and the City Council may require a developer to obtain water shares or other water rights at the developer's expense and transfer those shares or rights to the City. The developer shall bear all costs and shall be solely responsible for any applications necessary to allow the shares or rights to be used by the City. It is the policy of Highland City not to accept any fee in lieu of providing water rights if, after January 1, 1982, water has been sold or transferred from the land being developed, or where there is a violation of subsection 5-8-112(1)(f), so as to leave inadequate water rights with the land necessary to meet the dedication standards as defined in this Section. All fees paid pursuant to this paragraph shall be used for

irrigation water purchase, costs incurred in development of a distribution system, or culinary water needs in the future.

8. Unless water rights for the area being subdivided have previously been conveyed to the City, the City shall require, as a condition of approval of the subdivision, all subdividers to convey to the City water rights capable of producing sufficient water to irrigate the area within the subdivision during the period April 15 to October 1 of each year.

5-5-113 Solar Access And Orientation

1. The street orientation in a subdivision shall be encouraged to run predominantly east/west in order to maximize the amount of solar energy available to each structure, as topography and property lines allow.
2. It is recommended that structures be oriented so that the longest axis is aligned due east/west, or 15E plus or minus from east/west and that a minimum of 80 percent of the structures within a given subdivision should be so aligned to maximize the amount of solar energy available to each structure.
3. It is recommended that solar access be established for each dwelling such that the southern elevation and roof of the dwelling is not shaded by the neighboring structure or trees and other landscaping in their natural state from 10 a.m. to 2 p.m. on December 21, Mountain Standard Time.
4. It is recommended that each dwelling be located within a pyramidal envelope on the lot such that it will not penetrate the planes of the envelope. This building envelope is determined by 45E angle planes drawn from the horizontal at the mean grade along each boundary of the lot and each adjacent public right-of-way centerline. These planes slope inward to the center of the lot. To allow for greater flexibility in siting the dwelling on the lot, another set of planes of 60E angle sloping from the lot boundaries to the center of the lot are designated for the south, east and west sides of the lot.
5. Solar access may be secured for any dwelling by negotiating a solar easement with the landowner(s) to the south. See Appendix II, "Model Easement," as passed by the Utah Legislature in March, 1979.

5-5-114 Conditions of Approval and Plat Notes

1. The City may impose conditions on the approval of any subdivision to ensure such subdivision conforms to the requirements of this Code and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards. The validity of a subdivision is contingent on the subdivider's compliance with such conditions of approval, and the City may withhold future approvals, including but not limited to releases of assurances under Chapter 6 and issuance of building permits, to enforce the requirements of this Code and conditions of approval.
2. The City may require the inclusion of notes on a plat to document, provide notice of, and to record special conditions, covenants, restrictions, terms, agreements, or other

considerations associated with the plat. Plat notes recorded with a plat shall be binding as covenants in favor of the City running with the land to all future owners of any portion of the property within the subdivision plat affected by the notes, and the City shall have the right to enforce plat notes against all such owners of property.

3. All easements, interests, or property reserved or dedicated by a plat shall indicate to which person or entity the reservation or dedication is made. Where no person or entity is so indicated, the City shall be presumed to be the recipient of the dedication and shall have the right to enforce and protect such dedications as the City determines is necessary.

Chapter 5, Article 6 Public Improvements

5-6-101 Design Standards

5-6-102 Required Improvements

5-6-103 Streetlights

5-6-104 Curb, Gutter, Sidewalk And Asphalt Paving

5-6-105 Storm Drainage

5-6-106 Drainage Into Irrigation Ditches

5-6-107 Underground Utilities

5-6-108 Sanitary Sewer

5-6-109 Water

5-6-110 Fencing Or Piping Of Hazards

5-6-111 Monuments

5-6-112 Record Drawings

5-6-101 Design Standards

1. Standards and specifications for design, construction, improvement, and inspection of street improvements, curbs, gutters, sidewalks, culinary and pressurized irrigation water lines and facilities, sewage lines and facilities, fire hydrants, storm drainage and flood control facilities, landscaping and grading of public property or rights of way, and all other public landscaping, improvements, or facilities that will be operated, overseen, or owned by the City, or that are required by this Code, shall be prepared by the City Engineer or designee. All such standards, specifications, and amendments thereto, which are under the control of the City, shall be adopted by the City Council before becoming effective. All subdividers shall comply with the standards adopted by the City Council and all standards established by other agencies or entities having jurisdiction.
2. The design, layout, construction, improvement, and development of all subdivisions in relation to streets, blocks, lots, open spaces, drainage and flood control, and other design factors shall be in harmony with the requirements of this Code and the design standards and specifications approved by the City Council and all standards established by other agencies or entities having jurisdiction. Subdivision plats and subdivision improvement plans shall conform to and incorporate all designs, standards, specifications, and other requirements of such approved standards and specifications.
3. All improvements shall be constructed and installed according to the approved subdivision improvement plans.

5-6-102 Required Improvements

1. The subdivider shall improve, or agree to improve all streets, pedestrian ways or easements in the subdivision and on streets which abut, or serve as access to, the subdivision. Permanent improvement work shall not be commenced until the subdivision improvement plans have been approved and, if applicable, performance guarantees and warranty assurances have been provided by the subdivider.

2. Improvements shall be installed to permanent line and grade and to the satisfaction of the City Engineer and in accordance with the standard specifications adopted by the City Council. Cost of inspection shall be paid by the subdivider as outlined in the Consolidated Fee Schedule.
3. Notwithstanding the fact that the land on which the improvements will be located is dedicated at the time of the recording of a plat, the City shall not be responsible for the improvements, their construction, etc., until such time as there is an official acceptance of the property and the improvements by the City. Such acceptance shall be made as follows:
 - a. The City Engineer or designee shall have inspected the improvements and determined that they meet City standards.
 - b. The subdivider shall deed the property to the City by warranty deed for official acceptance by the City Council.
 - c. The subdivider shall provide a current title report, and a property tax clearance if determined to be necessary by the City Attorney's Office, showing that the warranty deed is signed by all of the owners of the property and that there are not any unacceptable encumbrances on the property.

5-6-103 Streetlights

1. As a part of the preliminary and final proposed subdivision improvement plans, lighting of all streets in accordance with the provisions of this Chapter shall be provided.
2. In commercial, industrial, and all residential subdivisions, standard streetlights, yard lights and/or both shall be required. City shall have the discretion to determine the appropriate lighting for each such subdivision in accordance with this Chapter and the City's adopted design and construction standards and specifications, including the requirements set forth herein.
3. Streetlights:
 - a. Unless otherwise approved by the City, streetlights shall be required at all intersections within the subdivision.
 - b. Streetlights shall be placed on the development side of the street per the City's standard design, type, and spacing, including on UDOT-owned or controlled streets.
 - c. Streetlight size of lights in lumens and type of luminaor; 9500 lumens is minimum acceptable size. The most energy-efficient luminators (taking into consideration bulb replacement and maintenance costs) shall be used. The wattage consumption shall be specified.
 - d. Streetlights shall conform to the City's standard streetlight standard drawing and design and type.

- e. The location of energy meter, switches, cutoffs, and other construction details shall conform to the City's standard design and type.
4. Yard Lights. Yard lights shall conform to the following standards:
- a. Lighting fixtures and lamps may be selected by the homeowner and shall be of the pole type.
 - b. Fixtures shall be installed, or bonded for, prior to final inspection of any residential building.
 - c. Fixtures shall be located no further than 20 feet from front property lines and shall be no more than nine feet or less than six feet in height above finish grade of the public sidewalk.
 - d. The illumination provided shall be not less than 2000 lumens or more than 3000 lumens.
 - e. A photoelectric switching device shall be provided to turn the light on at dusk and off at dawn.
 - f. The energy will be supplied and paid for by the homeowner.

5-6-104 Curb, Gutter, Sidewalk And Asphalt Paving

1. Curbs, gutters, sidewalks and asphalt paving shall be provided in front of all commercial and residential lots in accordance with the City's adopted design and construction standards and specifications. Curb, gutter and paving shall be required on all industrial property. At the discretion of the Planning Commission or Development Administration Board, sidewalks may also be required for industrial property in order to continue or facilitate the City's existing sidewalk, trail, or other pedestrian circulation network.
2. If the widening or patching of an existing roadway is less than nine feet (9') in width, an additional one inch of pavement thickness greater than the existing pavement section shall be required.

5-6-105 Storm Drainage

1. Site grading shall be performed in accordance with the requirements and limitations of Chapter 8 and taking into consideration the drainage patterns of adjacent improved and unimproved property, treating upstream areas, where appropriate, as though fully improved.
2. In every subdivision, provision shall be made for the satisfactory drainage of storm water by means of underground storm sewer pipes, and/or surface drainage swales. Storm water lines may not be connected or constructed so as to flow into sanitary sewers. Major natural drainage courses shall not be appreciably altered from their natural condition except for stabilization and erosion control. Applicants and Subdividers shall be responsible for the drainage of after-development storm water to a point acceptable under

the Flood Control and City Storm Drainage Ordinance. Applicants and Subdividers shall ensure that drainage within or directed to natural watercourses does not cause an increase in frequency of flow or peak flow to the downstream facilities or properties.

3. Storm water drains shall be installed as shown on the subdivision development plans. Protective grates and coverings to pipe inlets shall be constructed at the onset of development.
4. All drainage shall be contained within a given property or routed to an approved drainage facility.
5. Approved drainage facilities that are not owned and maintained by Highland City shall be established with ownership, insurance, and maintenance responsibilities prior to approval by City Engineer.
6. All privately owned storm-water facilities shall be maintained in accordance with long-term storm water plans and maintenance agreements. The approval of, and all agreements related to, such privately owned facilities shall provide that the City is not liable for maintenance, repair, damage to, or failure of the storm-water facility.
7. Retention and detention basins are not permitted to be located within a private zoning lot intended for residential use or development.
8. Fencing or walls associated with the Parkway Detail or other fencing directly adjacent to public property along public rights-of-way shall be set such that drainage flows at a minimum of 2-percent slope from the base of the fence perpendicularly to the curb and gutter on the adjacent public right-of-way.
9. The storm drain design, drainage plan, and storm drain calculations shall include a percolation test conducted by a licensed geotechnical engineer to determine the appropriate disposal rates for the development's storm drain system. The percolation test must be conducted at six foot (6') and twelve foot (12') depths. As per the City's stormwater master plan, the design infiltration rate is equal to the measured infiltration rate divided by four.

5-6-106 Drainage Into Irrigation Ditches

1. Flood control and storm runoff water may only be channeled into existing irrigation ditches with written approval of the acknowledged watermaster of the applicable ditch. Such approval shall be obtained by the owner.
2. All open ditches shall be piped. Engineering calculations shall be submitted showing that the portions of the ditch to be piped and all downstream open and closed channels are of sufficient size to handle the normal maximum irrigation flow, as determined by the Watermaster, and the ten-year storm runoff to be introduced into the system.
3. In the event the Watermaster cannot be contacted, the approval of all downstream water shareholders shall be obtained by the subdivider in lieu of the Watermaster approval.

5-6-107 Underground Utilities

1. All underground utilities, sanitary sewers and storm drains installed in streets or alleys should be constructed prior to the surfacing of such streets or alleys. Connections for all underground utilities, water lines and sanitary sewers for each lot should be laid to a point which will eliminate the necessity for disturbing the street or alley improvements, when service connections thereto are made.
2. All telephone, electric power, cable television or other wires or cables shall be placed underground. Equipment appurtenant to the underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts may be above ground. The subdivider shall make necessary arrangements with the utilities involved for the installation of the underground facilities.
3. Water mains and fire hydrants connecting to the water system serving the City shall be installed according to the approved subdivision improvement plans and the City's adopted design and construction standards and specifications. Mains and individual lot services shall be sufficient size to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection.

5-6-108 Sanitary Sewer

1. The subdivider shall extend and improve sanitary sewer mains and lines and provide laterals to connect each lot to the City's public sewer system. All sewer pipelines, extensions, laterals, and other facilities shall comply with this Chapter and the design and construction standards and specifications adopted by the City and Timpanogos Service District.
2. Sanitary sewer pipelines and facilities that are or will be owned and maintained by the City for all new subdivisions shall operate by gravity flow means without introducing, or causing to be created, additional lift or pumping systems.
3. Private lift stations are not permitted except with the written approval of the City Engineer, in accordance with this Chapter and the City's adopted design and construction standards and specifications. At least two pumps are required for private systems, thereby providing at least one redundant pump. Each pump shall be designed to exceed the anticipated use requirements and shall follow State of Utah design requirements. Private lift stations must prove adequate provisional funding for maintenance and repair in perpetuity. The approval of, and all agreements related to, such privately owned facilities shall provide that the City is not liable for maintenance, repair, damage to, or failure of the private lift station facilities.
4. All sewer laterals are private and shall be owned and maintained by the owner of the property being served, who shall be solely responsible for the safe and proper operation and function thereof.

5. The subdivider shall comply with and satisfy Timpanogos Service District's sewer pre-treatment program requirements.
6. All gravity piping shall be shown in profile view on the subdivision improvement plans.
7. Pressurized discharge connections are not permitted to connect to the sewer system.

5-6-109 Water

1. The subdivider shall extend and improve culinary water and pressurized irrigation water mains and lines and provide laterals connect each lot to the public systems in accordance with this Chapter and the City's adopted design and construction standards and specifications.
2. A water demand report shall be provided for all new non-residential developments and all new residential developments with at least 10 lots or units. The water demand report shall include all anticipated demands and hydrant flow tests from hydrants adjacent to the proposed development as part of the basis of design.
3. All culinary and pressurized irrigation piping of eight-inch (8") diameter and larger shall be shown in profile on the subdivision plans.

5-6-110 Fencing Or Piping Of Hazards

1. All irrigation ditches shall be piped.
2. The subdivider may be required to install a six-foot non-climbable cement fence, brick fence or other type fence along all canals, major waterways, non-access streets, open reservoirs or bodies of water, property in agricultural use or zoned for agricultural use and other such features of potentially hazardous nature on, crossing, or contiguous to, the property being subdivided, except on those features which the City shall determine would not be a hazard to life, or where the fence itself would create a hazard to the safety of the public, or where the provision of visual and physical access to the property or feature is beneficial. Fences required by this section shall comply with design and construction standards established by the City Engineer and the City's adopted regulations regarding fences.

5-6-111 Monuments

1. Permanent reference monuments, four inches square and 36 inches in length of concrete with a suitable center point shall be set flush with the ground and to the approved finish grade. Two such monuments shall be located within each block at all intersections of streets and alleys with plat boundary lines, and at all points on streets, alleys and boundary lines where there is a change in direction or curvature, and the location of each shall be established on the final plat.
2. Rebar one-half inch in diameter and 24 inches in length shall be located in the ground, flush at finished grade and at all lot corners.

3. All monuments shall be certified by the subdivider's engineer or surveyor as accurate.

5-6-112 Record Drawings

Upon completion of public improvements, a record drawing detailing the actual location of all public improvements shall be filed with the City Engineer. The record drawings submitted to the City shall include the following:

1. PDF showing the improvements installed per the approved construction plans marks as "AB".
 - a. All improvements must be shown in actual location with a horizontal control based off of the Utah County GIS Coordinate System, station and offset, or other control measures approved by the City Engineer.
 - b. Points shall be listed with the dimensions of the improvements; the document shall include a reference table with all of the points.
 - c. The survey points shall be from open-trench or pre-burial conditions, where applicable.
2. CAD files with the survey points for the public improvements.
3. Engineer of Record Stamp certifying the locations of the completed public improvements on the document.

The public improvements and record drawings of the improvements must be accepted and approved by the City Engineer, prior to the final release of performance guarantee monies and beginning of any warranty period, per Chapter 6, Guarantee of Performance, in this Code.

Chapter 5, Article 7 Adjusting Property Boundaries; Amending a Recorded Plat

5-7-101 Purpose And Definitions

5-7-102 Parcel Boundary Adjustment

5-7-103 Lot Line Adjustments And Plat Amendments

5-7-104 Lot Or Parcel Combination

5-7-105 Altering A Public Utility Easement

5-7-101 Purpose And Definitions

The purpose of this article is to provide the process for adjusting, Altering, M· amending the recorded property descriptions of parcels. Lots. And subdivision plats within Highland City. These regulations are intended to ensure that such changes comply with applicable zoning. Subdivision, and other requirements of Highland City and state law. Where there is a conflict between the procedures set forth herein and state law. State law controls. As used herein:

1. “Lot” means a tract of land. Regardless of any label. That is created by and shown on a subdivision plat that has been recorded in the office of the county recorder, and a “lot line adjustment” means an adjustment of boundaries between a lot and other lots or parcels. Lot line adjustments require a plat amendment.
2. “Parcel” means any real property that is not a lot, and a “parcel boundary adjustment” means an adjustment of parcels that are not a lot. Parcel boundary adjustments do not require a plat amendment.
3. A “plat amendment” means any change or alteration to a recorded plat. The change may be a relocation of a property line within the plat (lot line adjustment), a change in notations or lot numbers on the plat, a change or removal of a condition, note, or other restriction described on the plat, a change of the title or name of the plat, or any other change that affects the rights of one or more lot owners. A combination of lots does not require a subdivision plat amendment. Plat amendments require the approval of each affected property owner and the City Council.
4. A “combination” means the joining of two or more adjacent lots and/or parcels under common ownership in a way that reduces the number of lots and/or parcels.
5. None of the processes described in this article may be used to create an additional lot, parcel, or other type of subdivision. Creation of an additional lot or parcel requires compliance with the subdivision process.

5-7-102 Parcel Boundary Adjustment

1. Owners of parcels desiring to adjust the boundaries of their parcels, shall follow the procedures set forth in Utah Code § 10-9a-523 and § 10-9a-524 and shall execute and record such agreements and deeds as are required by state law. No City review or approval is required so long as the proposed parcel boundary adjustment does not:
 - a. Create a new lot (requires subdivision process);

- b. Involve a lot (requires lot line adjustment and plat amendment); or
 - c. Involve any parcels with dwelling units (requires City approval).
- 2. Application Required. A parcel boundary adjustment that involves any parcel with a dwelling unit shall be submitted to the City for review and approval. Application for a parcel boundary adjustment shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal on forms obtained from the Zoning Administrator with any additional information deemed necessary to understand the application.
- 3. Standards. Parcel owners may adjust property lines between adjacent parcels by exchanging title to portions of those parcels by quit claim deed or boundary line agreement after approval if:
 - a. No new lot or housing unit results from the property line adjustment;
 - b. The property line adjustment does not result in remnant land that did not previously exist; and
 - c. The adjustment does not result in violation of applicable Development Code requirements.
- 4. Zoning Administrator Review.
 - a. The Zoning Administrator shall act as the land use authority and review all the documents to determine if they are complete and that they comply with the requirements set forth above.
 - b. If the Zoning Administrator determines that documents are complete and the requested property line adjustment complies with the standards set forth above, the Zoning Administrator shall approve the application.
 - c. If the Zoning Administrator determines that the requested property line adjustment does not comply with the standards set forth above, the Zoning Administrator shall deny the application. If the Zoning Administrator denies the application, the Zoning Administrator shall describe the specific deficiencies or additional information that is required to approve the application and state that, upon correction of the deficiencies, the application will be approved.
 - d. The Zoning Administrator shall complete their review of the application within 14 days after the day on which the applicant submits the application and shall notify the applicant in writing regarding the decision.
 - e. The applicant may appeal the Zoning Administrator's decision to the City Council.
- 5. Conveyance of Title. After approval, the applicant shall:
 - a. Prepare a Notice of Approval which:

- i. Contains an acknowledgment signed by each party executing the Notice as required by State law for real property;
 - ii. Recites the description of both the original parcels and the parcels created by the property line adjustment; and
 - iii. Is executed by each owner included in the exchange and the Zoning Administrator.
 - b. Record a deed(s) or boundary line agreement which conveys title as approved; and
 - c. Record the Notice of Approval; and
 - d. Provide the Zoning Administrator with a recorded copy of the Notice of Approval.
- 6. A parcel boundary adjustment does not constitute a land use or zoning approval, unless expressly approved as such by the City. Documents recorded as part of a parcel boundary adjustment do not modify any existing easement or public right of way, nor do they waive or modify any requirement to comply with all zoning and other land use regulations.

5-7-103 Lot Line Adjustments And Plat Amendments

- 1. Application Required. A plat amendment is the vacation, alteration, or amendment of a subdivision plat that is not an amendment to a public utility easement or the creation of additional lots or parcels. Changes or alterations that create additional lots or parcels constitute a subdivision, not a plat amendment, and are subject to the subdivision approval process.
- 2. City Council Consideration. The City Council may consider a petition proposing a vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any lot, public street, right of way, or easement contained in a subdivision plat.
 - a. The City Council shall consider the petition at a public meeting after giving the notice required by this section.
 - b. A public hearing is required if:
 - i. Any owner within the plat notifies the City of their objection in writing within 10 days of mailed notification; or
 - ii. All owners in the subdivision have not signed the revised plat; or
 - iii. The petition contains a request to vacate some or all of a public street, right of way, or easement.
 - c. No public hearing is required if notice has been appropriately given to all adjoining property owners and:

- i. Any owner within the plat does not notify the City of their objection in writing within 10 days of mailed notification;
- ii. All owners in the subdivision have or will sign the revised plat;
- iii. The petition seeks a lot line adjustment and all affected property owners join in the petition, regardless of whether the properties are located in the same subdivision;
- iv. The petition seeks to adjust an internal lot restriction imposed by the City that does not apply to the entire subdivision; or
- v. The petition otherwise seeks to amend or alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner(s) and are not designated as common area.

3. Notice.

- a. Notice for a plat amendment shall be given as required by Section 10-9a-207 Utah Annotated Code, as amended. Mailed and addressed notices shall be sent to owners of real property located within 500 feet of the property.
- b. If the application includes a vacation of a public street, public right-of-way, or easement the public hearing shall be advertised as required by Section 10-9a-208 of Utah Annotated Code as amended.

4. Grounds for Vacating or Changing a Plat.

- a. The City Council may vacate, alter or amend the plat or any portion of the plat if the Council finds:
 - i. Neither the public interest nor any person will be materially injured by the proposed vacation, alteration, or amendment;
 - ii. There is good cause for the vacation or amendment;
 - iii. All easements containing existing public water or sewer facilities are identified and preserved;
 - iv. No public street, right-of-way, or easement has been vacated or amended, unless the petition requested such a change and the change was approved as required by this article and state law; and
 - v. The proposed amendment meets all the requirements of the Development Code.
- b. The Zoning Administrator shall notify the applicant in writing regarding the Council's decision.

5. Grounds for a Vacating Street or Right-of-Way

- a. The City Council may consider and adopt an ordinance or approve a plat amendment vacating a public street, or right-of-way, excluding trails, if City Council finds that:
 - i. Neither the public interest nor any person will be materially injured by the proposed vacation;
 - ii. There is good cause for the vacation;
 - iii. All easements containing existing public water or sewer facilities are identified and preserved; and
 - iv. The proposed vacation meets all the requirements of the Development Code.
- b. The Zoning Administrator shall notify the applicant in writing regarding the Council's decision.

6. Request for Amendment by Petition.

- a. Fee Owner. Any fee owner may apply to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
- b. City. The City may submit a petition to vacate some or all of a public street, right of way, or easement.
- c. Application Contents. Each application to vacate, alter or amend an entire plat, or portion of a plat, or a street or lot contained in a plat shall include:
 - i. The name and address of all owners of record of the land contained in the entire plat;
 - ii. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended;
 - iii. The signature of each of these owners who consents to the petition;
 - iv. Filing fee
 - v. Any additional information needed to evaluate the proposal as determined by the Zoning Administrator.

7. Preparing the Amended Plat.

- a. The surveyor preparing the amended plat shall verify that the surveyor:
 - i. Holds a license in accordance with the Professional Engineers and Professional Land Surveyors Licensing Act established by State Law;

- ii. Has completed a survey of the property described on the plat in accordance with State Law and has verified all measurements; and
 - iii. Has placed monuments as represented on the plat.
- b. The amended plat shall meet all of the requirements for a final plat as contained herein.
- c. The City shall ensure that the amended plat showing the vacation, alteration, or amendment are recorded in the office of the County Recorder.
- d. The City Council may vacate a street, public right-of-way or easement by ordinance. The City Council may require an amendment plat if it finds that an amended plat is necessary to accurately portray the action and is in the public interest.

5-7-104 Lot Or Parcel Combination

1. Application Required. A lot or parcel combination shall be submitted to the City for review and approval. Application for a lot or parcel combination shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal on forms obtained from the Zoning Administrator with any additional information deemed necessary to understand the application.
2. Zoning Administrator Review.
 - a. The Zoning Administrator shall act as the land use authority and review all the documents to determine if they are complete, and that they and the new lots or parcels created by the combination comply with all the requirements set forth in the Development Code, and the application does not seek to create any new lot or parcel, affect any property not owned by the applicant, or alter an existing plat of record in a way that requires a plat amendment.
 - b. If the Zoning Administrator determines that documents are complete and the requested property line elimination complies with the standards set forth above, the Zoning Administrator shall approve the application.
 - c. If the Zoning Administrator determines that the requested property line elimination does not comply with the standards set forth above, the Zoning Administrator shall deny the application. If the Zoning Administrator denies the application, the Zoning Administrator shall describe the specific deficiencies or additional information that is required to approve the application and state that, upon correction of the deficiencies, the application will be approved.
 - d. The Zoning Administrator shall complete their review of the application within 14 days after the day on which the applicant submits the application and shall notify the applicant in writing regarding the decision.

- e. The applicant may appeal the Zoning Administrator's decision to the City Council.
3. Recording. After approval, the applicant shall:
- a. Prepare a Notice of Approval which:
 - i. Contains an acknowledgment signed by the party executing the Notice as required by State law for real property; and
 - ii. Recites the description of both the original parcels and the lot or parcel created by the lot or parcel combination; and
 - iii. Is executed by the owner and the Zoning Administrator.
 - b. Record the Notice of Approval; and
 - c. Provide the Zoning Administrator with a recorded copy of the Notice of Approval
4. A lot or parcel combination does not constitute a land use or zoning approval, unless expressly approved as such by the City. Documents recorded as part of a lot or parcel combination do not modify any existing easement or public right of way, nor do they waive or modify any requirement to comply with all zoning and other land use regulations.

5-7-105 Altering A Public Utility Easement or Municipal Utility Easement

1. Zoning Administrator Consideration. The Zoning Administrator may consider a request to modify a public utility easement or municipal utility easement if the Zoning Administrator finds that:
- a. Neither the public interest nor any person will be materially injured by the proposed vacation;
 - b. There is good cause for the alteration;
 - c. For a public utility easement, the alteration has been approved by all public utility companies;
 - d. The proposed alteration meets all the requirements of the Development Code.
2. Application and Fee. Application for amending a public utility easement or municipal utility easement shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal on forms obtained from the Zoning Administrator with any additional information deemed necessary to understand the application.
3. Review.

- a. The Zoning Administrator shall act as the land use authority and review all the documents to determine if they are complete and that they comply with the requirements set forth above.
 - b. If the Zoning Administrator determines that the requested easement modification complies with the standards set forth above, the Zoning Administrator shall approve the application.
 - c. If the Zoning Administrator determines that the requested easement modification does not comply with the standards set forth above, the Zoning Administrator shall deny the application.
 - d. The Zoning Administrator shall notify the applicant in writing regarding the decision.
4. Recording of the New Easement. The City shall ensure that the public utility easement or municipal utility easement modification is recorded in the Office of the County Recorder.

Chapter 6 Guarantee Of Performance

6-101 Applicability Of Chapter

6-102 Type And Amount Of Assurances

6-103 Security: Site Improvements/Project Completion

6-104 Performance Bo—d - Subdivider

6-105 Performance Guarant—e - Contractor

6-106 Final Disposition And Release Of Performance Guarantee

6-107 Partial Release Permitted

6-108 Duration Of Assurances

6-109 Default

6-102 Type And Amount Of Assurances

1. The amount of the performance guarantee shall be 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, plus 10% of such estimated cost to cover administrative costs incurred by the City to complete the improvements. The total performance guarantee shall be not less than 110% of the total estimated cost of the improvements.
2. The form of performance guarantee shall be one of the following:
 - a. A deposit of cash in a separate escrow account in an amount not less than 120% (both performance guarantee and warranty assurance) of the estimated cost of constructing the required improvements, as determined by the City. Said account shall be made with a financial institution acceptable to the City Administrator and shall be established in such a manner that any release therefrom shall require the advance written consent of the City, as set forth in this Chapter.
 - b. An irrevocable letter of credit in an amount not less than 110% of the estimated cost of constructing the required improvement or improvements, as determined by the City. Said letter shall be issued by a financial institution acceptable to the City Administrator and shall contain the terms and conditions required by this Chapter.
3. The improvement warranty assurance shall be a cash deposit in an escrow account in an amount not less than 10% of the estimated cost of constructing the required improvements. The warranty assurance may be combined with a cash deposit escrow account provided as or for the performance guarantee. The warranty assurance shall be provided at the same time as the performance guarantee, or prior to the recordation of a final plat if no performance guarantee is provided, and the warranty assurance shall not expire, lapse, or be released until after the improvement warranty period. The warranty assurance shall secure the developer's unconditional warranty as to the workmanship, design, materials, construction, and durability of the improvements.

6-103 Security: Site Improvements/Project Completion

The following articles shall apply to all commercial and residential developments within Highland.

1. Site Improvements.

- a. Guarantee. To guarantee the construction, installation, repair, and/or replacement of required public improvements, the permittee shall post both a performance guarantee and warranty assurance as set forth herein in the total amount of 120% for the public improvements and landscaping of which 10% is held after the public improvements and landscaping have been accepted by the city to warranty those public improvements and landscaping improvements. The improvements covered by such assurances shall include the following:
 - i. Public Improvements as listed or shown on the approved construction plans or subdivision improvement plans, including but not limited to:
 - (1) Curb, gutter and sidewalk
 - (2) Storm sumps
 - (3) Asphalt paving
 - (4) Fire hydrants
 - (5) Fencing
 - (6) Landscaping sprinkling systems
 - (7) Water and sewer lines
 - (8) Driveway approaches
 - (9) Any other required improvements
 - ii. Public landscaping (if commercial or public/institutional building or if landscaping or open space is required)
- b. Calculation. In calculating the amount of the performance guarantee and warranty assurance, the City Engineer may accept the amount specified in a construction bid as the reasonable cost of the improvements, if the owner or the owner's engineer signs a statement that they have reviewed the construction bid and that they affirm that the construction bid contains all items in such quantities and materials as is required by the approved subdivision improvement plans.
- c. Damage. The performance guarantee and warranty assurance shall also guarantee the repair or replacement of any public improvements damaged by the contractor or owner or their agents during construction.
- d. The City shall notify the owner and/or contractor of any such damage and shall require repair or replacement of the damaged public improvements within a

reasonable time. Upon the failure of the owner or contractor to make the specified repairs, the City may take whatever legal action it deems appropriate, including foreclosure on the performance guarantee and warranty assurance, to secure the repairs.

- e. Release. All performance guarantees shall be valid and shall not expire for a term of at least two (2) years from issuance, and no performance guarantee shall be released until all improvements are completed and accepted by the City. The warranty assurance shall be valid and shall not expire or be released until after the improvement warranty period.

2. Project Completion.

- a. Security Required. In order to protect the City from incomplete or inadequate installation of the public improvements and Landscaping, the City requires the developer post a performance guarantee and warranty assurance as set forth herein in the total amount of 120% for the public improvements and landscaping of which 10% is held after the public improvements and landscaping have been accepted by the city to guarantee those public improvements and landscaping improvements. Also, all landscaping requirements associated with each commercial or public/institutional building shall be installed and assurances provided therefor prior to the final building inspection associated with a building permit and issuance of a Certificate of Occupancy.
- b. Construction According to Approved Plans. All construction shall be completed according to the approved plans on which the building permit(s) was issued or the approved subdivision improvement plans. The approved plans shall also include the site improvements shown on the approved site plan. Deviations from the approved plans must be approved in advance by staff, provided that requested deviations to the site plan do not increase or decrease the approved building square footage or cost of improvements by five percent (5%) and that the project as a whole does not exceed the total approved square footage or approved estimate of costs (zero sum). If changes are requested that exceed a five percent (5%) increase or decrease, the plans must be submitted by the applicant to be reviewed and approved in the same manner as the original plan approval.
- c. Security for Completion. No certificate of occupancy will be issued unless the building and the site improvements associated with or required for that building or associated lot or parcel are completed, or the developer has provided adequate assurances to guarantee completion and durability of the associated site improvements. When the site improvements and the building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the developer (excluding financial inability to complete the project) the City may issue a certificate of occupancy or use inauguration for the project, provided the following conditions are met:

- i. The building, buildings, or portions thereof, to be occupied have been constructed in accordance with the approved plans for those buildings and are in full compliance with applicable building and fire codes, and are completed to the extent that only exterior site improvement work remains unfinished; and,
 - ii. The Building Inspector determines that occupancy of the buildings, or portions thereof, prior to completion of required site improvements, is safe and that access for emergency vehicles is adequate with the site improvements unfinished; and,
 - iii. The developer posts adequate assurances for the benefit of the City to insure completion and durability of the site improvements in full compliance with the approved plans before occupancy or inauguration of use.
- d. Amount of Security. The total amount of assurances to be posted under this Chapter by the developer shall be determined by the City Engineer, and shall be equal to 120% of the amount reasonably estimated by the developer and City Engineer as being necessary to complete remaining site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the Engineer, the developer may prove a lower construction cost by providing binding contracts between the developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of assurances required shall be 120% of the total contract price of all such contracts submitted, plus 120% of the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.
- e. Terms of Security. The terms of any assurance offered to the City shall state a date certain by which the developer agrees to have site improvement work completed in accordance with the plans. After completion of the improvements covered by the assurances and the developer's obtaining from the City a final inspection approval, the City shall release the performance guarantee, up to the amount of 110% of the contract price and retain the remaining 10%, consisting of the warranty assurance, to guarantee those improvements. In the event that the developer has not completed required improvements by that date, the City may, at its option and on its schedule, draw on the assurances, by its own act, and shall not be required to obtain consent of developer to withdraw funds for completion of the work shown on approved plans. The City shall in no way be a guarantor of the developer to any person, nor shall the City be responsible or liable for the completion of the improvements. The City's actual costs in administering the

completion of work in the event of a default by the developer shall be reimbursed from the assurances or the developer.

- f. Form of Security. Assurances and other security arrangements offered in lieu of simultaneous completion of buildings and site improvements shall be in a form and contain such terms and conditions as required by this Chapter.
- g. Payment of Interest. Any interest accruing on an assurance shall, inure to the benefit of the developer upon release and not to the City, provided all improvements have been installed as required; otherwise interest will inure to the City.

6-104 Performance Bond - Subdivider

- 1. Prior to recordation of a final plat, after it has received approval, the subdivider shall either complete all of the public improvements required in the subdivision or enter into an agreement with the City to provide assurances that insure completion and durability of all public improvements required to be installed in the subdivision, according to the approved subdivision improvement plans. The agreement shall be in a form and contain such provisions as approved by the City Attorney's Office. The agreement shall include but not be limited to:
 - a. Incorporation by reference of the approved final plat, the approved subdivision improvement plans, and all data required which is used to compute the cost of the improvements by the City Engineer.
 - b. Completion of the improvements within a period of time not to exceed one year from the date the agreement is executed.
 - c. The improvements shall be completed to the satisfaction of the City Engineer and according to City standards, as established by the City and accepted.
 - d. The amount of all assurances shall be 120% of the City Engineer's estimated cost of the public improvements to be installed, with 110% provided as a performance guarantee and 10% provided as an improvement warranty assurance.
 - e. The City shall have exclusive control over the assurance proceeds such that they may be released only upon written approval of the City Engineer and they shall be released upon written demand of the City Engineer. No other person, including the developer or the issuer of the assurance, may have any right to limit when or how the City can demand release of the assurance proceeds.
 - f. If the assurance proceeds are inadequate to pay the cost of the completion of the improvements, which costs include administrative and legal costs, according to City standards for whatever reason, including previous reductions, then the developer shall be responsible for the deficiency. Building permits shall not be issued in the subdivision until the improvements are completed, in accordance with state law.

- g. If upon written demand of the City after expiration of the time period, the assurance proceeds are not transferred to the City within 30 days of the demand, then the City's costs of obtaining the proceeds, including the City Attorney's Office costs or outside attorney's fees and court costs, shall be deducted from the assurance proceeds.
- h. Upon receipt of the assurance proceeds, after the expiration of the time period, the costs of completion shall include reimbursement to the City Engineer and all other City departments for the costs of administration of the completion of the improvements.
- i. The developer agrees to hold the City harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the City accepts the improvements and the improvement warranty period has expired.
- j. The performance guarantee shall be valid and shall not expire for a term of at least two (2) years from issuance. The warranty assurance shall be valid and shall not expire or be released until after the improvement warranty period.

6-105 Performance Guarantee - Contractor

1. All public improvements required under this Title shall be installed by a contractor or subcontractors licensed by the State of Utah.
2. Prior to the installation of such improvements, the contractor or subcontractor shall obtain the necessary permits from the City and file a performance guarantee and warranty assurance in a total amount equal to 120% of the cost of installation of the improvements, as set forth in this Chapter.

6-106 Final Disposition And Release Of Performance Guarantee

1. The developer, or other person giving the assurances required by this Chapter, shall be responsible for all materials and workmanship of the improvement. At the completion of the work, the person giving the assurances shall submit to the City Engineer record drawings as required by section 5-6-111 and a certificate of completion. The applicant shall request in writing the condition of the improvements covered by the assurances and the City's acceptance thereof. The City shall have fifteen working days, in writing, to respond. The City Engineer shall then make a preliminary inspection of the improvements. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if any outstanding liens are not paid, the City Engineer may declare the person giving the guarantee in default.
2. Upon the City's receipt of record drawings and certificate of completion, and the City's successful inspection and acceptance of the improvements at the request of the developer, the performance guarantee shall be released and the improvement warranty period shall begin. For the duration of said warranty period, the developer shall provide an

unconditional warranty that the installed and accepted improvements comply with the City's written standards for design, materials, and workmanship and shall not fail in any material respect, as a result of poor workmanship or materials.