

Title 13

SUBDIVISIONS

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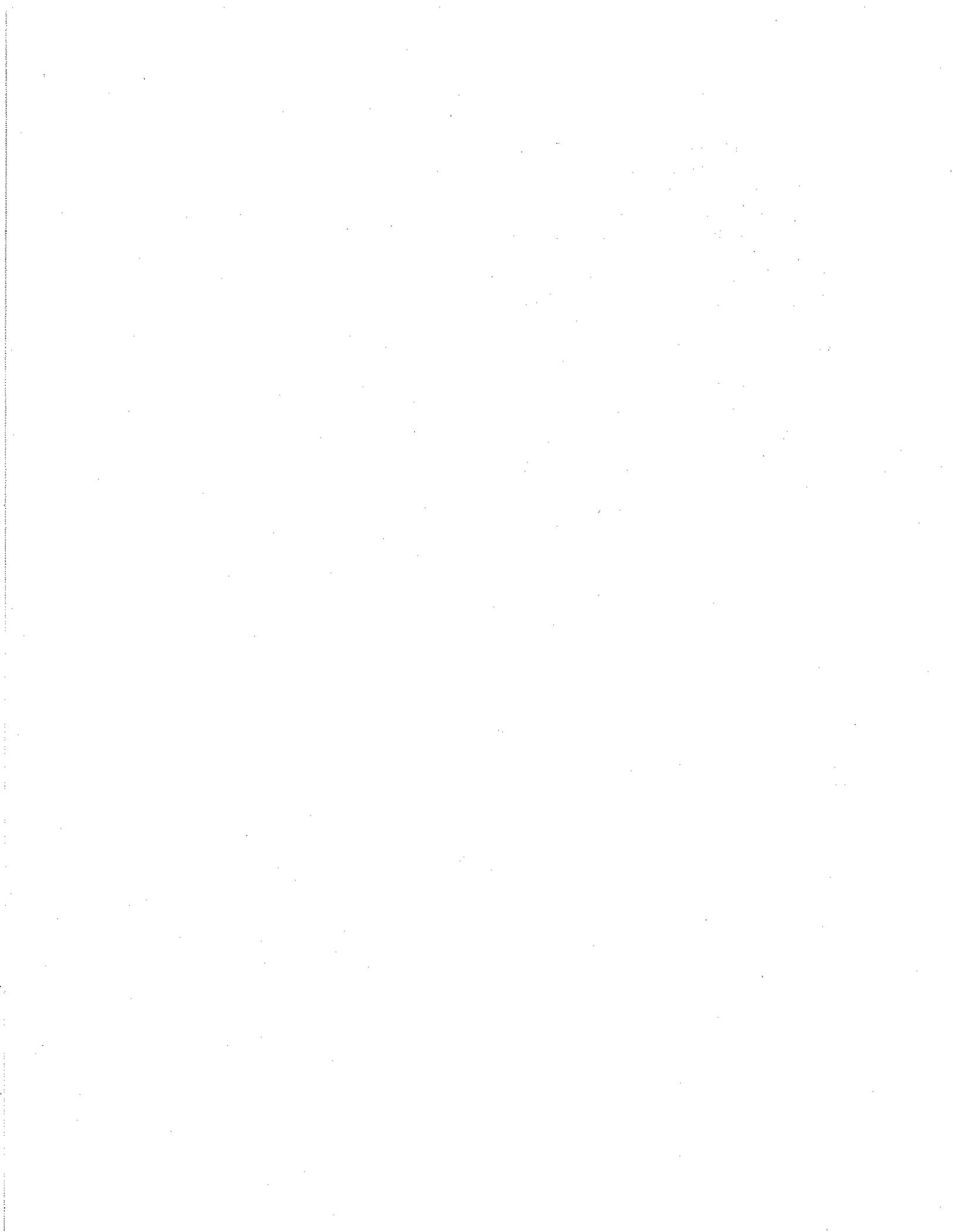
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Title 13

SUBDIVISIONS

Chapter 13.04

GENERAL PROVISIONS AND ADMINISTRATION

Sections:

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13.04.010 Scope

- A. No person shall divide, resubdivide, or propose to divide land which is located wholly or in part within Sevier County into two or more (any division of land) lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions, except in compliance with this title and with the subdivision regulations adopted by the board of county commissioners of Sevier county.
- B. No person shall sell or exchange, or offer to sell or exchange any parcel of land which is any part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title and local regulation; provided, that this title shall not apply to any lot or lots forming a part of a subdivision created and recorded according to then applicable law prior to the effective date of the ordinance codified in this title, except as provided in subsection C of this section. This title shall apply, however, to lots created prior to adoption of the ordinance codified in this title and not in compliance with then applicable law.
- C. No lot within a subdivision created and recorded prior to the effective date of the ordinance codified in this title or approved by the planning commission and board of county commissioners and recorded in the county recorder's office under the provisions of this title, shall be further divided, rearranged, added to or reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create or form a lot, without first obtaining the approval of the planning commission and the board of county commissioners.

- D. Restricted lots are prohibited unless geotechnical design solutions to problems associated with such lots have been prepared by a qualified professional team and approved by the planning commission.
- E. No division of land that leaves a remainder parcel of less than the required size for a legal lot shall be allowed in any zone.

13.04.020 Intent and purpose.

The purpose of this title and the intent of Sevier county in the adoption of the ordinance codified in this title is to promote the health, safety, convenience and general welfare of the present and future inhabitants of Sevier County. The title will accomplish this purpose by:

- A. Providing policies, standards, requirements, and procedures to regulate and control the design improvement of all subdivisions;
- B. Assisting in the implementation of the objectives, policies, and programs of the general plan by ensuring that all proposed subdivisions, together with provisions for their design and improvement, are consistent with the general plan and all applicable specific plans;
- C. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, natural watercourses, fish and wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto;
- D. Preserving and protecting the special environmental quality and aesthetic character of all hillside and mountainous areas; preventing detrimental impacts on the soil mantle, vegetative cover, and other environmental factors; reducing the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a subdivision to the slope of the natural terrain;
- E. Encouraging quality clustering of housing developments where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving the natural terrain, and enlarging the open space;
- F. Relating land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces.
- G. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used;
- H. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring maximum safety for pedestrians and users of vehicles;
- I. Ensuring adequate access to each building site;
- J. Providing sidewalks, pedestrian ways, and equestrian and hiking trails for the safety, convenience, and enjoyment of residents of new developments;
- K. Providing adequate systems of water drainage, street lighting, and other utilities needed for public health, safety and convenience.

- L. Providing adequate sites for public facilities needed to serve residents of new developments;
- M. Ensuring that costs of providing land for streets, alleys, pedestrian ways, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the subdivider(s);
- M. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or hazardous geological conditions from being subdivided for any use or in any manner tending to create and increased detriment to the public health, safety or welfare;
- O. Ensuring that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the general plan.

13.04.030 Exemptions.

Any land divided for any purpose into two or more parts (any division of land) after the passage of the ordinance codified in this title shall be subject to the provisions and regulations herein, except the following, which are exempt therefrom:

- A. a bona fide division or partition of agricultural land for agricultural purposes;
- B. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - 1. no new lot is created; and
 - 2. the adjustment does not result in a violation of applicable zoning ordinances;
- C. a recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or
- D. a bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels, an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company.
- E. A lot subdivided under HB 1001 exemption, however before issuance of a building permit on such lot, the following shall be provided to the County:
 - 1. A site plan showing the location of the proposed building in relation to parcel boundaries prepared by a surveyor licensed in Utah, to ensure compliance with safety setback, and lot size requirements of the Sevier County Zoning Ordinance.
 - 2. Proof of purchase and transfer of culinary water as required by 14.76.075.
 - 3. Evidence of legal access to the property that complies with 14.76.240.
 - 4. Evidence of wastewater permit approval for the parcel from the State Health Department.

13.04.040 Permits.

From the effective date of the ordinance codified in this title, the building official shall not grant a permit, nor shall any officer of Sevier County grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any of the provisions of this title, the zoning ordinance, or on a lot in a subdivision created by judicial decree, until a subdivision plat thereof has been recorded, or approved as required by this title. Any license or permit issued in conflict with such provisions shall be null and void.

13.04.050 Fees.

At the time of filing an application for approval at any step or stage of the subdivision process, a non-refundable fee must be submitted, payable to Sevier County, in accordance with the currently applicable fee schedule as adopted by the board of county commissioners.

13.04.060 Violation-Penalty.

- A. Any person, firm or corporation, whether as principal, agent or employee who violates or causes the violation of any of the provisions of this title shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.
- B. In addition, Sevier County by action of the board of county commissioners may institute injunction, mandamus, abatement or other appropriate civil action or actions to prevent, enjoin, abate or remove acts or uses in violation of this title.
- C. The county attorney, with or without express action of the local governing body, may institute injunction, mandamus, abatement or other appropriate civil action to prevent, enjoin, abate, or remove acts or uses in violation of this title.

Chapter 13.08

DEFINITIONS

Sections:

13.08.010 Generally.

13.08.020 Definitions.

13.08.010 Generally.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, or parcel. Words used in this title but not defined herein shall have the meaning as defined in any other ordinance adopted by Sevier County.

13.08.020 Definitions. (See Appendix A)

Chapter 13.12

PROCEDURE

Sections:

- 13.12.010 Signed documentation of closest municipality showing the municipalities' rejection of an annexation request prior to submittal of subdivision application.**
 - 13.12.020 General subdivision procedure.**
 - 13.12.030 Approval or planning commission and an improvements agreement required prior to approval of the board of county commissioners.**
 - 13.12.040 Approval of planning commission-A process rather than intermediate step.**
 - 13.12.050 Failure of planning commission to act on final plat to be deemed approval of final plat.**
 - 13.12.060 Application for designation as minor subdivision.**
 - 13.12.070 Action on applications for minor subdivision approval.**
 - 13.12.080 Time limits for final approval and recording of subdivision**
- 13.12.010 Signed documentation of closest municipality showing the municipalities' rejection of an annexation request prior to submittal of subdivision application.**

All subdivision applications to the county require documentation of closest municipality showing the municipalities' rejection of an annexation request, and upon recommendation of the county planning commission, other municipalities may also be required to reject an annexation request by the subdivider before acceptance of any subdivision application by the county. (**Zoning Ordinance, Title 14, Appendix E**)

13.12.020 General subdivision procedure.

The procedure by which required writings and material shall be submitted to, reviewed by, and approved or disapproved by the planning commission shall be as hereinafter specified.

- A. All writings and materials required at any stage of the subdivision procedure shall be submitted at least fourteen (14) calendar days prior to the regularly scheduled planning commission meeting at which the applicant desires to appear.
- B. Any filing and review fees required by rule of the planning commission or board of county commissioners for any stage of the subdivision procedure, shall be submitted together with those writings and material specified in subsection A of this section.
- C. Upon receipt of all required writings, fees and materials for any specific stage of the subdivision procedure, the planning commission shall docket the subdivider's

application for review. Incomplete submittals shall not be docketed for planning commission review. Complete applications, including all required submittals, which are submitted to the planning commission less than fourteen (14) calendar days prior to a regularly scheduled meeting of the planning commission shall be docketed for review at the next such regularly scheduled meeting to allow time for review by the planning commission staff.

- D. At each stage of the subdivision procedure, the planning commission shall approve or disapprove of the writings and material submitted to it, and where applicable, shall approve or disapprove of the entire subdivision or any portion thereof. Any approval or disapproval made by the planning commission shall be in the form of written findings of fact and conclusions included in the approved minutes of the meeting.
- E. Any approval or disapproval by the planning commission described in this chapter may be appealed directly to the board of county commissioners.
- F. No excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior approval of the final plat by the county commission, approval or disapproval in conformity with the procedures set forth in this chapter; excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.
- G. Receipt of any document for purposes of official planning commission action shall be deemed to occur only at regularly scheduled meetings of the planning commission.
- H. Steps in the procedure are as follows:

- 1. Step 1: Submit Concept Plan.

Subdividers shall submit a concept plan to the planning commission prior to the submission of a preliminary plat (preliminary design plan). The concept plan shall enable the subdivider and the planning commission to have an informal preliminary review of a proposed subdivision for general scope and conditions which might affect said subdivision for general scope and conditions which might affect said subdivision. The concept plan shall be reviewed by the planning commission or its appointed representative under guidelines set forth in **Chapter 13.16**, and must be approved by the planning commission before subsequent submittals will be reviewed under the process outlined in this chapter.

Approval of the concept plan shall remain valid for six (6) months. Thereafter, approval of the concept plan shall expire, unless the time of approval is extended by the planning commission.

- 2. Step 2: Submit Preliminary Design Plan (Preliminary Plat).

Subdividers shall submit a preliminary design plan once the concept plan has been approved. The preliminary design plan shall provide design solutions for problems identified in the approved concept plan. Submission requirements and time required for review and notification are included in **Chapter 13.20**. The preliminary design plan shall have been approved by the planning

commission in a public meeting before the planning commission will review submittals for final plat approval. Approval of the preliminary design plan shall be valid for twelve (12) months. Thereafter, approval of the preliminary design plan will have expired unless a final plat has been submitted to the planning commission, or an extension has been granted by the planning commission. Whenever a final plat is approved for less than the entire area covered by the preliminary design plan, approval of the preliminary design plan for the remaining unplatted area shall be automatically extended for one year from the date of final plat approval by the extensions of preliminary design plan approval by the board of county commissioners shall require resubmission of the plan, and approval under the provisions of **Ch. 13.20**.

3. Step 3: Submit Final Plat.

Once a preliminary design plan has been approved by the planning commission, the subdivider shall submit a final plat and supporting documents. The final plat shall be reviewed by the planning commission and appropriate action taken under the process outlined in **Chapter 13.24**.

Once approved by the planning commission and the board of county commissioners, the final plat may be recorded and lots may then be sold.

13.12.030 Approval of planning commission and an improvements agreement required prior to approval of the board of county commissioners.

The board of county commissioners shall not approve any subdivision nor shall it authorize for recording any subdivision which has not previously been approved by the planning commission nor shall it approve and authorize such subdivision for recording unless an improvement agreement with regard to the subject subdivision has been signed by all appropriate parties. The improvements agreement shall then also be recorded.

13.12.040 Approval of planning commission-A process rather than intermediate step.

The planning commission shall grant approval for any subdivision only after a subdivider has complied with the process outlined in this title. Intermediate approvals at each phase of the process shall not be construed to mean an approval of the subdivision for submission to the board of county commissioners.

13.12.050 Failure of planning commission to act on final plat to be deemed approval of final plat.

Failure of the planning commission to act by recommending to the board of county commissioners the approval, conditional approval or disapproval of a final plat within forty-five (45) days of the receipt of such plat, by the planning commission, shall be deemed to be a favorable approval of the planning commission, unless an extended time period is necessary for review or consideration as granted by the board of county commissioners.

13.12.060 Application for designation as minor subdivision.

The owner or agent of the owner of a tract or parcel of land proposed to be divided into fewer than five (5) building sites, tracts or lots, shall apply to the planning commission for designation of development as a minor subdivision, if such division meets the requirements for a minor subdivision as outlined herein. Such application shall include a legal description of the tract and of the proposed lots and the vicinity plan indicating the relation of the lots to existing roads.

13.12.070 Action on applications for minor subdivision approval.

A preliminary design plan shall be required for all subdivisions, but under conditions listed below, approval of the preliminary design plan, and final plat of a minor subdivision may be made at the same meeting of the Planning Commission. Final approval by the County Commission, and recording of the final plat will be authorization for the subdivider to sell lots within the subdivision.

To be classified as a minor subdivision, the subdivision must meet the following conditions:

- A. The subdivision consists of fewer than five lots.
- B. The subdivision does not require the dedication of any land for street or other public purposes *within* the subdivision. (Does not include dedication of land to widen existing county right-of-ways.)
- C. The subdivision is not traversed by the mapped lines of a proposed street as shown on the general plan.
- D. Each of the lots in the subdivision meets the frontage, width and area requirements of the zoning ordinance.
- E. There is not dispute, whether actual or implied by conflicting records of title or surveys, as to the ownership of the land within the proposed subdivision.
- F. Each lot in the subdivision has been or will be, provided with improvements as required in this title and the subdivision regulations for non-minor subdivisions.

13.12.080 Time limits for final approval and recording of subdivision.

The following time limits will be imposed on any application for subdivision.

- A. A subdivision application must be completed through the Planning Commission and County Commission process in Title 13 within 24 months from the date the subdivision was first on the Planning Commission agenda. Otherwise, the subdivision application will have lapsed and a new application (with new fees) will have to be made.
- B. Once final approval is given by the County Commission at their regular meeting, the subdivision plat must be recorded within 3 months of the County Commission meeting otherwise the application will have lapsed and a new application made.

Chapter 13.16

CONCEPT PLAN

Sections:

13.16.010 Procedures and requirements for submission.

13.16.020 Review procedure-Concept plan.

13.16.010 Procedures and requirements for submission.

The subdivider shall submit fifteen (15) copies of a concept plan to the planning commission, or to the planning commission staff if authorized by the planning commission, for review and discussion on site plan and general scope and conditions.

The plan shall include the following items:

- A. Municipal annexation request form; (**Zoning Ordinance, Title 14, Appendix E**)
- B. The proposed name of the subdivision;
- C. a vicinity plan;
- D. a proposed lot and street layout, indicating general scaled dimensions of lots to the nearest foot;
- E. a description of the type of water system proposed; also, documentation of water rights, and of historic water use;
 1. When private wells and on-site adsorption sewage disposal systems are proposed, a description of how each proposed lot will conform to the standard protection radius around the well-head; (**refer to 13.28.170**)
- F. a description of the type of sewer or sanitary waste system proposed;
- G. a description of the method of financing improvements and a statement concerning the timing of improvement installation, specifically improvements that are to be installed following the recording of the final plat and the nature of the security which will be offered to Sevier County to assure installation of said improvements;
- H. The acreage of the entire tract proposed for the subdivision, including plans for maintenance and ownership of remaining non-buildable lands as required in the zoning ordinance; (**refer to 14.76.030 and 14.76.060**)
- I. geologic hazards known to the subdivider or the planning commission, within the tract;
- J. a written statement of the intent of the subdivider, and such other information as in the subdivider's opinion may establish and feasibility, design criteria, and overall impact of the proposed subdivision;
- K. letters of feasibility from the appropriate health officers of the proposed water and sewerage systems necessary to meet the requirements of this title, the local health officer, and the state Department of Environmental Quality, Central Utah District.

13.16.020 Review procedure-Concept plan.

The planning commission, or its authorized representative, shall, upon receipt of the complete submission, distribute copies of the plan to the planning commission staff for review and such government departments and other agencies as in the opinion of the planning commission may contribute to a decision in the best interests of the public. The planning commission or its authorized representative shall review the concept plan submittals and determine compliance with the general plan, zoning ordinance, the subdivision ordinance, and other regulations of the county. The planning commission or its authorized representative shall notify the subdivider of the concept plan, review findings including questionable design or engineering feasibility, inadequacy of submittals, noncompliance with local regulations, and the need for other information which may assist the planning commission to evaluate the proposed subdivision. If it is determined by the planning commission that the proposed subdivision would violate local ordinances and regulation, no further review of the proposed subdivision shall be made by the planning commission, and a new concept plan shall be required to reinitiate the subdivision process. Other than as above mentioned, the review of the concept plan shall not constitute an absolute disapproval of the proposed subdivision, but rather shall operate in such a manner as to give the subdivider guidance as to the requirements and constraints for subdivision within the county, until such time as the requirements of the planning commission are complied with an approval of the concept plan is granted. Once concept plan approval is granted, the subdivider may apply for preliminary design plan approval. If preliminary design plan approval for a proposed subdivision has not been obtained within six months of the date on which the concept plan was approved, a resubmittal of the concept plan shall be required by the planning commission prior to filing an application for preliminary design plan approval.

Chapter 13.20

PRELIMINARY DESIGN PLAN

Sections:

- 13.20.010 Submission requirements.**
- 13.20.020 Additional prints may be required.**
- 13.20.030 Drawing requirements.**
- 13.20.040 Supporting documents required.**
- 13.20.050 Summary statement of proposal.**
- 13.20.060 Preliminary design plan material to be receipted.**
- 13.20.070 Review procedure-Preliminary plan.**
- 13.20.080 The planning commission approval.**

13.20.010 Submission requirements.

Fifteen (15) copies of all drawings and other informational material required by this chapter shall be submitted to the planning commission by the subdivider at least fourteen (14) days prior to the next regularly scheduled planning commission meeting.

13.20.020 Additional prints may be required.

Additional prints of the preliminary design plan may be required by the planning commission when deemed necessary by said commission to secure adequate review of the preliminary design plan.

13.20.030 Drawing requirements.

The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to do such work in the state of Utah. A workmanlike execution of the design plan shall be made in every detail. A poorly drawn or illegible design plan is sufficient cause for rejection. The following data shall be submitted as part of the preliminary design plan submission:

- A. A drawing showing perimeter outline of the proposed subdivision, accesses, abutting subdivision outlines and names, and other relevant information within the logical planning area of the subdivision as determined by the planning commission or its authorized representative in the concept plan review;
- B. A traverse map of the monumented (**see Section 13.24.050**) perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one part in ten thousand (10,000). Survey tie into a legal corner or other permanent marker established by the county surveyor is required;
- C. The existing contours at two-foot intervals for predominant ground slopes within the tract between level and five percent grade and five-foot contours for predominant ground slopes within the tract over five percent grade. Elevations shall be based on National Geodetic Survey sea level data. In cases of predominantly level topography throughout a subdivision, one-foot interval contours may be required;
- D. Lot and street layout;
- E. Dimensions of all lots to nearest foot (which may be scaled values); except that for minor subdivisions which will not have a final map, the drawing scale and accuracy shall be as required for final plats in **Chapter 13-24**;
- F. Total acreage of entire proposed subdivision;
- G. Lots and blocks numbered consecutively;
- H. Locations and identification of all existing and proposed public and private easements;
- I. Existing and proposed street names; proposed names must receive approval of the planning commission;
- J. Street profiles to show proposed grades;

- K. The plat shall be drawn to a scale not less than one inch equals one hundred (100) feet, and shall indicate the basis of bearings, true north point, name of subdivisions, name of county, name municipality, township, range, section, and quarter section, block and lot number of the property under consideration;
- L. General location in the subdivision area of trees over six inches in diameter, measured at four and one-half feet above the ground. In cases of heavily wooded areas, indication of the outline of wooded area and location of trees which are to remain. It is the intent of this requirement to determine the approximate location of trees for design evaluation rather than to require unnecessary surveying of exact tree location;
- M. An affidavit (certificate for clear title) that the applicant is the owner; the equitable owner, or authorized by the owner in writing to make application for the land proposed to be subdivided;
- N. Sites, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses;
- O. Sites, if any, for community facilities, or other uses, exclusive of single-family dwellings;
- P. Location, function, ownership, and manner of maintenance of common open space or non-buildable area not otherwise reserved or dedicated for public use.

13.20.040 Supporting documents required.

Fifteen (15) copies of the following shall accompany and be a part of the submission:

- A. A sewage disposal report or mode of sewage treatment when on-lot sewage treatment is proposed;
- B. A vicinity plan;
- C. A map at a suitable scale showing the following:
 1. Proposed stormwater drainage systems. (Note: Detailed design of drainage structures is not required for preliminary design.),
 2. Approximate boundaries of areas subject to inundation or stormwater overflows of an intensity estimated to occur with a return frequency of once every one hundred (100) years,
 3. A composite utilities easement plan showing location, size and proposed use of all easements. All utilities must be constructed within approved easements and extended to property lines of all lots within the subdivision,
 4. When private wells and on-site adsorption sewage disposal systems are proposed, a plan showing the proposed location of each well and disposal system following the required standard protection radius for each well; **(refer to 13.28.170)**
- D. The substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures;
- E. A letter from Soil Conservation District or other capable agency regarding soil suitability for proposed subdivision;
- F. Geologic maps and investigation reports regarding area suitability for the

- proposed development, to satisfy concept plan findings;
- G. A letter from each utility company involved, addressed to the planning commission, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services, the design of utility easements to every lot within the subdivision; the plan approved by the utility company shall be returned, initialed by the company, to the planning commission;
- H. An environmental impact assessment;

13.20.050 Summary statement of proposal.

From the supporting documents a summary statement shall be prepared by the subdivider and submitted in a cover letter with the preliminary design plan submittals. The summary statement shall include:

- A. Total development area, and number of proposed dwelling units;
- B. Total number of off-street parking spaces;
- C. Estimated number of gallons per day of water requirements where distribution system is utilized;
- D. Estimated number of gallons per day of sewage to be treated, by a sewage treatment facility;
- E. Estimated construction cost and proposed method of financing of the streets and related facilities; water distribution system; sewage collection system; storm drainage facilities; and such other utilities as may be necessary;
- F. Survey notes of subdivision perimeter survey, and copies of all monument records.

13.20.060 Preliminary design plan materials to be receipted.

A receipt shall be issued to the subdivider for the preliminary design plan submission when it has been determined that the submission included all the requirements set forth in these regulations. The date of the planning commission meeting to review the plans shall be specified on the receipt.

13.20.070 Review procedure--Preliminary design plan.

- A. The planning commission, or its authorized representative, may upon the receipt of the complete submission, distribute copies of the plan provided by the subdivider to the planning commission staff for review and other agencies as follows:
 - 1. Sevier County Commission;
 - 2. Road Department of Sevier County;
 - 3. Other interested governmental departments of Sevier County;Distribution to the following agencies shall require delivery by certified mail:
 - 1. The school district in which the property proposed for subdivision is located;

2. Other agencies which in the opinion of the planning commission may contribute to a more intelligent design solution to problems which may be encountered by the subdivision in question. Examples of such agencies include:
 - a. Cities and towns near proposed subdivision;
 - b. Any affected water quality control agency;
 - c. Any affected utility or special district or irrigation company;
 - d. The Utah State Section of Forestry and Fire Control, where applicable (such as for mountain subdivisions and in heavily wooded areas);
 - e. The multi-county planning district office;
 - f. The Soil Conservation District Board within which the subdivision is located, for review and recommendations regarding soil suitability, flooding problems, and erosion control;
 - g. The local health officer and the Central Utah Public Health Department for their review of the sewage disposal reports, for review of adequacy of existing or proposed sewage treatment works to be built to handle estimated effluent, and for a report on the quality and quantity of the proposed water supply to serve the proposed subdivision;
 - h. The state engineer for review of water rights, historic use and estimated water yield to supply the proposed development, if the water supply is not to be furnished from a public water system approved by the state Department of Environmental Quality, Central Utah District; and
 - i. The Utah Geological Survey.
- B. Failure of any of the above agencies to respond to the planning commission with comments concerning the subdivision within twenty-five (25) days of review of a copy of the preliminary design plan application from the planning commission shall be construed as indicating that such agency or department has no concern with the proposed subdivision.
- C. The planning commission shall consider the application for preliminary design plan approval at its next regularly scheduled public meeting following a twenty-five (25) day review and processing period shall be measured from the date on which the preliminary design plan application is initially reviewed by the planning commission.

13.20.080 The planning commission approval.

- A. The planning commission shall approve only those preliminary design plans which the commission finds to be developed in accordance with the intent, standards, and criteria specified in this title and other regulations of the county.
- B. The planning commission shall only approve preliminary design plans which conform to approved concept plans.
- C. The planning commission shall determine from a review of the preliminary design plan whether the soil, slope, vegetation, and the drainage characteristics of the site

are such as to require substantial cutting, clearing, grading, and other earth-moving operations in the construction of the subdivision, or otherwise entail an erosion hazard, and, if so, the planning commission shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a person trained and qualified in such matters, as is determined by the planning commission using the county conservation standards, with the costs of preparation of such plans and specifications being borne by the subdivider.

- D. When, in the opinion of the planning commission, public facilities should be constructed within the boundaries of a proposed subdivision to achieve community standards established in the general plan of the county, the subdivider shall reserve a site appropriate in area and location for such public facility. Such site shall be reserved by the subdivider for a period of not less than one year from the date of preliminary design plan approval, to provide the appropriate public agency an opportunity to purchase the site. A determination by the planning commission to require such a reservation by a subdivider shall be made in writing and shall state the reasons for such requirement.
- E. Within forty-five (45) days after review of the preliminary design plan at a public meeting, the planning commission shall approve, disapprove, or approve with conditions the preliminary design plan, and notify the subdivider in writing of such action, or may postpone action to allow the subdivider time to provide material or additional information needed by the planning commission, to then determine appropriate action.

Chapter 13.24

FINAL PLAT

Sections:

- 13.24.010 Submission requirements.**
- 13.24.020 Plat requirements.**
- 13.24.030 Drawing requirements.**
- 13.24.040 Phase development.**
- 13.24.050 Monuments.**
- 13.24.060 Survey certification.**
- 13.24.070 Supporting documents.**
- 13.24.080 Revised summary statement of proposal.**
- 13.24.090 Planning commission review.**
- 13.24.100 Board of county commissioners' review--An improvements agreement and compliance with this title required for approval.**
- 13.24.110 Recording final plat.**
- 13.24.120 Resubdivision procedure.**
- 13.24.130 Amending a recorded subdivision plat.**
- 13.24.140 File of recorded subdivisions.**
- 13.24.010 Submission requirements.**

- A. Copies of all material required by this chapter shall be submitted to the planning commission, or to its authorized representative, by the subdivider or his authorized representative at least fourteen (14) days before the next regularly scheduled planning commission meeting.
- B. Materials required for final plat approval shall be submitted within twelve (12) months of the date a preliminary plat has been approved by the planning commission. No final plat submission can be accepted which has exceeded this time lapse period, unless otherwise provided by this title.

13.24.020 Plat requirements.

- A. The final plat submission shall conform in all major respects to the preliminary plat as previously reviewed and approved by the planning commission, and shall incorporate all modifications required in its review. The board of county commissioners may, however, approve final plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the preliminary plat review and approval.
- B. A final plat shall be a phase of an approved preliminary plan, except as provided in **Section 13.24.040**.
- C. One copy of application form for review of a final plat and all required supporting documents shall be submitted.
- D. The original final plat drawing and seven printed copies of the final plat shall be submitted.
- E. A receipt shall be issued to the subdivider or his authorized representative for the final plat submission when it has been determined that the submission includes all the requirements set forth in these regulations.

13.24.030 Drawing requirements.

The final plat drawing shall have the following standards:

- A. The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work in the state of Utah. A workman-like execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.
- B. The plat shall be delineated in permanent ink, mylar, or electronic form on a three and a half-inch (3.5") floppy, zip disk, CD-ROM or equivalent approved by the planning commission.
- C. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge, or otherwise.
- D. If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

- All surveys shall be tied into the state coordinate system.
- E. All blocks and all lots within each block shall be consecutively numbered.
 - F. On curved boundaries and all curves in the plat, sufficient data shall be give to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves:
 - 1. Radius of curve;
 - 2. Central angle;
 - 3. Tangent;
 - 4. Arc length;
 - G. Excepted parcels shall be marked "Not included in this subdivision" and the boundary completely indicated by bearings and distances.
 - H. All streets, walkways and alleys shall be designated as such and streets shall be named; bearings and dimensions must be given.
 - I. All easements shall be designated as such and bearings and dimensions given.
 - J. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys, or as excepted parcels.
 - K. All dimensions of irregularly shaped lots shall be indicated in each lot.
 - L. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
 - M. Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided all owners join in dedication and acknowledgement.
 - N. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of an arc.
 - O. The information on the plat shall include:
 - 1. Name of subdivision, astronomic north arrow and basis thereof, and date;
 - 2. Name and address of owner or owners of record (names must be printed on Plat);
 - 3. Total acreage of subdivision; total number of lots;
 - 4. Township, range, section (and quarter section, if portion);
 - 5. Graphic scale;
 - 6. Any additional information required by local ordinance, or by state law.
 - P. Signatures required on the Plat:
 - 1. County Commission Approval and Acceptance: two lines for signature of Commission Chair and date;
 - 2. County Planning Commission Approval and Acceptance: two lines for signature of Chairman and date;
 - 3. County Attorney's Approval;
 - 4. Owner(s) of record signatures which are notarized;
 - 5. Other signatures required to fulfill the purposes of this title and Utah Code.

13.24.040 Phase development.

- A. The final platting of subdivisions containing more than twenty-five (25) lots shall be done in phases, except as provided in subsection C of this section. Each phase shall consist of the number of lots which can be completely developed with both off-site and on-site improvements within a two-year period, or twenty-five (25) lots, whichever is larger. Off-site improvements are construed to be those improvements required by this title. On-site improvements shall be construed to mean the construction or placement of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvements will be continuous, and all of the off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or the grantees of any of the land subdivided within the time hereinafter specified.
- B. When the off-site improvements have been one hundred (100) percent completed within the boundaries of the recorded plat and approved by the local engineer, and on-site improvements are seventy (70) percent completed, the subdivider may submit the next phase of the proposed development in accordance with the rules and regulations of this title.
- C. A final plat including more than twenty-five (25) lots will be accepted only upon the submission of qualified evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the on-site and off-site improvements for all lots in such final plat will be completed within two years of such approval.

13.24.050 Monuments.

- A. Permanent reference monuments, as approved by the local engineer, shall be set on the external boundary of the subdivision, and at all street center line intersections, and all beginning and end points of curves, to provide line of sight control for re-establishing the survey.
- B. Block and lot monuments shall be set.
- C. At least one second order benchmark shall be set (where practical to tie in) within every subdivision or subsequent filing prior to submission of the final plat for approval.

13.24.060 Survey certification.

The surveyor making a plat shall certify on the plat that it conforms to these survey regulations and to all applicable state laws and that the monuments described in it have been placed as described. They shall affix their name and seal.

13.24.070 Supporting documents.

The following documents shall be submitted with the final plat drawing, and be considered a part of the submission:

Drawings showing layout, profile, and detail design of:

- A. All utilities and easements, plus statements from utility companies (water, sewer, electric, gas, telephone, etc.) as applicable, that service will be provided to every lot of the development;
- B. Plan, profile and typical cross-section drawings of roads, bridges, culverts, sewers and other drainage structures;
- C. Grading and drainage plan. The proposed grading plan shall be indicated by solid-line contours superimposed on dashed-line contours of existing topography for the area of the final plat. Such contours shall be at two-foot intervals for predominant ground slopes within the tract between level and five percent grade, and five-foot contours for predominant ground slopes within the tract over five percent grade. In case of predominantly level topography throughout a subdivision, one-foot contour intervals may be required;
- D. Erosion control plan where required, to be submitted as result of preliminary design plan review;
- E. An exact copy of a certificate of a title insurance company or attorney's opinion, which shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgments, lien, easements, contracts and agreements of record in the county which shall affect the property covered by such plats. If the opinion of title discloses such encumbrances, then at the option of the board of county commissioners, the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the planning commission;
- F. Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the planning commission must be submitted;
- G. Where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the public agency receiving the dedication and stating how applicable improvement standards will be met. When land within a subdivision is to be purchased by a public agency for public use, a letter of intention to purchase shall be required;
- H. When a new street will intersect with a state highway or will cross a railroad, a copy of the state highway permit or railroad crossing permit shall be permitted;
- I. Where improvements are not to be completed prior to approval of the final plat, cost estimates shall be submitted for construction of streets and related facilities, water distribution system, sewage collection system, floodplain protection, storm drainage facilities, and such other facilities as may be required. In addition, the subdivider shall submit a proposal to satisfy the requirements of **Chapter 13.32**.
- I. Copies of protective covenants, deed restrictions, trust agreements, and homeowners'

association articles and bylaws, including those required by the board of county commissioners, to govern the future use of each of water or sewer system, resubdivision, open space, and other potential changes which might significantly alter the subdivision as approved by the board of county commissioners with regard to the criteria and standards of these regulations;

- J. Monument record;
- K. All information required by FHA when subdivision will be submitted to that agency for feasibility and approval under a federal program.

13.24.080 Revised summary statement of proposal.

A revised proposal summary statement shall be submitted to reflect any changes made from the summary statement of the approved preliminary design plan.

13.24.090 Planning commission review.

- A. When a final plat has been received, it shall be acted upon at a planning commission meeting scheduled for subdivision review, within forty-five (45) days of receipt of final plat application by the planning commission, unless further time is necessary as determined by the board of county commissioners.
- B. The planning commission shall review the final plat at a regularly scheduled public meeting. If the final plat and all supplementary data complies with the applicable requirements of these regulations and the requirements of the approved preliminary design plan, the planning commission shall certify approval of the plat on the space provided.
- C. Within ten (10) days after review of the final plat at the public meeting, the planning commission shall send written notification and official action taken to the board of county commissioners. This notification shall specify the modifications of the final plat, if any, which were made and incident to approval of such plat by the planning commission.
- D. The only basis for rejection of a plat shall be its nonconformance to adopted rules, regulations and ordinances currently in force and affecting the land and its development, its lack of conformance with the approved preliminary design plan or technical inaccuracies.

13.24.100 Board of county commissioners' review--An improvements agreement and compliance with this title required for approval.

- A. The board of county commissioners shall review the final plat within forty-five (45) days of receipt of transmittal from the planning commission, at a regularly scheduled public meeting. If the board of county commissioners determines that the final plat submission complies with the applicable requirements of this title, they shall certify approval of the plat on the space provided; provided, however, that the board of county commissioners shall approve no final plat unless accompanied by an

improvements agreement. The subdivider shall provide an adequate number of the approved plats or prints marked for modification, together with the official notification of the action, to be distributed as follows:

- a. One copy to planning commission files;
 - b. One copy to the board of county commissioners;
 - c. One copy to subdivider;
 - d. One copy to engineer and surveyor of subdivider;
 - e. One copy to each utility company serving the subdivision;
 - f. One copy to the local health officer.
- B. Acceptance of dedication of proposed public lands or streets, or street rights-of-way in an approved plat can be made only by the board of county commissioners. Final plat approval by the board of county commissioners will be deemed an acceptance of dedication, unless streets and other public spaces are shown as "not intended for dedication" or unless the board of county commissioners expressly repudiates the presumed dedication.

13.24.110 Recording final plat.

- A. The board of county commissioners shall record the final plat with the county clerk/auditor and recorder within ten (10) calendar days of approval of the final plat by the board of county commissioners; the subdivider shall pay the expense of such recording.
- B. The county clerk/auditor and recorder shall furnish the subdivider with a receipt, upon filing of the final plat.

13.24.120 Resubdivision procedure.

Land within a recorded subdivision may be resubdivided, and lot, street and service facility boundaries within such a plat may be changed only after such recorded subdivision plat has been vacated according to the following procedures:

- A. Prior to the resubdivision of a recorded plat, or portion thereof, an application for vacation of the recorded plat or portion thereof, signed by all the owners of the land contained in the entire plat and owners of the land contiguous or adjacent to any street or alley therein, shall be made to the board of county commissioners.
- B. The board of county commissioners shall have ordered the vacation of such portion of the entire plat to be vacated as prayed for in the petition for vacation.
- C. The vacation order shall have been filed in the office of the recorder of the county where such land is situated.

13.24.130 Amending a recorded subdivision plat.

A recorded subdivision plat may be amended only to correct minor surveying or drafting errors. All other changes in a recorded plat shall be allowed only upon compliance with the resubdivision procedures of this title. The planning commission shall determine whether a

recorded plat may be amended, or first vacated and resubdivided, in accordance with the intent of this provision. If it is discovered that there is a minor survey or drafting error in a recorded final plat, the subdivider shall be required to file a final plat with an affidavit witnessed by two land surveyors paid at the expense of the subdivider, concerning the change, which shall be approved by the planning commission and the board of county commissioners. If, however, the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these regulations, then the corrected plat shall require full approval procedures and the recording of a corrected plat.

13.24.140 File of recorded subdivisions.

The county shall maintain a filing system of all subdivisions, which includes copies of all maps, data and official subdivision actions; also, a master location map (or maps) referenced to the filing system, for public use and examination.

Chapter 13.28

DESIGN STANDARDS

Sections:

- 13.28.010 Design standards.**
- 13.28.020 General standards.**
- 13.28.030 Lots.**
- 13.28.040 Street requirements.**
- 13.28.050 Street names.**
- 13.28.060 Curvature and alignment.**
- 13.28.070 Frontage on major highways.**
- 13.28.080 Roadbed construction standards for paved roadways for public streets.**
- 13.28.090 Street grades.**
- 13.28.100 Sidewalks, curbs and gutters.**
- 13.28.110 Block standards.**
- 13.28.120 Pedestrian crosswalks.**
- 13.28.130 Lot size standards.**
- 13.28.140 Easement standards.**
- 13.28.150 Utilities to be underground.**
- 13.28.160 Alleys.**
- 13.28.170 Sanitary sewage disposal--General requirements.**
- 13.28.180 Sanitary sewer mains, laterals and house connections--Future.**
- 13.28.190 Test procedures.**
- 13.28.200 Water in sufficient quantity to be obligation of subdivider.**
- 13.28.210 Culinary water system.**
- 13.28.220 Culinary water storage facility.**
- 13.28.230 Storm drainage and floodplains.**

13.28.240 Irrigation systems.

13.28.250 Fire protection.

13.28.260 Improvement requirements.

13.28.010 Design standards.

All subdivisions shall comply with the following standards of this title.

13.28.020 General standards.

- A. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.
- B. Land subject to hazardous conditions such as slides, mudflows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

13.28.030 Lots.

- A. No single lot shall be divided by a municipal or county boundary line.
- B. A lot shall not be divided by a road, alley, or other lot.
- C. Wedge-Shaped Lots. No wedge-shaped lot shall be less than thirty (30) feet in width at the front property line, or the lot frontage required by the zoning ordinance, whichever is larger.
- D. Lot lines. Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider and approved by the planning commission.
- E. Street Frontage. All residential lots in subdivisions shall front on a public street. Required frontage shall not be considered to be provided if vehicular access across the street line is prohibited. With the exception of corner lots, lots with frontage on more than one street shall not be allowed.

13.28.040 Street requirements.

- A. Private Roads/Streets. No private roads or streets are allowed.
- B. Street Plan. The street layout shall conform to the county general plan and to street layout and circulation element of the closest municipal general plan.
- C. Through Traffic. Minor streets shall be laid out to discourage through traffic.
- D. Stub Streets. Stub streets shall be provided where needed to connect to adjacent subdivisions. Not more than six lots shall front on a stub street, except where a temporary cul-de-sac turnaround is provided.
- E. Intersections. Intersections of minor streets with major streets shall be kept to the minimum.
- F. Right-of-Way Width. Minimum right-of-way widths for public streets shall be

determined by resolution of the board of county commissioners, but shall in no case be less than the following:

1. Major street: eighty-two (82) feet;
 2. Collector street: sixty-six (66) feet;
 3. Minor street: sixty-six (66) feet.
- G. Roadway Width. Local streets shall have roadway widths as adopted by resolutions of the board of county commissioners, but shall in no case be less than the following:
1. Major street: fifty-six (56) feet;
 2. Collector street: forty-four (44) feet;
 3. Minor street or frontage road: twenty-eight (28) feet.
- H. Road Shoulders. Where no curbs are required to be installed, a minimum of six-foot shoulders shall be provided on each side of the street.
- I. Half-Streets. None are permitted, except if required to complete a half-street already existing.
- J. Dead-End Streets. Dead-end streets, including stub streets, shall be permitted or required by the planning commission only to provide future access to adjoining property, except for dead-end street systems in cluster subdivisions, in planned unit developments, condominium developments, or similar special projects.
- K. Cul-de-Sac Streets. Permanent cul-de-sac streets serving no more than six hundred fifty (650) feet long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of fifty (50) feet radius or more, and the face of curb or pavement edge radius shall be forty (40) feet or more. Cul-de-sac streets intended to be only temporary must also satisfy the above requirements.
- L. Number of Streets at Intersection. No more than four streets shall enter an intersection.
- M. Angle of Street Intersections. Streets shall intersect at ninety (90) degrees, except where otherwise approved as necessary by the planning commission.
- N. Centerlines of Intersecting Streets. The centerlines of two subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerlines shall be offset at least one hundred fifty (150) feet.
- O. Restricted access roadways/Gated communities are allowed only under the following conditions:
1. The development is located within the GRF-20S zone.
 2. The roadway does not access any public lands.
 3. All property owners beyond the gate shall have access and are in agreement.
 4. A method of access shall be provided for all fire, health, and government agencies.
 5. The roadways beyond the gate shall be dedicated to the County, but need not be improved to County road specifications, as the County will not maintain these roadways.
 6. All other requirements of the Sevier County Subdivision Ordinance shall apply.

13.28.050 Street names.

Streets shall have the names of existing streets which are in alignment. There shall be no duplication of street names within the areas. All street names must be approved by the planning commission, and opportunity shall be given the county recorder for review and recommendations prior to the approval of street names by the planning commission.

13.28.060 Curvature and alignment.

- A. Horizontal Curves. To ensure adequate sight distances, street roadway line connections shall be made by horizontal curves. The minimum centerlines radii for minor streets shall be one hundred fifty (150) feet and of all other streets shall be three hundred (300) feet. On collector and major streets a minimum tangent of one hundred (100) feet shall be required between a curve and street intersection; a minimum tangent of one hundred (100) feet shall be required between reverse curves.
- B. Vertical Curves. Vertical curve shall be used at all changes of grades exceeding one percent and shall be designed to provide minimum sight distances of two hundred (200) feet for minor streets and three hundred (300) feet for all other streets, except that vertical curves for major streets shall be as determined by the current specifications of Utah State Department of Transportation.

13.28.070 Frontage on major highways.

Where residential subdivision abuts a major highway, frontage roads may be required.

13.28.080 Roadbed construction standards for paved roadways for public streets.

Roadbed Grading and Paving Width. Minimum roadbed grading and paving for minor, collector and major streets shall be established by the board of county commissioners. Reduction of such roadway grading and paving may be approved by the planning commission and board of county commissioners for one-way street, mountain subdivisions, or other justifiable design or topographical reasons. Ten-foot shoulders shall be provided where curbs are not installed.

13.28.090 Street grades.

All street grades shall be designed as follows:

- A. Major and Collector Streets. Limited to a maximum grade of ten percent. Sustained grade shall be limited to seven percent.
- B. Minor Streets. Limited to a maximum grade of twelve (12) percent. Sustained grades shall be limited to nine percent.
- C. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of six percent. The cul-de-sac shall terminate with a grade of not

to exceed three percent for the last one hundred (100) feet of traveled surface. The cul-de-sac shall be limited to a maximum length of six hundred fifty (650) feet and have adequate easement for drainage.

- D. Street intersections shall have a vertical alignment such that the grade shall not exceed three percent for a minimum distance of fifty (50) feet each way from the centerline of the intersection.
- E. Maximum Grades. Approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred (600) feet.
- F. All Changes in Vertical Alignment. Made by vertical curves with minimum length of two hundred (200) feet for minor streets and three hundred (300) feet for major streets. (See Section 13.28.060(B))
- G. Streets in mountainous terrain shall be designed at less than maximum allowable slope in order that they can be safely negotiated and that snow can be removed during winter.

13.28.100 Sidewalks, curbs and gutters.

Sidewalk, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public in RA zones and in other zones as other wise requested by the planning commission and board of county commissioners. Sidewalks, curbs and gutters may be required by the board of county commissioners on existing streets bordering the subdivision.

13.28.110 Block standards.

Block lengths shall be reasonable as approved by the planning commission, and in total design shall provide for convenient access and circulation for emergency vehicles.

13.28.120 Pedestrian crosswalks.

Where blocks exceed one thousand (1,000) feet in length, pedestrian rights-of-way of not less than ten feet in width may be required by the planning commission through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet in width shall be placed within the rights-of-way, when required by the planning commission.

13.28.130 Lot size standards.

Density standards or minimum lot size requirements are specified by the zoning ordinance. All lots shall conform to area requirements of existing zoning ordinance. (See Title 14)

13.28.140 Easement standards.

- A. Easements shall follow rear and side lot lines and shall have a minimum total width of fifteen (15) feet, apportioned equally in abutting properties.
- B. Where front-line easements are required, a minimum of ten (10) feet shall be allocated as a utility easement. Perimeter easements shall be not less than fifteen (15) feet in width, extending throughout the peripheral area of the development, if required by the planning commission.
- C. All easements shall be designed so as to provide efficient installation of utilities or street planning. Special guying easements at corners may be required. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

13.28.150 Utilities to be underground.

Unless the planning commission and the board of county commissioners determine, upon application by the subdivider, supported by the recommendation of the county engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider. All utilities must be developed in provided easements and shall extend to the property line of every lot in within the subdivision.

13.28.160 Alleys.

The planning commission may approve service access to the interior of blocks where deemed to be in the public interest, in which case such alleys must have a plan for maintenance and be indicated in the preliminary design plans and on the final plat.

13.28.170 Sanitary sewage disposal--General requirements.

- A. Sanitary Sewerage System Required.
Except as otherwise provided below, the subdivider shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system shall meet the minimum standards and requirements of the state, Central Utah Public Health Department, and this title.
- B. On-Lot Sewage Disposal System.
Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than 300 feet from the boundary of the subdivision and shall be disapproved in any case unless approved in writing by the state and Central Utah Public Health Department of Health. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits shall be

submitted, along with the results of percolation tests. The results of these data will be reviewed by the state and Central Utah Public Health Department, in addition to any other information available to them, for recommendation to the planning commission. The following requirements shall be met:

1. Land made, altered or filled with non-earth materials within the last ten years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.
2. Each subdivided lot to be served by an on-site absorption sewage disposal system shall contain an adequate site for such system. An adequate site required a minimum depth of eight feet from the surface of the ground to impermeable bedrock, and a minimum depth of six feet from the surface (based on annual high water level). Each site must also be at least one thousand five hundred (1,500) feet from any shallow water supply well and one hundred (100) feet from any other well; at least one hundred (100) feet from any stream or water-course, and at least ten feet from any dwelling or property line.
3. Soils having a percolation rate slower than or faster than standards allowed by the state and Central Utah Public Health Department shall not be divided into building sites to be served by soil absorption sewage disposal systems.
4. Land rated as having severe limitations for septic tank absorption fields as defined by the county soil survey, U.S. Department of Agriculture, Soil Conservation Service, shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless each such building site contains not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.
5. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall:
 - Have additional on-site investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soils absorption sewage disposal system; and meet state and Central Utah Public Health Department standards and regulations. In addition, the local health officer shall find that the proposed corrective measures have overcome the severe soil limitations.
6. Other applicable standards adopted by the board of county commissioners and state Health Department.
7. Shall follow all area requirements of existing zoning ordinances.

13.28.180 Sanitary sewer mains, laterals and house connections--Future.

Where local, county and regional plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the planning commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider, in addition to the installation of temporary individual on-lot sanitary disposal

systems by the subdivider or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a complete community or public sanitary system.

13.28.190 Test procedures.

Tests of sanitary sewer mains, laterals and house connections shall be conducted in accordance with U.S. Public Health Service Publication Number 526, 1963 Edition, and with other local and state health requirements.

13.28.200 Water in sufficient quantity to be obligation of subdivider.

- A. The procurement of water, whether by purchase of water rights, water shares, exchange or service agreement shall be the responsibility of the subdivider and water shall be provided for each building lot for the exclusive use of the subdivision in an amount sufficient to meet the following flow standards:
 - 1. If connected to a public or private water company which provides culinary water, a letter from the water company stating it will provide the necessary culinary water connection to each dwelling or lot in the subdivision.
 - 2. If culinary water is to be provided from a well, one acre foot (.0037cfs) of water is required for each dwelling unit or lot in the subdivision. This water right must be in the name of the subdivision applicant and assigned by the State Division of Water Rights to each subdivision lot.
 - 3. Where lot size exceeds 10,000 square feet, additional water rights or irrigation water shares must be provided to each building lot lying within a currently operating canal company's distribution area that is now irrigated, or has been irrigated in the past 20 years. The irrigation water shares amount, water company, and method of delivery must be noted in the covenants and restrictions recorded with the final plat of the subdivision.
- 2. For Planning Commission preliminary design plan approval of a minor subdivision or final plat approval for major subdivisions, the above listed water rights must be approved by the Planning Commission and the following documentation provided to the Planning Commission:
 - 1. Documentation from the State Division of Water Rights showing that a change order application has been made with the State Division of Water Rights, changing the appropriate amount of water, to the appropriate subdivision lot(s) in the applicant's name.
 - 2. Letter from the public or private water company indicating their ability to provide culinary water to the subdivision lot(s).
 - 3. Letter from the irrigation or canal company indicating the irrigation water is owned by the applicant and that it is available for the subdivision lot(s).

3. For the Board of County Commission final approval of both major and minor subdivisions, where the culinary water for a subdivision is from a culinary well, the approved water change order or final water right approval from the State Division of Water Rights must be completed, and a copy provided. The final change order must be in the subdivision applicant's name and assigned to each subdivision lot.
- D. The above standards are in addition to the requirements of the state Board of Health.

13.28.210 Culinary water system.

- A. The culinary water system in any subdivision shall extend to the property line of every lot and shall be capable of delivering the flows required by **Section 13.28.200**.
- B. Any water system for a subdivision where culinary water will be pumped from one well and serve more than one dwelling unit, or lot, or proposing any system other than one well per dwelling unit, or lot, must be engineered by a professional engineer. The subdivision applicant must provide engineered and stamped plans for the proposed water system from a professional engineer qualified to engineer water systems and licensed in the State of Utah. The design must include a storage tank, water lines and fire hydrants as per Section 13.28.220, and 13.28.250. These engineered plans must be approved by the Planning Commission and meet all requirements of the Utah Department of Environmental Quality.
- C. Any water system that exceeds the number of connections for a private system, according to the Utah Department of Environmental Quality rules, thus becomes a public water system and must meet all requirements for a public system.

13.28.220 Culinary/Fire Protection water storage facility.

The culinary/fire protection water storage facility shall have a storage capacity as required for fire protection by the International Fire Code, NFPA 22, and meet all regulations of Utah Division of Environmental Quality.

13.28.230 Storm drainage and floodplains.

- A. Drainage System.
Complete drainage system for the entire subdivision area shall be designed by a professional engineer, licensed in the state of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire shall be presented with the first section, and appropriate developments stages for the drainage system for each section indicated.
- B. Design.
The drainage and floodplain systems shall be designed to:
 1. Permit the unimpeded flow of natural watercourses;

2. Ensure adequate drainage of all low points;
 3. Ensure applications of the following regulations regarding development in designated floodplains:
 - a. Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a one hundred (100) year storm.
 - b. Building construction may occur in that portion of the designed floodway where the return frequency is between a one hundred (100) year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.
 - c. Where floodway velocities are generally determined to be under five feet per second and maximum flood depth will not exceed three feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
 - d. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, uncased deep wells, sanitary land fills, septic tank and on-lot sewage disposal systems, not complete protected from inundation.
 - e. Recreational coach and similar uses shall not be permitted in any designated floodway.
 - f. Any contemplated floodplain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken and must be approved by the planning commission, before accomplishment.
 - g. No lot one acre or less in area shall include floodlands. All lots more than one acre shall contain not less than forty thousand (40,000) square feet of land which is at an elevation at least two feet above the elevation of the one hundred (100) year recurrence interval flood, or, where such data is not available, five feet above the elevation of the maximum flood of record.
- C. Drainage System Plans.
1. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff for the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on land downstream.
 2. All proposed surface-drainage structures shall be indicated on the plans.
 3. All appropriate designs, details and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

13.28.240 Irrigation systems.

- A. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within one hundred (100) feet of a proposed subdivision, complete plans for relocation or covering, or other safety precautions shall be submitted with an application for preliminary approval of a plat.
- B. In all subdivisions in which the smallest lot is less than one acre, all irrigation systems shall be underground.
- C. All pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified and otherwise color coded as to pipe and valve color to meet state standards and regulations.

13.28.250 Fire protection.

- A. Fire hydrants shall be installed at intervals in such a manner that no lot, dwelling unit, or building will be more than five hundred (500) feet distant from the closest hydrant, measured along the street.
- B. The planning commission may authorize alternative fire protection in place of fire hydrants when hydrants are not feasible and applicant demonstrates that the proposed method is sufficient. Engineering certification may be required.
- C. The planning commission may require additional fire protection or policies when because of the location, type of natural features or other factors contributing to fire danger, other precautions are deemed necessary.

13.28.260 Improvement requirements.

Subdivisions shall be required to meet the use, area, width, setback and building size requirements of the zones in which such subdivisions are planned. In addition, the following chart outlines the districts in which improvements are to be made by the letter "I"

| Zoning District / Improvement | A5 | GRF - 20S | GRF - 20R | GRF - 5 | RA5 | RA |
|-------------------------------|----|-----------|-----------|---------|-----|----|
| Curb & Gutter | | | | | | I |
| Sidewalk | | | | | | I |
| Street paving | I | | I | I | I | I |
| Street name signs | I | I | I | I | I | I |
| Street monuments | I | I | I | I | I | I |

Chapter 13.32

FINANCIAL RESPONSIBILITY

Sections:

- 13.32.070 Guarantee.
- 13.32.020 Performance bonds.
- 13.32.030 Deposit in escrow.
- 13.32.040 Default.
- 13.32.050 Phased development.
- 13.32.060 Guarantee for two years.
- 13.32.070 Acceptance and release of surety.

13.32.070 Guarantee.

In lieu of actual installation of the improvements required by this title, and before final plat approval by the board of county commissioners, the subdivider shall guarantee the installation thereof by one, or a combination of one or more, of the methods specified below, in an amount equal to the cost of the improvements as estimated by the subdivider's engineer and approved by the county engineer. The guarantee employed shall be approved as to method and form by the board of county commissioners and by the county attorney. The board of county commissioners may prescribe by administrative rule, or regulation, forms and procedures to insure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with requirements of this title.

13.32.020 Performance bonds.

The subdivider shall furnish and file with the county clerk a corporate surety bond in an amount equal to the cost of the required improvements as estimated by the subdivider's engineer and approved by the county engineer, to assure the actual construction of such improvements within a period of two years immediately following the approval of the final plat and subdivision by the board of county commissioners, which bond shall be approved by the board of county commissioner and the county attorney.

13.32.030 Deposit in escrow.

The subdivider shall deposit in escrow with an escrow holder approved by the board of county commissioners an amount of money equal to the cost of improvements required as estimated by the subdivider's engineer and approved by the county engineer under an escrow agreement conditioned for the installation of said improvements within two years from the approval of the final plat and subdivision. The escrow agreement aforesaid shall be approved by the board of county commissioners and county attorney and shall be filed with the county recorder.

13.32.040 Default.

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within two years from date of approval of the final plat, the board of county commissioners may declare the bond or escrow deposit forfeited, and may install or cause the required improvements to be installed, using the proceeds from the collection of the bond or escrow deposit to defray the expense thereof.

13.32.050 Phased development.

Whenever the subdivider develops a subdivision in portions, such development shall be in orderly manner and in such way that the required improvements will be continuous and all said improvements will be made available for full, effective and practical use thereof by lessee or grantee of any of the subdivided lands within the time hereinbefore specified.

13.32.060 Guarantee for two years.

- A. The subdivider or contractor, upon submission of his plans, shall deposit with the county clerk a fee in the amount required by the board of county commissioners, to cover engineering review and inspection of the above improvements.
- B. The subdivider shall warrant and guarantee that the improvements provided for in this chapter, and every part thereof, will remain in good condition for a period of two years after the date of conditional acceptance by the board of county commissioners and agree to make all repairs to and maintain the improvements and every part thereof in good condition during that period at not cost to Sevier County. It is further agreed and understood that identifying necessity for repairs and maintenance of the work rests with the county engineer, whose decision upon the matter shall be final and binding upon the subdivider, and the guarantee hereby stipulated shall extend to and include but shall not be limited to the entire street, subgrade, base and surface and all pipes, joints valves, backfill and compacting as well as the working surface, curbs, gutters, sidewalks and other accessories that are, or may be affected by the construction operations. Whenever, in the judgement of the county engineer, said work shall be in need of repairs, maintenance or rebuilding, he shall cause a written notice to be served the subdivider. Upon receipt of such written notice, the subdivider shall undertake and complete the repairs, maintenance or rebuilding as required by the above-stated written notice. The cost of such repairs, maintenance or rebuilding shall be paid by the subdivider. But if the subdivider fails to complete such repairs, maintenance or rebuilding as are required by written notice, within a reasonable time from the date when such notice was received (not to exceed six months), the board of county commissioners may initiate any and all legal actions necessary to compel compliance with the requirements of the written notice.

13.32.070 Acceptance and release of surety.

- A. Conditional acceptance of all the improvements shall be in writing from the board of county commissioners, after written approval has been received from the county engineer.
- B. Final inspection by the county engineer shall be made two years after all work has been completed and before release of the improvement bond or escrow deposit. All defects shall be corrected before acceptance by the board of county commissioners.
- C. Final acceptance shall be in writing by the board of county commissioners, after written approval is received from the county engineer.

APPENDIX A

DEFINITIONS

As used in this title:

Average slope - an expression of rise and fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot or building area. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is one hundred (100) percent slope.

Block - the land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat.

Condominium - the ownership of a single unit in a multi-unit project together with an undivided interest in common in the common area and facilities of the property as provided by state law.

Crosswalk or walkway - a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk or walkway or pedestrian way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.

Cul-de-sac - a street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround. For purposes of this title, the length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac terminates at the center of the turnaround.

Driveway - a private roadway, the use of which is limited to persons residing, employed or otherwise using or visiting the lot on which the roadway is located.

Dwelling - any building or portion thereof designed or used exclusively as the more or less permanent residence or sleeping place of one or more persons or families.

Easement - that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use on, under, or above said lot or lots.

Environmental impact assessment - a report which describes, by means of written narrative as well as maps, a geographical area in terms of existing:

1. slope;
2. soils;
3. watercourses;
4. water table;
5. flood hazard areas;
6. geologic hazards;
7. vegetative types;
8. wildlife;
9. wildlife habitat; and
10. essential urban services presently available.

The report should also include:

10. a tabulation of proposed population density and the numbers and types of proposed dwellings at full development;
11. further description by means of written narrative as well as maps the impact of the proposed subdivision on the following specific subject areas once the anticipated population density is achieved within the area to be subdivided:
 - a. watercourses and flood hazards;
 - b. natural vegetation;
 - c. wildlife;
 - d. erosion;
 - e. topsoil loss;
 - f. sedimentation of watercourses and reservoirs;
 - g. slope stability;
 - h. dust;
 - i. fire potential;
 - j. accumulation of solid and liquid wastes;
 - k. the need and desire for urban services.
12. evaluation of the potential area-wide economic sectors and the potential impact on school systems.
13. recommendation on measures which, if undertaken, will mitigate or obviate the adverse impacts resulting from development of the proposed subdivision, and discusses the benefits to be gained from such subdivision.

Final plat - a subdivision map prepared in accordance with the provisions of this title which is designed to be placed on record in the office of the county recorder.

Fire protection - such water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provisions of this title.

Flood hazard - a hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings or erode the banks of water courses.

Frontage - all property fronting one side of the street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts, or that common line between a lot and a public street. Street lines across which access denied or cannot be had because of topography or for other reasons shall not constitute frontage for purposes of this title.

General plan - A plan adopted by the Sevier County Planning Commission which shows the most appropriate use of land within the county.

Geologic hazard - a hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movements, failure or shifting of the earth.

Improvement - work, objects, devices, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, street construction to required standards, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, streetlights, traffic control or safety devices, fire hydrants, and such other facilities or construction required by this title, subdivision regulations, or by the planning commission and/or the board of county commissioners for the necessary proper development of the proposed subdivision.

Improvements agreement - an agreement between the local jurisdiction and a subdivider, wherein the subdivider agrees to install improvements required by the planning commission in consideration of which the board of county commissioners authorizes recording of the subject subdivision plat.

Land, Agricultural - "Agricultural land" - land whose primary use is determined to be agricultural in the general plan of Sevier County, or which is included in an agricultural district in the zoning ordinance adopted by Sevier County.

Land, Commercial - "Commercial land" - land whose optimum use is determined to be commercial, or which is included in a Planned Unit Development district in the zoning ordinance by Sevier County.

Land, Industrial - "Industrial land" - land whose optimum use is determined to be industrial, or which is included in an Planned Unit Development district in the zoning ordinance adopted by Sevier County.

Lot - a parcel or unit of land abutting a public street or approved private street, described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a subdivision map, planned unit development plot map.

Lot, Corner - "Corner lot" - a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Restricted - "Restricted lot" - a lot having an average slope of thirty (30) percent or more or which does not contain a geotechnically buildable area of at least eighty-five (85) feet by one hundred (100) feet with an average slope of less than fifteen (15) percent, such lot being prohibited as a building site, or being required to be increased in area and width, and regulated and allowed to be developed only as required by the planning commission.

Lot, Unrestricted - "Unrestricted lot" - a lot having an average slope of less than thirty (30) percent and containing a buildable area of at least eighty-five (85) feet by one hundred (100) feet with an average slope of less than fifteen (15) percent, which buildable area is designated as such on the subdivision plat in which the lot is located, if the average slope of the lot is greater than fifteen (15) percent.

Off-street parking space - the space required to park one passenger vehicle, which space shall meet the requirements of the zoning ordinance. If there is insufficient parking space as required by the zoning ordinance, parking space dimensions and requirements shall be as determined by the planning commission.

Off-site facilities - improvements not on individual lots but generally within the boundaries of the subdivision which they serve, and as further outlined in this title. Such improvements shall include but not be limited to: sidewalks, curbs and gutters, street paving, street lighting and landscaping.

On-site facilities - construction or placement of the dwelling and its appurtenant improvements on a lot.

Pedestrian way - ("walkway or crosswalk") - a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk or walkway or pedestrian way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.

Permanent monument - any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of Sevier County for permanent monuments.

Planned unit development (PUD) - A development in which the regulations of the zone in which the development is situated to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements outlined in the zoning ordinance.

Planning commission - the planning commission of Sevier County.

Plot plan - a plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, north point, scale, utility easements, vehicle access, and such other information as may be required by this title or the planning commission.

Protection strip - a strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by property owners abutting the subdivision.

Right-of-way - that portion of land dedicated to public use for street and utility purposes.

Streets - (also "roads and highways") an open way, route or thoroughfare designed and constructed for vehicular traffic.

Street, public - "public street" - street which have been dedicated or abandoned to the public and then accepted by proper public authority.

Street, minor - "minor street" - a street, existing or proposed, which serves or is intended to serve the local needs of a neighborhood and is of limited continuity.

Street, collector - "collector street" - a street, existing or proposed which serves or is intended to serve as a primary traffic artery. Streets are generally identified as to their traffic carrying role by so designating each street on the major street plan of Sevier County.

Street, frontage - "frontage street" - a minor street which is parallel to adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

Street, half - "half street" - a street parallel and contiguous to a property line and of lesser right-of-way width than will eventually be required; the additional needed right-of-way width be obtained in the future from the abutting property owner prior to development as frontage.

Street, stub - “stub street” - a street extending from within a subdivision boundary and temporarily terminating there with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later by continuing the stub street to the extended connecting street system.

Structure - anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, includes “building.”

Subdivider - any person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or others.

Subdivision - the division, whether or not concurrent or sequential in time, of a tract or lot or parcel of land, into two or more (any division of land) lots, plots, sites or other division of land for the purpose, whether immediate or future, of sale or of building development; provided, that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes as defined in this chapter, The word subdivision and any derivative thereof shall have reference to the term subdivision as herein defined.

For the purpose of this title, a subdivision of land shall also specifically include:

1. The dedication of a street through or adjacent to a tract of land, regardless of area, which may create a division of lots or parcels constituting a “subdivision”; or
2. Resubdivision of land heretofore divided or platted into lots, sites, or parcels;

Subdivision, minor - “minor subdivision” - the division, whether or not concurrent or sequential in time, of a tract or parcel of land into fewer than five building sites, tracts, or lots, each accessible by an existing public road and meeting all other requirements of a minor subdivision in this title.

Urban services - those services normal associated with urban living, including but not limited to the following: electricity, natural gas, streets, schools, culinary water, sewage collection and treatment facilities, and police and fire protection.

Vicinity plan - a map or drawing, to scale, of any area proposed for development, showing existing and proposed streets, buildings, public facilities and utilities within a one-mile radius of the land proposed for subdivision; boundaries of zoning districts, taxing districts, and other special districts on and in the immediate vicinity of the land proposed for subdivision; watercourses, impoundments, streams, springs, wells and areas subject to continuous or occasional flooding on and in the immediate vicinity of the land proposed for subdivision.

