

**Annabella**  
**Subdivision Ordinance**

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***Amended***

**March 11, 2010**

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## **SECTION 1. GENERAL PROVISIONS**

- A. *TITLE*: This ordinance shall be known as the “Annabella Town Subdivision Ordinance” and may be so cited and pleaded.
- B. *PURPOSE*: The purpose of this ordinance shall be to promote the health, safety, convenience, and general welfare of the present and future development of the town; to facilitate the transfer of land having accurate land descriptions; to bring about the development of a more attractive and wholesome environment within and about the town; and to establish the rights, duties, and responsibilities of subdividers with respect to land subdivision and improvements thereon; and to facilitate the implementation of the master street plan.
- Any proposed subdivision and its ultimate use shall be in the best interest of the public welfare and neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the Town Council.
- C. *SEVERABILITY*: Should any chapter, section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

## **SECTION 2: SCOPE OF ORDINANCE**

- A. From the effective date of this ordinance no person shall subdivide any tract of land which is located wholly or in part within the limits of Annabella, Utah, nor shall any person sell, exchange, or offer sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land within the town, nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein unless such person or persons shall first make or cause to have made a final plat shall be in accordance and shall have been approved by the Planning Commission and Town Council and recorded in the Office of the County Recorder.
- B. Pursuant to enabling legislation found in UCA 1992 Chapter 10-9-103. The term subdivision means the division of a tract or parcel of land into two or more parts for the purpose whether immediate or future, of sale or building development

## **SECTION 3. PROCEDURE FOR OBTAINING APPROVAL OF SUBDIVISION.**

- A. *CONFER WITH PLANNING COMMISSION*. Any person or persons who propose to subdivide land shall confer with the Planning Commission before submitting any plat charts or plans in order to become familiar with the requirements or existing plans of the Town. A sketch plan shall be submitted, which illustrates the concept of the proposed subdivision. Said sketch shall show street width and approximate lot acreage.
- B. *SEWER AND WATER FEASIBILITY STATEMENT*. The subdivider shall be required to show that all lots in the proposed subdivision meet the water and sewer requirements of this ordinance and are in conformance with all State Health Department regulations. The subdivider shall obtain a feasibility stating approval from said agency.

C. *PRELIMINARY PLAT REQUIRED.* A preliminary plat shall be prepared in conformance with all standards, rules and regulations contained herein and adopted by resolution by the Town of Annabella.

D. *CHECKING FEES.* Developer will pay actual costs if an engineering review is required.

#### **SECTION 4. REQUIREMENT OF THE PRELIMINARY PLAT.**

A. The requirements of the preliminary plat are set forth by resolution to the Town Council upon recommendation of the Planning Commission and all preliminary plats submitted to the Planning Commission and Town Council must be in conformance with standards, rules and regulations obtained herein and adopted by resolution by the Town of Annabella.

The preliminary plat should include, but not be limited to the following information.

- Name of owner and proof of ownership of the development parcel.
- Statement of public survey monuments found and restored.
- Certificate of land survey, engineer and site planner as to the accuracy of the plat.
- Identification and legal description of the subdivision.
- Proposed name of subdivision.
- Street identification.
- Location by section, township and range.
- Dimensions and bearings of all property boundaries.
- Layout, dimensions, and acreage of all proposed lots.
- Existing structures.
- Vicinity map, at a specified scale, showing all lots and streets in the subdivision and all abutting streets and public right-of-ways.
- High water marks of all streams and location of any designated wet lands.
- Location of prominent natural features such as rock outcroppings, Woodlands, steep slopes, potential natural hazards.
- Location and dimensions of existing and proposed utilities and utility easements.
- Grading plans, including all proposed changes in grade.
- Existing and finished contours at intervals of at least 5'.
- Drainage plans.
- Existing sewage disposal systems, storm drains, water supply mains and culverts within the subdivision or within 100' thereof.
- Location, width, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces to be dedicated to the public, with complete descriptions.
- Proposed on-site and off-site water facilities, sanitary sewage disposal systems, storm drain facilities and fire hydrants.
- Soil erosion and sediment control plan, including grading of waterways and design of erosion control devices.

- Vegetation preservation and protection plan, including trees and other vegetation proposed to be planted.
  - Landscaping plan for any public or common area.
  - Proposed street lighting.
  - Proposed zoning changes, if any are needed or recommended.
  - Proposed or required fencing(location, height, material).
  - Graphic scale and north arrow.
  - Date of preparation.
  - Abstract of title or registered property certificate.
  - Statement of allowance or non-allowance of animals.
- B. Its location as forming a part of larger tract or parcel, where the plat submitted covers only a part of the subdividers tract. In such case a sketch of the prospective future street system of the undeveloped parts of the subdivider’s land shall be submitted, and the street system of the part submitted shall be considered in the light of existing master street plans or other Town Council street studies.
- C. Other data, material or plans as may be required by the Planning Commission. The plat shall be clearly marked “preliminary”.
- D. After the review of the preliminary plat, the Planning Commission shall act on the plat within reasonable time. If approved, the Planning Commission shall submit the subdivision for review to the Town Council along with any recommendations or conditions of approval. If disapproved, the Planning Commission shall identify reasons therein and return plat to subdivider.
- E. Preliminary engineering drawings and plans shall be required including typical cross sections of proposed streets, location of an off-site, proposed water and sewer facilities and other proposed improvements such as sidewalks, curb and gutter, parks, an open spaces, fire hydrants, street lights, and drainage and flood control facilities.

**SECTION 5. FINAL PLAT REQUIRED**

- A. A final plat shall be required and shall include and conform to the approved preliminary plat and conform to all standards, rules and regulations contained herein and adopted by resolution of the Town of Annabella. The final plan shall be clearly marked “FINAL PLAT”. The final plat should include, but not be limited to, the following information:
- Drainage plan prepared by a professional engineer, licensed in the State of Utah.
  - Subdivision name and location.
  - Description of land to be included in the subdivision.
  - Accurately drawn boundaries and proper bearings and dimensions of all properties within the subdivision.
  - Graphic scale.
  - North arrow.
  - Location map.

- Date of plat.
- Name, address, signature, of owner/subdivider.
- Name, address, signature and certificate of a professional land surveyor and engineer.
- Dimensions and bearings of boundary lines or property.
- Location and width of right-of-way.
- Widths and names of existing and proposed streets and sidewalks.
- Location and widths of existing and proposed utility and drainage easements.
- Location and names of existing and proposed parks and other open spaces with accurate lot line dimensions.
- Lot number and lot size dimensions and acreage.
- Location, description and size of survey monuments.
- Location of streams and wetlands and known high water marks.
- Restrictive covenants, the legal certifications by the proper local officials (usually the chief elected official and the Planning commission Chairman) and statement of dedication, dedicating all streets for public use that are not private streets, and a statement of dedication to include certificate of acceptance by the local government, attested by the Town Clerk or County Recorder.
- Owner's certificate of dedication.

B. A final plat recording is required. A final plat must be recorded in the office of the County Recorder no less than ninety (90) days after approval of the final plat by the Town Council and no lot can be sold within any subdivision until the plat has been so approved and recorded. A Permanent copy of the final plat shall be given to Annabella Town.

## **SECTION 6. GENERAL DESIGN STANDARDS**

A. Design. The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil and trees and vegetation.

B. Potential Hazards. Land subject to hazardous conditions such as landslides, mud flows, rock falls, ground subsidence, shallow water table, open quarries, floods, and polluted water supply shall be identified and shall not be subdivided until the hazards have been eliminated or evidence submitted that said hazards will be eliminated by the subdivision and construction plans.

C. Drainage Improvements. Complete drainage systems 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. The drainage system shall handle all runoff generated within the subdivision by a 10 year storm for a sufficient length of time so as to prevent flooding and erosion. Routing of water generated by a 100 year storm shall also be provided. Detention/retention storage shall be designed so that the developed peak storm discharge does not exceed the pre-developed peak storm discharge in the 10-year event.

All appropriate designs, details, and dimensions needed to explain clearly proposed construction materials and elevations shall be included in the drainage plans.

The developer shall take all necessary measures to prevent eroded soils and sediments from discharging from a construction site. All storm drainage systems, including storm water detention/retention, shall be cleared of all silt/sediments prior to final acceptance of the subdivision.

## STREETS

- A. Street widths. Major and collector streets shall conform to the width assigned on the master street plan whenever a subdivision falls in an area for which a master street plan has been adopted. Where a master street plan has not been completed at the time the preliminary plan is submitted to the Planning Commission, streets shall be provided as follows:
1. Residential streets shall have a minimum width of fifty-seven (57) feet. Residential streets provide access to residential property and land adjacent to collector streets. They serve travel over relatively short distances. These streets are usually the majority of the streets in a community less than 5,000 population.
  2. Collector streets shall have a minimum width of eighty (80) feet. Collector streets link traffic generators such as public schools, parks, or shopping area. They link routes of higher classifications such as arterial. Their function is to distribute traffic to local/residential streets.
  3. Arterial streets shall have a minimum width of one hundred six (106) feet, or as shown on the master plan, whichever is greater. Arterial streets link cities and other larger traffic generators (such as resort areas) which attract travel over long distances. They provide service for intercut and interstate travel. These routes are expected to provide for relatively high travel speeds and minimum interferences to through streets.
  4. Minimum width of roadway wherever curb and gutters are installed (face to face of curb) shall be as follows:  
  
For residential streets – 40 feet  
  
For collector streets – 59 feet  
  
For arterial streets – 85 feet, or conform to master street plan, whichever is greater.
  5. Rural residential roadways shall have a minimum right-of-way of fifty-seven (57) feet with a surfaced roadway width of twenty four (24) feet.
- B. Reverse curves. Reverse curves shall have a tangent of at least ninety (90) feet unless in the opinion of the Planning Commission such is not necessary.
- C. Street intersection. Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees. Offsets in street alignment of more than ten (10) feet or less than one hundred twenty (120) feet shall be prohibited.

- D. Street grades. Maximum street grades of 0.6 percent will be required with the maximum grade being 7 percent for collector streets and 10 percent for minor streets. Where the observance of this standard is unfeasible, the Planning Commission shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed or in the opinion of the Planning Commission the best subdivision of the land is thereby secured.
- E. Street curves. Where the street lines within a block deflect from each other at any point more than ten (10) degrees, there should be a connecting curve. The radius of the curve for the inner street line should not be less than 350 feet for major streets, 250 feet for an important neighborhood street, and 100 feet for minor streets.
- F. Curbs. Curbs at all intersections shall be rounded with curbs having a minimum radius of 15 feet for minor streets and 25 feet for collector and major streets. Property lines at street intersection should be rounded with a curve where necessary to fit the curb radius. Curb construction shall comply with ADA requirements.
- G. Street names. Street names will not have unique names, but must conform to the current address system.
- H. Street dedication. All streets shall be dedicated for public use. The dedication of half streets in any subdivision is prohibited.
- I. Relations to adjoining street system. The arrangement of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) At the same or greater width ( but in no case less than the required minimum width) unless variations are deemed necessary by the Planning Commission, insofar as much may be deemed necessary by the Planning Commission, for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

Streets leading to proposed subdivision or development shall be brought to required standards for width and surface. The developer shall bear the full responsibility for completion of the above improvements. The Town will not accept a street until it is brought up to standards.

- J. Cul-de-sacs. (End turn around). Each cul-de-sac shall have a minimum right-of-way width of fifty-seven (57) feet and must be terminated by a turn around or not less than ninety (90) feet in diameter. Surface water must drain away from the turn-around, except that where surface water cannot be drained away from the turn-around along the street, due to grade, necessary catch basins drainage easements shall be provided. Cul-de-sacs shall be a maximum of 500 feet as approved by the Town Council.



- K. Easements. Where alleys are not provided, easement of not less than ten (10) feet on each side of all rear lot lines and side lines will be required where necessary for poles, wires, and conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of main sewers or similar utilities.
  
- L. Protection strips. Where subdivision streets parallel contiguous property of their owners, the subdivider may retain a protection strip not less than one foot in width between the street and adjacent property, provided that an agreement approved by the Town has been made by the subdivider, contracting to dedicate the one foot or larger protection strip free of charge to the Town for street purposes upon payment by the owners of the contiguous property the subdivider of the consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements property chargeable to the contiguous property, has the value of one-half the land in the street at the time of the agreement together with the interest at a fair rate from the time of the agreement, until time of such contiguous property.
  
- M. Parks, school sites, other public spaces. Provisions for public use. In subdividing property, considerations shall be given to suitable sites for schools, parks, playgrounds and other areas for public use. Any provisions for such open spaces shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency. If any such proposed public areas have not been purchased at a fair price by the agency within one year after recording of the final plat, such areas may be divided into lots and sold by the subdivider in accordance with the lot requirements and ordinance. When any such public space is shown on the preliminary plat, a copy of such plat shall be made available to the appropriate public agency for its consideration within a reasonable time after receipt of copies of the plat by the Town Council.

LOTS

- A. Building sites. The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for building and be properly related to topography and conform to requirements set forth herein.
  
- B. Lot sizes. All lots shown on the subdivision plan must conform to the minimum requirements of the zoning title, for the in which the subdivision is located, and to the minimum requirements of the Town Council. The minimum width for lots shall be as required by the zoning title for area and shall not be less than 75 feet at the setback line. The minimum area of a lot shall be not less than fourteen thousand (14,000) square feet, .50 acres, so as to provide adequate area for the sewage disposal system to operate properly and to adequately use lots for the purpose in which they are designed.
  
- C. Frontage on street. Each lot shall abut one street. The width of the lot at the 30' setback line must be 107'.
  
- D. Double frontage lots shall be prohibited. This does not include corner lots.

- E. Corner lots shall have extra width for maintenance of required setbacks.
- F. Remnants of lots below minimum size left over must be attached to adjacent lots rather than allowed to remain as unusable parcels.
- G. Drainage. Lots shall be designed in such a manner as to eliminate any flooding or pollution of adjacent properties, and homes.
- H. Side lines of lot shall be approximately at right angles, or radial to the street lines.
- I. In proposed subdivisions with irrigation ditches running adjacent to the frontage or within the area to be subdivided, the subdivider shall provide culverts or bridges in conformance with Town standards and or irrigation company standards for the purpose of providing property access to each lot in the proposed subdivision. In no cases shall the culvert or bridge be less than twelve (12) inches in diameter and twelve (12) feet long.
- J. The fencing of canals, open ditches, and waterways, non-access streets, open reservoirs or bodies of water, and other such features judged by the Planning Commission to be a potential hazardous nature, shall be required in a manner satisfactory to the Planning Commission.
- K. Once a subdivision has been approved into individual lots, it shall be unlawful for the owner to re-subdivide such lot, even though the acreage may be sufficient without first obtaining the approval of the Town Council.

**SECTION 7. REQUIRED IMPROVEMENTS**

- A. **BONDS REQUIRED.** The Town Council shall not approve any major subdivision or subdivision plat until the subdivider provides either:
  - 1. A performance bond acceptable to the Town Council or completion of the required improvements, starting at the beginning of the subdivision and continuing up to and including the last improved lot. Building permits will not be issued until the above requirements are met.
  - 2. A corporate bond, the conditions of which must be approved by the City Attorney, or in cash, to guarantee the improvements will be installed as shown on the final plat. The purpose of the bond is to insure construction of the required improvements within two (2) years from date of final approval, without cost to the Town. If time schedule is not met, subdivider will be required to regrade proposed plat to comply with current ordinance. Said required improvements shall include:
- B. **STREET GRADING AND PAVING**
  - 1. After all earth work is completed and brought to lines, grades, and cross sections as approved by the designated City Engineer, the sub-grade shall be brought to a firm

unyielding surface by rolling other means of compaction. All soft material which will not be compact readily shall be removed and an approved sub-bas material will be placed when required by the Planning Commission. Sub-base material shall be approved pit-run material. Compaction and street constructing must comply with Utah Department of Transportation (UDOT) specifications.

2. All sewer and water trenches located in street sidewalk areas shall be thoroughly compacted and inspected with approval of the City Inspector. All sewer and water trenches located under street and sidewalks shall meet current UDOT compaction specifications. It shall be the subdivider's responsibility to restore to grade and resurface all streets and sidewalk areas damaged from later settlement of such trenches within two (2) years of construction.
3. The road base shall consist of a minimum of four (4) inches of approved, crushed gravel base course, to be prepared and places on sub grade.
4. After the establishment of a suitable road base, the street shall be hard surfaced with a 2 ½ inches recommended compacted course of plant mix bituminous surface course, or material of equal or better quality. The surfaces shall be prepared and installed in accordance with standards of this Town and UDOT.
5. Any development of all lots larger than 2 acres shall not be required to finish the road with bituminous surface course. A six (6) inch road base is required. The Town will not be responsible to provide bituminous surface course in the future on these roads, unless a special service district is set up in the subdivision.

#### C. WATER SUPPLY

A subdivider must install water lines to make adequate water supplies available to each lot within a subdivision. Water mains of not less than six inches in diameter shall be put in the streets, and the subdivider shall extend existing water mains in the community water system from the nearest available source to the subdivision at eth subdivider's expense and in accordance to Town standards as adopted by resolution. Larger water lines may be required to meet future growth needs.

#### D. SEWAGE DISPOSAL

A subdivider must certify in written form from the State Health Department to the City Council prior to approval that all lots in the subdivision are tested and are found adequate for installation and operation of septic tank systems in concurrence with State Health Department regulations.

#### E. STORM WATER

The Town Council shall require the subdivider to dispose of storm water such as provisions are deemed necessary. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements. In new subdivisions, a plan shall be submitted showing a drainage plan with barrow ditches and disposal

methods for storm water. Storm water shall not be discharged or disposed of in such a way as to harm or cause damage to adjacent properties.

**F. FIRE HYDRANTS**

Fire hydrants shall be installed by the subdivider prior to the completion of the subdivision and shall be in compliance with standards adopted by the local jurisdiction. Fire hydrants shall be located a maximum of 500 feet apart. Size and type of hydrant shall be approved by Annabella Town prior to installation. All hydrants shall have adequate thrust blocking or restrained joint type fittings.

**G. STREET LIGHTS**

A subdivider shall be required to provide street lights as recommended by the Planning Commission.

**H. ELECTRIC UTILITIES**

Power lines will be installed below ground. The subdivider shall bear the cost of materials and installation. Power lines shall meet all standards of the National Electric Code.

**I. MONUMENTS AND LOT STAKING**

1. Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by the Annabella Town Council, and shall conform to current industry standards.
  
2. Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground.

**J. PUBLIC HEARINGS**

If at any time during the various steps set forth in the proceeding ordinance, the Town Council determines the a public hearing would be useful or productive as to any type of the purposes of the ordinance, the Council may call such a public hearing.

**K. INSPECTION OF IMPROVEMENTS**

Appropriate agencies or departments of the Town shall inspect or cause to be inspected all structures, streets, fire hydrants, and water supply, electric facilities, and sewage disposal systems in the course of construction, installation or repair, etc. Excavation for fire hydrants , water mains and laterals shall not be covered over or back-filled until such installation shall have been approved by the Town Council. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person, at no cost to Annabella Town.

**SECTION 8. DEFINITIONS**

Unless the contents of this ordinance provides otherwise, the definitions or terms in this ordinance shall have the meaning of common usage. The following specific definitions are as follows:

- A. **SUBDIVIDER:** The term subdivider is any person laying out or making a land division for the e purpose of a first sale, or first selling for himself or others a subdivision or any part thereof.
- B. **SUBDIVISION:** A subdivision is a tract, or lot, or parcel of land which has been divided into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of saler of building development. This definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the County Recorder.

The terms of the definition of a subdivision which are given to above shall be interpreted to apply to the subject land and not to the owner thereof (“shall run with the land”) And subsequent owners of any parcel shall not be entitled to make a division of land without creating a subdivision as defined therein as set forth in state law.

- C. **DESIGNATED CITY ENGINEER:** The term shall mean the engineer of the Town, or any individual or firm retained or designated by the Town of the purpose of performing engineering duties.

## **SECTION 9. COST OF DEVELOPERS**

All costs relating to the subdivision including but not limited to advertising, inspection, etc. shall be the developer’s responsibility.

## **SECTION 10. PENALTY**

Any person who shall violate any of the provisions of the ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$1,000.00 or by imprisonment in the County Jail for a period not to exceed six (6) months, or by both such fine and imprisonment; and every omission or neglect to the requirements demanded to be performed and ever continuance of any act or thing prohibited by this ordinance shall be deemed to be a separate offense committed and shall be punishable accordingly.

## **SECTION 11. AMENDMENTS AND ADDITIONS**

Amendments and additions to the ordinance may be made upon recommendation of the Planning Commission and acted upon by the Town Council. Standards may be set at any time by resolution of the Town Council upon recommendation of the Planning Commission as set forth in State Law.

## **SECTION 12. EFFECTIVE DATE**

This ordinance shall become effective after passage, publication and posting as set forth in State law.

