

# **Final- Tropic Subdivision Ordinance**

P. C. Hearing: 18 July 2002 Council Hearing: 25 July 2002 Adopted : 22 August 2002

## **SUBDIVISION ORDINANCE**

**Ordinance #: 82202**

**A Revision to that Subdivision Ordinance  
Adopted September 11, 1991.**

**Tropic Town, Utah  
Adopted August 22, 2002  
Effective Date: August 22, 2002**

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## Ordinance #82202

### Subdivision Ordinance Revision Tropic Town, Utah

An ordinance of the Town of Tropic, Utah, revising the Tropic Town Subdivision Ordinance adopted September 11, 1991, relating to the development and subdivision of lands within the Town of Tropic pursuant to UCA 10-9-801.

#### Preamble

In order to provide for the health, safety, and general welfare of the citizens of Tropic, Utah, the Town Council is committed to revise and establish a Subdivision Ordinance to implement the provisions of the Tropic General Plan adopted February 14, 1996, and the Zoning Ordinance adopted December 12, 1984.

**WHEREAS**, Tropic Town desires to revise the present Subdivision Ordinance consistent with Utah law, and

**WHEREAS**, pursuant to (10-9-801 & 803 UCA), the Town Council is authorized to adopt and revise the subdivision ordinance; and

**WHEREAS**, the Planning Commission has made a recommendation to the Town Council to adopt this Subdivision Ordinance; and

**WHEREAS**, the Planning Commission and the Town Council have held publicly noticed meetings according to the laws of Utah to discuss the provisions of this revised subdivision ordinance. (10-9-802 UCA)

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of Tropic, Utah, as follows:

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## Tropic, Utah Subdivision Ordinance

### Chapter 1- General Provisions

#### **Purpose.**

The purpose of this Ordinance is:

1. To promote the health, safety, and general welfare of the residents of Tropic Town.
2. To promote the efficient and orderly growth of Tropic Town consistent with the General Plan and State law.
3. To provide clear policies and standards to guide the development of land within the Town boundaries.
4. To provide a uniform method of reviewing and approving subdivisions that simplifies the development process and assists developers in utilizing their lands efficiently and in a way that will protect the public interest.
5. To create an accountability for the completion of subdivisions as approved.
6. To provide a clear policy guideline to the Tropic Town Planning Commission who is hereby appointed the administrative agency to implement this ordinance.

#### **Short Title.**

This Ordinance shall be known and may be referred to as the Tropic Town Subdivision Ordinance. This ordinance may be referred to in other sections herein as “the Ordinance”, “Ordinance”, “this ordinance”, or “subdivision ordinance”.

#### **Authority.**

The Town Council of Tropic, Utah adopts this ordinance pursuant to The Municipal Land Use Development and Management Act, and as provided by 10-9-801 UCA, 1953, as amended, and all other authorities and provisions of Utah and Federal statutory and common law as applicable.

#### **Private Property Rights Protected-**

1. Consistent with 72-5-405 UCA, Tropic Town shall observe all protections conferred on private property rights and shall endeavor to ensure this is observed in the enforcement of this Ordinance. While the Town has a legitimate role to

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- lawfully regulate the uses of land within its boundaries to ensure the public interest of its residents, it also has an obligation to ensure that private property rights of its residents are protected and not taken or diminished without due process.
2. Any owner of private real property in the Town, who feels their private property rights have been unfairly or unnecessarily taken or diminished by a decision of the Town without due process, may appeal their concern to the Board of Adjustment for hearing within thirty (30) days of the decision that impacted their land. Such procedures are provided in 63-90a-4 UCA.
  3. Protection of private property rights are provided herein consistent with constitutional principles which follow:

## Constitution of the United States.

### **Fifth Amendment:**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.**

### **Fourteenth Amendment:**

**Section 1. Citizens defined; states not to abridge citizen's privileges.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. **No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

## Constitution of Utah.

**Article I, Section 22, Utah Constitution. Private property shall not be taken or damaged for public use without just compensation.**

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## Enforcement.

Pursuant to State law, **10-3-809 UCA**, the Mayor is responsible for the enforcement of the laws of the Town, and shall have all the powers necessary to carry out the provisions of this Ordinance consistent with the laws of the Town and the State of Utah. Pursuant to State law, the Town of Tropic may enforce this subdivision ordinance by withholding building permits.

## Penalties.

Violation of this Ordinance is a Class C Misdemeanor.

## Notice to Nearby Public Entities

When a public hearing is held to consider a proposed change in zoning, a preliminary or final plat for a multiple-unit residential, commercial, or industrial development, or a modification of the Town's general plan, the Planning Commission shall provide legal notice to Tropic Town, the School District, Special Improvement Districts, and any other Town taxing authority that will be impacted by said development. **10-9-103.5 UCA**

## Property Owned by other Government Units

Each, Town, school district, special district, and other political subdivision of Utah that owns land within Tropic Town, Utah, and plan to develop these lands, shall conform to the land use and subdivision ordinances of the Town consistent with **10-6-106 UCA**.

## Scope of Ordinance

- (1) This ordinance shall apply to all lands subdivided after the date of adoption, that are within the boundaries of Tropic, Utah.
- (2) After the adoption of this Ordinance, no person shall subdivide any tract of land, which is located wholly or in part in Tropic, Utah, except in compliance with this Ordinance.
- (3) After the date of the adoption of this Ordinance, subdivision lots shall not be sold or exchanged in any part of a subdivision, nor subdivision deeds recorded at the County Recorder office, unless the subject land has been created in accordance with the provisions of this Subdivision Ordinance.

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- (4) This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance., except as provided below.
  - (5) Lots within a subdivision, created and recorded prior to the effective date of this ordinance, shall not be further divided, rearranged, added to or reduced in area, without first obtaining the approval of the Planning Commission and the Town Council.

## **Application.**

1. This Ordinance shall apply to all subdivisions within the meaning of the term "subdivision", as used in this Ordinance. Specifications for improvements for all subdivisions shall be met as outlined herein.
2. It shall be unlawful for any person to offer or sell or lease, to contract to sell or lease, or to sell or lease any such subdivision, or any part thereof, which is located in the Town of Tropic, until a final plat is in full compliance with the provisions of this Ordinance and has been recorded in the office of the County Recorder.
3. The provisions of this Ordinance shall be a minimum requirement to provide for the health, safety, and general welfare of the residents of the Town. Additional standards and requirements may be made by the Planning Commission, Board of Adjustment, or Town Council as provided by law, to ensure that the intent of the General Plan and the Zoning Ordinance are carried out.
4. This Ordinance shall not change any law, ordinance or agreements which are more restrictive, but shall prevail over those provisions which are less restrictive.

## **Inconsistent Ordinances Repealed**

Those ordinances that are found inconsistent with this Ordinance are hereby repealed.

## **Permits and Licenses to Conform to this Ordinance.**

From the date of adoption of this Ordinance, all officials, employees, and agents of the Town are to ensure that all subdivisions within the Town conform to this Ordinance before any permits or approvals are given.

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## **Board of Adjustment Exceptions.**

Where unusual topographic or other exceptional conditions exist, the Board of Adjustment may vary some requirements of this Ordinance, after receiving recommendations from the Planning Commission, provided that such variations do not change the intent of this Ordinance and comply with the provisions of variances in the Zoning ordinance.

## **Fees.**

According to Utah law, **10-9-107** the Town may charge a reasonable fee for processing subdivision applications. At the time of filing for any platting, zoning or subdivision action, a non-refundable fee shall be submitted, payable to the Town, in accordance with the currently adopted fee schedule as adopted by resolution of the Town Council.

## **Effect.**

The intent of this Ordinance is to carry out the provisions of the General Plan and Zoning Ordinance and any other related State Laws, and to avoid conflict therewith. If any part of this Ordinance is found to be unconstitutional, or illegal, by a court of competent jurisdiction, the validity of the remainder of this Ordinance shall remain in effect.

## **Interpretation.**

The following principles shall guide in the interpretation of this Ordinance:

1. Does the interpretation protect the private property rights of the individual,
2. Does it provide for a fair and open hearing.
3. Does it protect the public interest, and
4. Does it limit or repeal any other powers granted under State law.

In interpreting the provisions of this Ordinance the following rules shall apply:

1. The words “shall” or “must” are mandatory. The words “should” and “may” are permissive.
2. Words used or defined in one tense or form shall include other tenses or derivative forms.
3. Words used in the singular shall include the plural; words used in the plural shall include the singular.
4. Words referring to gender shall extend to the other gender. This document shall be considered gender neutral.

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5. In the even of conflict between the text of this Ordinance and any maps, charts, or other materials, the text of this Ordinance shall prevail.

## **Other Public Agencies.**

The Town Council may withhold approval of a preliminary plat for up to one year if all or part of the area to be sub-divided may be needed for a park, school, street, or agency in writing of the proposed subdivision. If proper means have not-been initiated to acquire the desired property by a public agency within one year, the owner may then subdivide in compliance with the provisions of this Ordinance.

## **Chapter 2- Administration**

### **Town Council- Legislative Body**

According to **10-9-801 UCA**, the Town Council may enact a subdivision ordinance as recommended by the Planning Commission.

### **Mayor- Enforce this Ordinance**

Pursuant to **10-3-809 UCA**, the Mayor shall enforce the provisions of this ordinance with the advise and consent of the Town Council. The Mayor shall have the authority to appoint officers, and committees necessary to carry out this ordinance, with the advise and consent of the Council

### **Planning Commission- Administrative Powers.**

The Planning Commission as appointed by the Mayor, with the advise and consent of the Council, is hereby designated as the administrative committee to implement the provisions of this Ordinance.

### **Zoning Administrator.**

When necessary, the Mayor may appoint a qualified person to carry out the administrative day to day activities of this Ordinance. The person so appointed shall work as advisory staff to the Planning Commission and shall be referred to as the Zoning Administrator. It is the responsibility of the Zoning Administrator to ensure that the decisions of the Town Council and the Planning Commission are carried out in a consistent manner with regard to this Subdivision Ordinance.

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## **Board of Adjustment.**

The Board of Adjustments shall hear appeals concerning the decisions of the Planning Commission, or other administrative staff and file their decisions in writing with the Town Council, Planning Commission and appropriate staff for implementation.

## **Other Needed Staff.**

Other staff members of the Town may be appointed by the Mayor as provided herein to implement this ordinance.

## **Public Meetings.**

All meetings of the Planning Commission, Board of Adjustment, or Town Council with respect to the requirements of this Ordinance shall meet the requirements of State Law regarding public meetings.

## **Chapter 3- Plat Exempt Subdivisions of Land**

The following subdivisions and/or changes in parcels of land in Tropic shall be exempt from the subdivision plat process outlined in this ordinance.

### **Agricultural Land Divisions:**

1. Owners of agricultural land may partition their land in any manner they choose as long as it is for agricultural purposes as defined in 59-2-502 et. Seq., Utah Code Annotated, 1953 as amended.
2. The division of land for agricultural purposes does not include the division of agricultural land for the purpose of allowing a single-family dwelling unit, or other residential or commercial, industrial or public use, and does not qualify for the issuance of a building permit to establish such a use.
3. Agricultural land may be divided or combined for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel, nor the parcel remaining from the division or partition violate this ordinance or the zoning ordinance.
4. The boundaries of each parcel of bone fide agricultural land shall be graphically illustrated on a record of survey map and recorded with the County Recorder.
5. If a parcel exempted herein is intended for use for nonagricultural purposes, ie. Residential, commercial, industrial, the Town shall require the lot or parcel comply with the subdivision the provisions of this ordinance as a minor or full subdivision, depending on its use.

## Other Exempt Divisions of Land:

1. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
  - a. No new lot is created; and
  - b. The adjustment does not result in any violation of the Zoning Ordinance.
2. 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.

## Chapter 4- Sketch Plan Reviews

1. Sub-dividers shall schedule and meet with the Planning Commission and Town Staff to review what they plan to do prior to the submission of a Preliminary Plat. The Sketch Plan is intended to enable the sub-divider and the Planning Commission to review the plan informally and to obtain input from other Town staff and/or utility companies as necessary prior to submitting a formal preliminary plat application.
2. For large areas where development is anticipated over an extended period of time, the Sketch Plan shall show the area for which preliminary plan approval will be requested for the first phase of development and also show a concept sketch map of the entire property and its environs.
3. The concept sketch map will have no official standing or approval. It may be amended or modified from time to time by the sub-divider as deemed appropriate and reviewed with the Planning Commission prior to formal submission as a preliminary plat.
4. The Sketch Plan shall include the following:
  - a. Date.
  - b. The general location of the subdivision and the property boundaries of the proposed subdivision area, outlined in red, true north and designated public access.
  - c. It should show significant natural and man-made features on the site and describe the historical use of the property.
  - d. Topographic contours from available data e.g. USGS maps showing slopes and existing water drainage.
  - e. Existing public improvements and alignments.
  - f. Acreage of the entire tract as well as the number of lots to be created by the subdivision.

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- g. Brief written statement or oral presentation in sufficient detail that the intent of the sub-divider is clear to those who review the proposals

## **Sketch Plan Not An Application for Subdivision Approval**

1. The Sketch Plan shall constitute an application for subdivision approval, as provided and required by this Ordinance, and is in no way binding on the Town or the applicant. Any discussion that occurs at the Sketch Plan review meeting shall not be considered any indication of subdivision approval or disapproval, either actual or implied.
2. An application for subdivision approval shall only be considered filed with Tropic Town upon the submission of all information and materials as required for a preliminary subdivision plat as contained herein, and after a determination of subdivision application completeness by Tropic Town Planning Commission.

## **Town Approval Required Prior to Recording (10-9-805 UCA)**

1. All subdivisions within the Town must receive a formal review and recommendation from the Planning Commission and approval of the Town Council prior to any submission of the plat to the County Recorder's office for recording.
2. All subdivision plats shall receive the written approval of the Town Council and any other officers of the Town required by this Ordinance, and entered in writing upon the Plat prior to recording.

## Chapter 5- Minor Subdivisions.

**Description.** A minor subdivision is defined as the development of no more than five (5) lots along an existing improved public street where the necessary public improvements have already been installed. The Town has adopted this section to provide a simplified process for the development of lots along existing streets to encourage “in-filling” of existing improved land within the Town.

A Minor Subdivision may be approved by the Planning Commission and Town Council under the following conditions:

1. The Planning Commission reviewed the project and has given the Town Council its recommendation in writing.
2. The Town Council has reviewed the project and has certified in writing that the Planning Commission, and any other officers designated by them have given their recommendations.
3. The development is not traversed by the mapped lines of a proposed street as shown in the General Plan and does not require the dedication of any land for street or other public purposes.
4. Each lot in the development meets the frontage, width, and area requirements of the Zoning Ordinance, or shall have been granted a variance from such requirements by the Board of Adjustment.
5. The developer shall guarantee the installation of improvements to provide adequate service to the subject lots as per Town requirements.

### Minimum Requirements of Minor Subdivisions

1. An accurate Map prepared by a qualified surveyor, of all lots proposed in the minor subdivision, will be submitted to the Planning Commission providing a legal description of each proposed lot.
2. The Map must indicate all existing and proposed easements, utilities, and any other facilities that are located on the subject property and in the adjacent public rights-of-way.
3. All utilities proposed to service lots will be drawn on the map showing their location, size, connections, valves, and any other facilities required, according to Town Construction Standards, as provided herein.
4. The Town may require additional public improvements at the time the proposed lots are being improved to bring them up to present standards. Additional capacity over that required by the minor subdivision lots, shall be paid by the Town.

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5. The developer shall be responsible to install all the required improvements to Town construction standards to each lot prior to a building permit being issued on any lot.
  6. The developer will be responsible to restore all disturbed existing facilities to their original condition.
  7. Prior to construction, financial security, as outlined herein, must be posted by the developer to guarantee that all work proposed for public improvements, are completed as agreed.

## Chapter 6- Formal Subdivision Procedure.

All subdivisions or partitions of land that are not considered exempt or minor subdivisions as outlined herein shall comply with the following:

### Preliminary Plat Submission Requirements

Application for preliminary plat approval shall be done on an application form provided by the Town and will include the provisions as required by this Ordinance.

Following the payment of the required fees to the Town Office, six (6) copies of all required materials for a Preliminary Plat shall be officially submitted to the Tropic Town Planning Commission by the sub-divider or authorized representative at least thirty (30) days prior to the date of the Tropic Town Planning Commission meeting at which the preliminary subdivision plat is to be reviewed according to the following:

1. A minimum of six (6) copies, black on white prints of the Preliminary Plat.
2. Boundaries and monuments shall be keyed to Public Lands Corners, BLM monuments or other legally established survey monuments and the accuracy certified by a registered land surveyor, licensed to do such work in the State of Utah. A workmanlike execution of the plat shall be made in every detail. The preliminary subdivision plat shall be prepared in pen and the sheets shall be numbered in sequence, if more than one (1) sheet is used or required, at a size of 24"x 36" or as acceptable for recording by the County Recorder. The preliminary subdivision plat shall be drawn on Mylar.

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## Identification and Description

In a Title Block, located in the lower right hand corner of the sheet shall appear the following:

1. The proposed name subdivision, which shall not duplicate, or too closely approximate, phonetically, the name of any other sub-division in the area covered by these regulations.
2. The names and addresses of the owner, and sub-divider if other than the owner.
3. Graphic scale and north arrow. The scale shall be sufficient size to adequately describe in legible form, all required conditions of this Ordinance.
4. Size of the sheet shall be 24" x 36".
5. Location by section, township and range.
6. Name of municipality and county.
7. Name of land surveyor, engineer and site planner.
8. Name of adjacent property owner, owners or developer of the subdivisions.
9. The location of the subdivision including the address and the section, township, and range.
10. Date of preparation and north point, scale, contour interval, source and date of existing contours.
11. Scale shall be of sufficient size to adequately describe in legible form all required conditions of this Ordinance.
12. Sufficient legal description to define the boundary of the proposed subdivision.

## Illustrate Existing Conditions.

1. The boundary of the proposed subdivision and the acreage included. A statement of present land use as defined in the General Plan and the existing and proposed zoning of the property.
2. **A Vicinity Map.** A vicinity map showing the project and its relationship to the Town.
3. All adjacent property under the control of the sub-divider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the sub-divider's tract, a sketch of the future plans for the undeveloped land shall be included, showing the proposed streets, consistent with the General Plan.
4. The location, width, and names of all existing streets within two hundred (200) feet of the subdivision and of all prior platted streets or other public ways, utility rights-of-way, parks and other public open spaces permanent easements and section and corporation lines, within and adjacent to the tract.
5. The location of all wells, proposed, active and abandoned, and all reservoirs within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries.

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6. Existing septic tanks, water mains, culverts, or other underground facilities within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries, indicating the pipe sizes and location.
7. The location of all existing utilities and utility easements within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries.
8. Existing ditches, canals, washes, streams, swamps and natural drainage channels and open waterway areas including potential areas subject to storm water flooding; the location, width, and direction of flow of each water course; and the flood zone designation as indicated on the Flood Insurance Rate Maps.
9. Contour at vertical intervals not greater than five (5) feet, or two (2) feet when specified by the Town Engineer. Existing topography of the proposed subdivision site should be provided out to 100 feet from the boundaries.
10. Prominent natural features such as rock out-croppings, woodland, steep slopes, and exceptional topography.
11. The names and boundary lines of all adjacent properties and the names of the owners.

## Proposed Plan.

The application shall also show:

1. The layout of streets, showing location, grade, centerline radius, and arc length of curves, pavement, right-of-way widths and other dimensions of proposed streets, alleys, and easements.
2. The design of the street edge from the pavement to the lot showing the drainage, walk-ways and/or Sidewalks, plantings, and fences proposed.
3. The layout, numbers and typical dimensions of lots. Multi-family projects shall demonstrate building footprints in addition to lot dimensions. Engineering data shall show the proposed finished grading of each lot.
4. Builder setback lines required by the Zoning Ordinance.
5. Easements for water, sewer, drainage, utility lines and other necessary services.
6. Typical street cross-sections and street grades.
7. A surface water drainage plan showing water runoff, points of collection, and areas of disposal.
8. Recreation sites, bike paths, trails, and parks for public and private use.
9. Location of all public and private facilities located within the project area and within 100 feet of the outside boundary.
10. Contours at one foot intervals showing the completed grade and drainage.
11. Phases of the development and what is included in each phase.
12. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.

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13. Approximate radius of all centerline curves on highways an/or streets.
  14. A general plan for water, sewer, streets, power, gas, and any other utility as approved by the related utility. (letters of approval must be attached)
  15. Soil erosion and sediment control plan, including grading of waterways and design of erosion control devices.
  16. Landscaping plan as required by the Planning Commission.
  17. Vegetation preservation and protection plan, including trees and other vegetation proposed to be planted.
  18. Existing and proposed open space, and parks areas, including pedestrian ways or bike ways if they are necessary.
  19. Proposed zoning changes if any are needed.
  20. A report on the impact of the proposed subdivision on existing infrastructure of the Town.
  21. A statement from the Fire Chief approving the proposed fire protection facilities.
  22. If the tract requires access to a state or county road, a letter from the related agency that the project is approved and meets their requirements.

## **Tropic Town Planning Commission Approval of Preliminary Plat**

1. When all documents have been completed and the fees paid to the Town the application shall be placed on the agenda of the next Planning Commission meeting.
2. After review of the preliminary plat application, the Planning Commission shall publish the notice in a newspaper of general circulation in the related area, with notice to the Town Council.
2. Specific notice shall be sent to the adjoining property owners by the Town at the Sub-divider's expense. This cost shall be included in the application fee.
3. The Planning Commission shall approve recommendations for only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this Ordinance and all other ordinances of Tropic Town including, but not limited to the General Plan and Zoning Ordinance.
4. The Planning Commission shall consider the application and all materials submitted and recommend approval of the preliminary subdivision application as presented, recommend approval of the preliminary subdivision application with revisions and/or conditions, or recommend denial of the preliminary subdivision application. The determination of the Tropic Town Planning Commission shall be approved by findings of fact.
5. The decisions of the Planning Commission may be appealed to the Board of Adjustment.
6. The Planning Commission may recommend onsite and offsite improvements, facilities and amenities if they are determined necessary and accompanied by a finding that such onsite and offsite improvements, facilities and amenities are

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- required to protect the public health, safety and welfare of the residents of the subdivision, or the existing residents of Tropic Town.
7. The Planning Commission shall make its recommendations to the Town Council in writing stating the conditions of approval, facts received, and final recommendation. This recommendation shall be voted on by a quorum of the Planning Commission and signed by the Chairman.

## **Town Council Approval.**

1. Following receipt of the Planning Commission's written recommendation, the Town Council shall consider the recommendation at a duly scheduled Public Hearing.
2. Pursuant to Utah law, notice of the Town Council Public Hearing shall be provided by:
  - a. U.S. mail to all owners of record or real property adjacent to the lands proposed for subdivision.
  - b. Publishing notice of the public hearing in a newspaper or general circulation within Tropic Town, at least fourteen (14) days prior to the public hearing.
3. After considering the preliminary application and all materials submitted, and public input and comments received, the Town Council may:
  - a. Approve the preliminary application as presented, or
  - b. Approve with revisions and/or conditions, or
  - c. Deny the application.
4. The determination of the Town Council shall be done by findings of fact.
5. The Town Council may require onsite and offsite improvements, facilities and amenities if they are determined necessary to protect the public health, safety, and welfare of the residents.
6. Appropriate cost sharing agreements shall be arranged with the developer based on needed services and who is to pay for these services. These agreements shall be completed according to the decision of the Town Council prior to any construction beginning.
7. Approval of the Preliminary Application by the Town Council shall not constitute final approval of the subdivision, but allows the applicant to proceed with the preparation of the Final Subdivision Plat. Preliminary approval does not authorize any development of land or the issuance of any building permits on any lots in the subdivision.
8. The approval shall be effective for one year from the date of approval. If a final plat application approval is not completed and approved in that year, the

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preliminary approval shall be void, and the applicant shall be required to submit a new preliminary application for review and approval, subject to the then existing provisions of the Ordinances of the Town, and the State of Utah.

9. Prior to any approval of a Preliminary Plat of a subdivision the sub-divider shall enter into an agreement with Tropic Town which shall be in substantially the following form:

## Agreement

This Agreement is made by and between \_\_\_\_\_ (hereafter "Sub-divider") and Tropic Town.

Sub-divider hereby acknowledges receipt of a copy of the Tropic Town Subdivision Ordinance. Sub-divider hereby acknowledges that he or she has read the Subdivision Ordinance (or that an agent of Sub-divider has), and that he or she understands the provisions of the Subdivision Ordinance and that he or she will fully and completely comply with the provisions and requirements therein contained.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Sub-divider: \_\_\_\_\_

Witnessed By:

\_\_\_\_\_  
Town Recorder

NOTARY:

## Chapter 7- Final Plat

The Final Plat must be prepared by a licensed surveyor on a standard tracing linen sheet or Mylar drawn with waterproof black India Ink for copy and recording purposes. The top of the plat shall be north and marked accordingly. The plat shall contain all information required as set forth below:

### 1. Description

The final plat shall show:

- a. The name of the subdivision, as approved by the Town Council.
- b. An identification system for all lots and blocks, including the names of streets.
- c. Lots and their numbers, with lot lines showing dimensions in feet and hundredths.
- d. Monumentation and survey controls. All monuments shall be identified on the Plat. The location of said monuments shall be accurately tied to the subdivision by true bearing and distance.
- e. The dedication of streets and other areas reserved for public use shall be shown, with purposes shown thereon, and the area reserved, by deed or covenant for common uses of all property owners.
- f. The size of the plat shall be 24"x 36".

### 2. Standard Forms.

The final plat shall require:

- a. A registered professional land surveyor's "Certificate of Survey".
- b. The owner's "Certificate of Dedication" or a "Corporate Certificate" of dedication.
- c. A notary public's acknowledgement.
- d. The Planning Commission's "Certificate of Approval".
- e. The Town Engineer's "Certificate of Approval", (when applicable).
- f. The Town Attorney's "Certificate of Approval", (when applicable).
- g. The Town Council's "Certificate of Approval".
- h. A one and one-half by five inch space (1 ½" x 5") in the lower right-hand corner of the plat reserved for the County Recorder to record the date of recording.

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### 3. Other Information to be Submitted.

- a. A statement that all taxes or special assessments payable on the property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.
- b. An original copy of any proposed deed restrictions in final form and signed by all of the owners of any interest in the subdivision who sign the final subdivision map. This copy shall be acknowledged by a Notary Public and shall be recorded in the office of the County Recorder along with the final plat.
- c. Proof of compliance with regulations of the Real Estate Division of the State of Utah in the form of a receipt for the Public Offering Statement. One (1) copy of the Public Offering Statement shall be on file with the Town to be available for public review.

### 4. Certificate of Approval.

- a. No final map shall be presented to the Town Council for acceptance until the requirements of this chapter have been met and until all charges established by the Council have been paid.
- b. The Town Council shall not endorse or sign the “Certificate of Approval” contained on the final map unless and until the required performance bond or other security as outlined herein has been posted.
- c. The final plat shall be recorded at the owner’s expense at the office of the County Recorder and a recorded copy of the plat provided to the Town and kept in the Planning Commission files for future reference along with all other documents generated as a part of the subdivision approval process.

### 5. Dedication of Public Improvements-Town Liability Limitation

Pursuant to **10-9-807 UCA**, plats that are approved and recorded according to these procedures operate as a dedication of the streets and vest the fee of those parcels of land to the Town for the public uses named or intended in those plats. The dedication established by this section does not impose liability upon the Town for streets or other public improvements that are dedicated in this manner but unimproved. The Town will accept responsibility for maintenance of only

those improvements that are built to Town standards and accepted by resolution of the Town Council.

## Chapter 8- Planned Unit Developments

This chapter is included herein as a part of this Subdivision Ordinance and is hereby amended and removed from the Zoning Ordinance of Tropic Town.

### 1. Purpose.

The purpose of the Planned Unit Development is to allow a balanced variety of uses and structures within a single development, ie. Single-family, multiple family, parks, open space, recreation areas, storage, condos, etc.. The application of planned unit concepts is intended to encourage a variety of uses within a given site that are consistent with that zone, in a way that is more cost-effective and beneficial for the developer and the Town.

### 2. Definition.

A Planned Unit Development, for the purposes of this Ordinance, shall mean an integrated design for development of residential, commercial, or industrial uses, or combinations of such uses, in which one (1) or more of the regulations, other than use regulations, of the District in which the development is to be located, is waived or varied to allow flexibility and initiative in site and building location, in accordance with an approved plan and imposed general requirements as specified in this Chapter.

### 3. Planned Unit Development Permit.

Planned Unit Developments may be allowed by the Planning Commission in any zoning district. Planned Unit Developments shall not be granted unless such development meets the requirements of the zoning district in which it is to be located, including the density and other limitations of that zoning district.

### 4. Required Conditions.

- a. No Planned Unit Development shall have an area less than that approved by the Planning Commission as adequate for the proposed development.
- b. When a Planned Unit Development proposes uses that are not permitted in the zoning district in which it is to be located, a change of zoning district shall be required, and shall be accompanied by an application for a zone change.

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- c. Any residential use shall be considered a permitted use in a Planned Unit Development which allows residential uses. The density of the dwellings, their design and location, will be determined in conjunction with the Planning Commission.
- d. The development shall be in single or corporate ownership at the time of the application.
- e. **Density.** The Planning Commission shall require that the arrangement of structures and open spaces within the site plan are located to assure that adjacent properties will not be adversely affected by considering the following criteria:
  - 1. Density of dwelling units shall in no case be more than twenty-five percent (25%) higher than allowed in the related zoning district that the PUD is being located in. In a single-family residential zone the density shall be no more than ten percent (10%) higher.
  - 2. Where feasible, the height and density of buildings and uses shall be minimized around the boundaries of the development.
  - 3. Lot area, width, yard, height, density and coverage regulations shall be determined to allow for an appropriate balance by the developer.
- f. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
  - 1. Dedication of land as a public park or parkway to an association, or
  - 2. Granting to the Town a permanent, open space easement on and over the said private open spaces to guarantee that the open space shall remain perpetually in recreational use, with ownership and maintenance being the responsibility of an Owner's Association established with articles of association and by-laws which are satisfactory to the Planning Commission, or,
  - 3. Complying with the provisions of the Condominium Ownership Act , Title 57, Chapter 8, UCA., which provides for the payment of common expenses for the upkeep of the common areas and facilities by the PUD Association.
- g. Landscaping, fencing, screening and related activities on the site will be used as a means of integrating the proposed development into its surroundings and

a plan presented to the Planning Commission for approval, together with other required plans for the development.

- h. The size, location, design and nature of signs, if any, and the intensity and direction of area or flood-lighting shall be detailed in the application and consistent with lighting and sign regulations of the Town.
- i. A grading and drainage plan must be submitted to the Planning Commission with the application according to Town Standards.
- j. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site.
- k. The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.
- l. It shall be shown that the proposed use will not be detrimental to the health, safety, and general welfare of the persons residing in the vicinity of the Planned Unit Development.

## **5. Uses Allowed.**

- a. Subject to the review and approval of the Planning Commission, uses allowed in a Planned Unit Development shall be those uses allowed in the related zoning district in which the Planned Unit Development is to be located.
- b. Multiple-family dwellings may be allowed in a Planned Unit Development approved in a single-family zoning district, provided the overall density of the development does not exceed ten percent (10%) above the density normally allowed for single-family dwellings in this zoning district.

## **6. General Site Plan.**

Application shall be accompanied by a General Site Plan showing the following:

- a. The uses, dimensions, sketch elevations, and locations of proposed structures.
- b. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces.

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- c. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.
- d. Such other pertinent information, including residential density, coverage, and open space characteristics, shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

## 7. Review by Planning Commission

The Planning Commission shall have authority to require that the following conditions (among others it deems necessary) be met by the applicant:

- a. That the proponents of the Planned Unit Development have demonstrated to the Planning Commission that they are financially able to carry out the proposed project.
- b. That the proponents intend to start construction within one (1) year of the approval of the project and any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within four (4) years from the date construction begins.
- c. That the Planned Unit Development meets the requirements of the zoning districts that it is located in.
- d. That the development is planned as one (1) balanced and integrated land use rather than as a group of individual and unrelated buildings and uses.
- e. Appropriate security to complete all public improvements has been posted with the Town prior to construction.

## 8. Scope of Planning Commission Action.

- a. It is the intent of this Chapter that site and building plans for a Planned Unit Development shall be prepared by a designer or team of designers having demonstrated professional competence in this type of development. Proof of professional qualifications of the designers may be required with the application.
- b. The Planning Commission may approve or disapprove an application for a Planned Unit Development and recommend such to the Town Council. In an approval, the Planning Commission shall attach conditions determined necessary to secure compliance with the purposes set forth herein along with any minutes or other documents they feel is necessary.
- c. The denial of an application may be appealed to the Board of Adjustment.
- d. All decisions of the Planning Commission will be provided in writing to the applicant with a copy going to the Town Council.

## 9. Construction Limitations.

- a. Upon approval of the Planned Unit Development, construction can proceed only in accordance with the plans and specifications approved by the Town Council and Planning Commission.
- b. Amendments to approved plans and specifications for a Planned Unit Development shall be obtained only by following the procedures herein outlined for the original approval.
- c. The Building Official shall not issue any building permit for any structure or use within the project unless it is in accordance with the approved development plan along with any attachments required by the Planning Commission and approved by the Town Council

## Chapter 9- Hillside and Sensitive Land Development

### Purpose.

1. The purpose of this chapter is to establish procedures for the development of sensitive hillsides that may presently or in the future exist within the Town. The standards set forth herein are intended to minimize adverse soils and slope instability, decrease potential erosion, and reduce the adverse affects of grading and cut and fill operations during construction.
2. These procedures are also intended to preserve the natural character of hillsides and encourage development which is in harmony with the surrounding aesthetics and character of the Town. These standards shall apply to all zoning districts within the Town, and more especially to lands where slopes exceed 20 percent.
3. Depending on soil types, water holding capacity, foliage, and natural surroundings, the Planning Commission may also require application of this zone to lands where the slopes are less than 20 percent. Development shall not be allowed where slopes are more than 30 percent.
4. At no time will the Town assume responsibility for any actions of land owners or subdividers in relation to this chapter. All subdividers and developers shall be responsible for their own actions and shall be required to sign the Agreement in Chapter 6 or this ordinance, prior to approval of any development on hillsides or sensitive lands.

The provisions herein are intended to achieve the following:

1. To preserve the most visually significant slope banks and ridge lines in their natural state by clustering development into meaningful neighborhood units.

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2. To encourage the location, design and development of building sites which provide maximum safety and human enjoyment, while adapting the development to the natural terrain.
  3. To minimize the effects of grading and ensure that the natural character of the hillside is retained. Also, to minimize the scarring and erosion effects of cutting, filling and other development activities on hillsides.
  4. To preserve visually significant rock out-croppings, native plant materials, natural hydrology, and areas of historical or visual significance.
  5. To encourage development which is designed to include the natural landscape as a major part of the site, thereby achieving a feeling of continuity throughout the project area.
  6. To preserve views of significant visual features as viewed both within the hillside community and well as outside the hillside community.
  7. To discourage mass grading of large building pads and excessive terracing, and
  8. To prohibit activities and uses which would result in the degradation of fragile soils and steep slopes.

## Subdivider Agreement

All subdividers who have a final plat approved by Tropic Town agree to carry out the provisions of this Chapter as a condition of said approval. (See Subdivider Agreement)

## Skyline Protection

Developments shall be planned so that no building or home roof breaks the skyline view from surrounding lands. Any alteration of this policy shall be reviewed by the Board of Adjustment and approved by the Planning Commission prior to a building permit being issued.

## Application Procedure.

All applications for developments in these areas shall comply with this chapter. In addition, any application for a use in the Hillside Protection or Sensitive Land areas shall include a conceptual plan of the proposed development which shall include the following:

1. The type and nature of the development.
2. The goals and objectives of the developer.

3. The development's relation to and compatibility with the Alto General Plan, and
4. The required reports as described in Section 5 of this chapter.

## **Required Reports.**

### **1. Technical Reports.**

- a. **Grading Plan.** The grading plan shall show the existing and proposed contours and cross-sections. Accurate contours showing the topography of the existing ground extending at least one hundred (100) feet outside all boundary lines of the site, or significant to show on and off-site drainage, shall also be included.
- b. **Drainage Plan.** The drainage plan shall show all surface and subsurface drainage systems and facilities, walls, or other erosion protection devices to be constructed in connection with, or as part of the proposed work, together with a map showing the drainage area and estimated run-off of the area to be served by any drainage systems or facilities.
- c. **Facilities Map.** This map shall show any existing and proposed buildings or structures, easements and drainage channels on the property where the work is to be performed. Also, the locations of any buildings or structures on adjacent property which may be affected by grading operations shall be shown.
- d. **Soils Report.** The soils report shall be prepared by an engineering geologist and/or geo-technical engineer. The report shall include at least the following:
  - (1) **Slope stability analysis:** Conclusions and recommendations concerning the effects of material removal, introduction of water, ground staking, and erosion on slope stability.
  - (2) **Foundation Investigation:** Conclusions and recommendations concerning the effects of soil conditions on foundation and structural stability, including bearing capacity, shear strength, and shrink-swell potential of soils on the site.
  - (3) The location and yield of springs and seeps on the site, evaluation of soil permeability for septic systems if proposed for use.
  - (4) Conclusions and recommendations regarding means to increase safety during and after construction and means to minimize adverse effects to the lands located within the development as well as those adjacent to and effected by the development.

## Approval Required Before Excavation.

The plan developed by the subdivider shall be made a part of the final plat approval and it shall be the subdivider's responsibility to follow that plan as a condition of approval. The Town shall not be responsible for the results of any plan developed by the subdivider.

## Chapter 10- Vacating or Changing a Subdivision Plat.

1. The Town Council may consider any proposed vacation, alteration, or amendment of a subdivision plat, or an portion thereof, or any street, lot, or alley contained in a subdivision plat at a public hearing. **(10-9-808 UCA)**
2. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted, may petition the Town Council in writing to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
3. Before the Town Council shall consider a proposed vacation, alteration, or amendment, it shall refer the proposal to the Planning Commission for its recommendation.
4. The Planning Commission shall give its recommendation within thirty (30) days of receipt of the proposal.
5. Each petition shall include:
  - a. The name and address of all owners of record of the land contained in the entire plat.
  - b. The name and address of all owners of recorded of land adjacent to any street that is proposed to be vacated, altered, or amended; and
  - c. The signature of each of these owners who consents to the petition.
6. If a petition is filed, the Town Council shall hold a public hearing within forty-five (45) days after receipt of the Planning Commission's recommendation if any of the following apply:
  - a. If the plat change includes the vacation of a public street or alley, or
  - b. Any owner within the plat notifies the Town of their objection in writing within ten (10) days of mailed notification, or
  - c. All of the owners in the subdivision have not signed the revised plat.

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7. A petition that lacks the consent of all owners may not be scheduled for public hearing until the required notice is given as provided herein. The Petitioner shall pay the cost of the notice.
8. Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:
  - a. No new dwelling lot or housing unit results from the lot line adjustment.
  - b. The adjoining property owners consent to the lot line adjustment.
  - c. The lot line adjustment does not result in remnant land that did not previously exist; and
  - d. The adjustment does not result in violation of applicable zoning requirements.
9. The name of the recorded subdivision may be changed by recording an amended plat making that change as provided in this section.

## **Notice of Hearing for Plat Changes.(10-9-809 UCA)**

1. The Town shall give notice of the proposed changes by mailing the notice to each owner of property located within 300 feet of the property that is the subject of the proposed plat change, addressed to the owner's mailing address appearing on the rolls of the county assessor of the county in which the land is located.
2. The Notice shall include:
  - a. A statement that anyone objecting to the proposed change must file a written objection within ten (10) days of the date of the notice.
  - b. A statement that if no written objections are received by the Town within the time limit, a public hearing may not be held; and
  - c. The date, place, and time when a hearing will be held, if one is required, to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all land owners.
3. If the proposed change involves the vacation, alteration, or amendment of a street, the Town shall give notice of the date, place, and time of the hearing in the following way:
  - a. By mailing notice as required above in #1, and publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the Town in which the land is located.
  - b. If there is no newspaper of general circulation in the Town, the notice will

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be posted in three public places for four consecutive weeks prior to the hearing.

## **Decision of the Town Council.**

Within thirty (30) days after the public hearing required, the Town Council shall consider the petition along with the recommendations of the Planning Commission.

If the Town Council is satisfied that neither the public nor any person will be materially injured by the proposed changes, and that there is good cause, it shall by ordinance vacate, alter, or amend the plat, any portion, or any street or lot.

## **Chapter 11- Financial Responsibility.**

### **1. Guarantee.**

To insure that required public improvements are installed as required by this Ordinance, and before Final Plat approval by the Town Council, the sub-divider shall guarantee the installation thereof by one or a combination of one (1) or more of the methods specified below in an amount equal to the cost of the improvements as estimated by the Town, plus a percentage to cover unexpected costs and inflation. The guarantee employed shall be approved as to method and form by the Town Attorney.

### **2. Performance Bonds.**

The sub-divider shall furnish and file with the Town Council, a corporate surety bond in an amount of money equal to at least one hundred ten (110) percent of the cost of improvements as estimated by the Town, plus a percentage to cover costs of inflation, to assure that the actual construction of such improvements is completed within a period of two (2) years immediately following the approval of the Final Plat and subdivision by the Town Council, which bond shall be approved by the Town Council and the Town Attorney.

### **3. Escrow Deposit.**

The sub-divider shall deposit in escrow with an escrow holder approved by the Town Council an amount of money equal to at least one hundred ten (110) percent of the cost of improvements required as estimated by the Town, plus a percentage to cover the cost of inflation, under an interest bearing escrow agreement conditioned upon the installation of said improvements within two (2) years from the approval of the Final Plat and subdivision. The escrow agreement aforesaid shall be approved by the Tropic Town

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Commission and the Tropic Town Attorney and shall be filed with the Tropic Town Recorder.

## 4. Irrevocable Letter of Credit.

The sub-divider shall file with the Town Council an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution which letter shall contain provisions substantially similar to those required by the escrow agreement and shall be approved by the Town Council and Town Attorney before being accepted.

## 5. Default.

In the event the sub-divider defaults or fails or neglects to install satisfactorily the required improvements within two (2) years from the date of approval of the Final Plat, the Town Council may declare the guarantee forfeited, and may install or cause the required improvements to be installed, using the proceeds from the collection of the bond to defray the expenses thereof.

## 6. Phased Development.

Whenever the sub-divider shall develop a subdivision in phases, such development shall be in an orderly manner and in such a 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 herein before specified.

## 7. Improvements Guarantee.

- (1) The sub-divider shall warrant and guarantee that the improvements provided for herein and every part thereof, will remain in good condition for a period of one (1) year after the date of conditional acceptance by the Tropic Town Council, and shall agree to make all repairs to and maintain the improvements and every part thereof in good condition during that one (1) year period at no cost to the Town.
- (2) It is further agreed and understood that the identification of the necessity for repairs and maintenance of the work rests with the Town, whose decision upon the matter shall be final and binding upon the sub-divider, and the guarantee hereby stipulated shall extend to and include, but not be limited to the entire street, sub-grade, 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.

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- (3) When repairs, maintenance or rebuilding of improvements are required, the Town shall cause written notice to be delivered by registered mail to the Sub-divider. If the work has not been completed after thirty (30) days of written notice, then the Town Council shall have such repairs made, and the cost of such repairs shall be paid out of the performance security deposits held in the name of Tropic Town, for that project.

## 8. Covenant.

- A. The sub-divider shall execute with the Tropic Town Council an agreement by which the sub-divider covenants that he will not sell, lease or convey any of the subdivided property to anyone whomsoever unless he shall first post the necessary surety with the Town that all improvements required by the Town shall be satisfactorily be completed.
- B. The agreement shall specifically provide that it shall be deemed to be a covenant running with the land to secure the installation of all the improvements required by this Ordinance together with a payment of all costs, including a reasonable attorney's fee, which the Tropic Town Council incur in enforcing any of the terms and provisions of the agreement.
- C. The lien may be released by the Town when the sub-divider completes all improvements required by the Town in the final plat approval.

## 9. Acceptance and Release of Surety.

Acceptance of the agreed public improvements and release of surety shall only be done following final inspection by an Authorized Town Representative and the Subdivider, and approved by the Town Council in open public meeting. No improvement security shall be released until all improvements are completed and approved and all defects corrected.

## 10. Orderly Development Required.

Whenever a sub-divider shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and made available for the effective and practical use and enjoyment by the purchasers of the lots developed.

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## **11. Progress Payments.**

- A. Progress payments shall be made only after approval of the related improvements by the Town Council based upon written recommendation of the Town Engineer, or other Authorized Town Representative. Payments shall only be made on a phase by phase basis as the work is completed to Town Standards.
- B. Progress payments may be made to the sub-divider from any deposit of money or letter of credit which the sub-divider may have made in lieu of providing a security bond, provided however, that no progress payment shall be made for more than the value of the work completed.
- C. At no time will progress payments exceed 90% of the value of any installment or work completed.

## **12. Completion and release of Surety.**

- A. Upon completion of all improvements as approved, ten per-cent (10%) of the total surety posted shall be held for a period on one-year as a warranty period guarantee to ensure that all public improvements are maintained by the Sub-divider and are acceptable to the Town Engineer or other Authorized Town Representative and the Town Council.
- B. When the warranty period is completed appropriately, the deposit held shall be released by the Town Council in open, public meeting.

## **Supplemental Improvements and Reimbursement.**

- 1. The Sub-divider may be required to install improvements that exceed the needs of his subdivision. If this condition occurs, the Sub-divider shall be reimbursed for that portion of the cost of such improvements equal to the difference between the amount it would have cost the Sub-divider to install such improvements to serve the subdivision only, and the actual cost of such improvements.
- 2. The reimbursement shall be in conformance with an agreement approved by the Town Council. No improvements shall be constructed prior to approval of this agreement for reimbursement.

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## Chapter 12- Amendments or Revisions

Any amendments or revisions to this Ordinance shall first be submitted to the Planning Commission for their recommendations to the Town Council, after holding a public hearing with reasonable notice of at least fourteen (14) days. The Town Council shall, after reasonable notice of fourteen (14) days, hold a public hearing to consider the proposed amendments or revisions, and the Garfield County Planning Commission's recommendations shall adopt, amend and adopt, or reject such amendments or revisions deemed to be in the best interest of the Town.

Adopted this 22<sup>nd</sup> day of August, 2002, by the Town Council of Tropic, Utah.

Mayor Signature: /s/ A. Jean Seiler

Attest: /s/ Marie H. Niemann  
Town Recorder

Town Seal:

## Appendix A

### Definitions

1. **Acreage.** Any parcel of land, of one (1) or more parcels, and those areas where a legal subdivision has not been previously made, or where a legal subdivision has declared the parcel as acreage.
2. **Boundary Adjustment.** A minor shift or rotation of an existing lot line where no additional parcels are created, nor deleted, as approved by the Commission.
3. **Building Official.** The position assigned to a qualified individual by the Town Council to carry out building inspections pursuant to the Uniform Building Code.
4. **Town.** The Town of Tropic, Utah.
5. **Town Engineer.** The Town Engineer of Tropic Town.
6. **Commission.** The Tropic Town Planning Commission.
7. **Town's Authorized Representative.** The Building Official, Zoning Administrator, or any other Town employee or official who has been designated by the Mayor and Council to represent the Town in enforcing or carrying out the functions of the Town as set forth in this Ordinance.
8. **Conversion.** The creation of separate ownership of existing real property together with a separate interest in space of buildings or building space.
9. **Engineer.** The engineer or surveyor engaged by the sub-divider to prepare a final plat or to complete such data as may be required in connection therewith in accordance with the provisions of this Ordinance.
10. **Final Plat.** A plat prepared in accordance with the provisions of this Ordinance which plat is designed to be recorded in the office of the County Recorder.
11. **Improvement Standard.** A specific requirement imposed by this ordinance relating to the installation, modification or removal by the sub-divider, of a street, sidewalk, utility, well, tree, storm drain or other public facility as necessary for the general use, by the lot owners of the subdivision or local neighborhood.
12. **Local Governing Body.** The Tropic Town Council.

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13. **Preliminary Plat.** A plat made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. Such plat need not be based upon an accurate or final survey of the property. The Preliminary Plat is essentially a study plan which, when approved, will serve as a basis for the preparation of the final plat.
  14. **Sub-divider.** Any individual, firm, association, syndicate, co-partnership, corporation, or other legal entity that created a subdivision for himself or for another.
  15. **Subdivision.** Pursuant to Utah Law, the division of any tract or parcel of land , by deed, metes and bounds description, devise and testacy, lease , map, plat, or other recorded instrument. owned as an undivided tract or parcel by a person(s), into two (2) or more lots or other divisions of land, whether for immediate or future sale, and/or building development.
  16. **Sub-divider's Authorized Representative.** Any person or legal entity that has been legally designated by the sub-divider in writing, which designation has been filed with the Town Planning Commission, as the authorized person to represent the sub-divider.
  17. **Zoning Ordinance.** The Zoning Ordinance of Tropic, Utah.
  18. **Merger.** The joining of two (2) or more contiguous parcels of land under one (1) ownership into one (1) parcel.
  19. **Remainder.** That portion of an existing parcel which is not included as part of the proposed subdivision. The remainder is not required as part of the subdivision but must be shown on the required maps as part of the area surrounding the subdivision development.
  20. **Minor Subdivision.** A subdivision of lands as per 10-9-806 UCA, as Amended, 1953, that is exempt from normal plat requirements as outlined herein.
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- 16. Evidence of Title \_\_\_\_\_
  - 17. Fire Chief Letter \_\_\_\_\_
  - 18. Letter or Comments from UDOT  
(If Applicable) \_\_\_\_\_
  - 19. Letter or Comments from Special  
Service District (If Applicable) \_\_\_\_\_
  - 20. Letter or Comments from Irrigation  
District (If Applicable) \_\_\_\_\_
  - 21. Summary Statement \_\_\_\_\_

\_\_\_\_\_ Sub-divider/Developer Name Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Town/State: \_\_\_\_\_ Zip \_\_\_\_\_

By: \_\_\_\_\_

### RECEIPT

Receipt is hereby acknowledged of the foregoing Application for Approval of Preliminary Plat and the required fees have been paid. Date   /  /  

Tropic Town:

By: \_\_\_\_\_

Town

Treasurer

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## APPENDIX C

### CHECKLIST FOR FILING OF FINAL SUBDIVISION PLAT

SUBDIVISION \_\_\_\_\_

DATE PRELIMINARY PLAT APPROVED BY PLANNING COMMISSION : \_\_\_\_\_

DATE PRELIMINARY PLAT APPROVED BY TOWN COUNCIL: \_\_\_\_\_

DATE FINAL PLAT SUBMITTED TO TOWN COUNCIL: \_\_\_\_\_

DATE FINAL PLAT APPROVED BY TOWN COUNCIL: \_\_\_\_\_

	<u>Section Reference</u>	<u>Complete</u>	<u>Incomplete</u>
Final Plat in Conformance with approved Preliminary Plat, and in conformance with any additional conditions as required by the Town Council.		_____	_____
Notation of Restrictions or other Plat Notes as Required		_____	_____
Monuments		_____	_____
Owners Certificate of Consent		_____	_____
Surveyors Certificate		_____	_____
Signature Blocks for: Planning Commission Chair Town Attorney County Recorder County Surveyor Mayor Engineer Certification		_____	_____
Mylar plus (6) Copies		_____	_____
Water System Construction Drawing		_____	_____
Sewer System Construction Drawings/ Site Designation of Septic Systems for each lot.		_____	_____
Road System Construction Drawings		_____	_____
Tax Clearance		_____	_____
Payment of all Fees		_____	_____
Financial Guarantee Posted		_____	_____
Copy of approved Protective Covenants		_____	_____

## APPENDIX C

### SUBDIVISION IMPROVEMENT STANDARDS

**(Adopted by Resolution and attached hereto as an Addendum to the Subdivision Ordinance.)**

#### Improvement Standards

All improvements required by this Ordinance shall be constructed in accordance with these improvement standards. The following improvements shall be installed by the sub-divider and bonded to ensure proper completion:

1. Grading and surfacing of all roads and streets.
2. Adequate drainage according to acceptable engineering design ..
3. Installation of a culinary water system to Town and State Standards. The water system must be approved by the Town and the State Board of Health and shall be available to each lot in the subdivision where an approved public water supply is available. The sub-divider shall install water mains and service lines or laterals for such mains to each lot within the subdivision prior to the installation of road base, surfacing,, curbs and gutters and sidewalks.
4. On existing streets, the Town will bring culinary and sewer lines to the property line. On subdivisions, the developer installs all water and sewer lines with Town approval.
5. Extensions of water and sewer lines shall be the developers responsibility with no reimbursement from the Town.
6. Fire hydrants shall be installed by the sub-divider at locations approved by the Town and the Fire Department.
7. The sub-divider shall install sanitary sewage disposal systems, which meet municipal and state codes and regulations for each lot. Where a public sanitary sewer is available within three hundred (300) feet of the subdivision at the time of recording the final plat, the sub-divider shall connect with such sanitary sewer and provide sewer mains and extend laterals from the main sewer line to each lot in

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the subdivision prior to the installation of the road base, surfacing, curbs, gutters, and sidewalks, unless waived by the Town Council.

8. 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 meet the requirements established by the standards and specifications for public improvements herein, and shall be approved and certified by a licensed Engineer employed by the Subdivider. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner.
7. The sub-divider shall furnish and install all necessary street signs as approved by the Planning Commission and Town Council.

## **Time of Construction**

Improvements shall not be installed until their location and specifications are approved by the Town. Water and sewer mains and laterals, fire hydrants and other related underground improvements shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters, and sidewalks. All improvements shall be inspected prior to covering by the Subdivider's engineer and certified that they have been installed according to commonly accepted construction standards and those approved by the Town for that project.

## **Block Standards.**

Completion of the improvements outlined in this chapter shall be in compliance with the agreements entered into by the sub-divider and the Town as well as any plans and standard specifications applicable at the time of issuance of any permits by the Town to the sub-divider.

The lengths, widths, and shapes of blocks shall comply with the following standards:

1. All through streets must intersect at least every 500 feet with an approved Intersection and shall align with existing Town streets.
2. Convenient access, circulation, control and safety of street traffic, shall be maintained.
3. Lot specifications, as outlined in the Zoning Ordinance shall be maintained.
4. Limitations and opportunities of existing topography must be considered and alterations in construction standards from existing policy shall receive Board of Adjustment approval.

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## Drainage and Grading Standards.

1. Proper grading and erosion control, including the prevention of sedimentation or damage to off-site property shall be in compliance with standard engineering practices.
2. All grading and surface drainage plans shall be designed by a licensed engineer and certified as to their ability to handle water runoff from the development so that it does not damage adjoining properties.
3. All plans shall show drainage plans and shall be approved by the Planning Commission prior to being submitted to the Town Council.

## Street Improvement Standards.

1. The developer shall provide and install all required streets and related improvements, either within or outside the subdivision, to provide for acceptable road base and asphalt to State road standards and consistent with AASHTO Standards. The designing engineer shall certify this and ensure completion accordingly.
2. Road base shall be installed by the developer according to AASHTO Standards, to a width for the type of road needed, and of acceptable materials and compaction as provided in common engineering and road construction standards to provide a suitable base for black top surfacing.
3. Completed streets shall be dedicated to the Town only when they meet all requirements of the Town and after the warranty period requirements have been completed.
4. At least ten (10) days prior to the commencement of construction, the developer shall furnish a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed engineer and shall be accompanied by a copy of the final plat. These plans must be signed off on by the sub-divider's engineer and certified as to their completeness in meeting Town Standards. These plans are to include:
  - a. The designation of limits of work to be done.
  - b. The location of the bench mark and its true elevation according to survey data along with all profiles referenced to that data.

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- c. Construction plans including street cross-sections, locations and elevations of water courses and their drainage patterns, catch basins and culverts, fire hydrants and their locations, and any other detail necessary.
  - d. Complete data for field layout and office checking.
  - d. On street intersections, at least two control points for elevation beside those at the points of the curvature of the street. Control points shall be staked in the field to insure drainage of intersections.
  - e. The street address of the project.
5. All Town streets shall be designed and built to AASHTO Standards and certified by the designing engineer accordingly.
  6. The arrangement of streets in new subdivisions shall match existing streets for their continuation to adjoining areas and shall provide for future access to non-subdivided adjoining areas as approved by the Planning Commission.
  7. Minor streets shall approach major streets or collector streets at an angle as near ninety (90) degrees as possible.
  8. If curb, gutter, and sidewalks are required, the Town will develop standards to guide the development of lands requiring such, and the sub-divider shall install these to Town specifications.
  9. A minimum centerline radius of fifty (50) feet shall be maintained on all winding mountainous streets.
  10. All streets shall be through streets or have approved cul-de-sac or turn-arounds provided.
  11. Cul-de-sacs shall be built to AASHTO Standards and the designing engineer shall certify such.
  12. Only those streets, alleys, or lanes that meet Town Standards shall be considered for dedication for public use.
  13. All hazardous areas shall be fenced or closed from access in a manner acceptable to the Planning Commission.
  14. All subdivisions shall have approved access to a public street with each lot having approved direct access to a dedicated public street.
  15. Street layouts shall be designed to provide future access to, and not impose undue hardship on, adjoining properties.

## **Property of Other Public Agencies or Utility Company**

Where streets are proposed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company prior to approval of the subdivision.

## Culinary Water System Improvement Standards

1. The sub-divider shall install all necessary public water facilities, either within or without the subdivision, to service all lots developed, including water mains, valves, service stubs to property lines, meter barrels, and fire hydrants.
2. Adequate water-shares necessary to service the needs of the lots developed or planned to be developed shall be signed over to the Town prior to construction.
3. All water improvements shall be built to meet the water quality requirements of the State of Utah, and sound engineering practice. The designing engineer shall certify such prior to approval as well as ensure that they are completed as designed.
4. Distribution mains shall be a minimum of 6" in diameter and made of approved culinary water line material.
5. Whenever economically feasible, all public water-lines shall be built so that they do not dead-end.
6. Backflow prevention shall be provided whenever necessary to health standards.
7. All service connections shall be done with an approved saddle-valve and 1" service stub to the meter set barrel.
8. The meter set shall be provided by the Town for installation according to Town standards, only after all fees are paid, and improvements are approved for public use.
9. Water lines shall be a minimum of four feet (4 ft.) in depth, or as designed and approved following consultation with a qualified engineer.
10. All water lines shall be made of approved culinary water line material, and shall be inspected and approved prior to covering as to materials, bedding, and connection integrity.
11. All waterlines must be bedded properly and covered only with approved materials as per acceptable engineering practices.
12. Engineering design will be done in a manner to minimize street crossing cuts after the new streets are completed. Installation of crossing conduits for utilities will be used wherever possible and economical.
13. No street cuts shall be allowed without adequate public bond to ensure proper repair.
14. Fire hydrants shall be placed a minimum of 200 feet apart, or as required by the Fire Department, and installed according to fire hydrant standards with appropriate thrust blocks.
15. All fire hydrant plans shall be approved by the Fire Chief prior to approval and construction.
16. All water plans must be approved in writing by the State of Utah Division of Water Quality prior to construction.

17. It shall be the responsibility of the sub-divider and designing engineer to ensure that the water system improvements are completed according to common engineering practices, and State of Utah requirements, prior to being accepted by the Town for use as a public water delivery system.

## **Sanitary Sewer System Improvement Standards.**

1. The sub-divider shall install adequate sanitary sewer facilities to serve the lots developed, either within and/or without the subdivision, in compliance with the regulations of the Town and the local health authority.
2. All sewer lines shall be built to comply with continuous flow standards for sewer line construction.
3. All sewer lines are to be properly bedded and covered with a minimum of 4" of approved sandy material prior to filling the trenches.
4. Minimum Sizes: According to Engineering Standards but not less than:
  - a. Service Stubs - 4"
  - b. Collection Lines – 6"
  - c. Mains- According to Engineering Standards.
5. All sanitary sewer facilities shall be inspected and approved by the Health Department and Town and a copy of said inspection and approval placed in the permanent project files for that development.
6. All dwelling units built within the Town that require sewer services shall connect to the Town sewer system if they are within 300 feet of an approved public sewer line as per Utah Law.
7. Septic systems shall be approved by the Health Department and written evidence provided to the Town prior to issuing a building permit.
8. The Designing Engineer shall certify in writing that all sewer system improvements have been completed according to sound engineering practices.

## **Storm Drainage System Improvement Standards**

1. Storm drainage facilities shall be installed according to engineered and approved plans to ensure that surface water leaving the development will not damage neighboring properties.
2. Irrigation ditches or canals shall not be approved as suitable for use in control of storm drainage without the written permission of the related owners and/or irrigation company.
3. Ditches or canals shall not be used for storm water unless adequately improved to handle the water that is reasonably expected to flow from regular canal or ditch

- water, the subdivision runoff water, and other water expected to reach the canal or ditch.
4. Pre-existing storm drainage facilities must be left in tact and not damaged or changed without prior approval of the Town. Any changes or damage shall be repaired to the original condition.

## **Electrical System Improvement Standards.**

1. The Sub-divider shall be responsible for complying with this section and shall make the necessary arrangements with the utility companies and property owners for the granting of easements and the design and installation of the necessary facilities.
2. All plans shall be approved in writing by the related utility companies and presented to the Town as a part of the approval process and prior to construction.
3. As much of the power system as feasible shall be under-grounded.
4. All above ground equipment shall be located in safe areas and/or fenced properly.
5. Requirements of this section may be waived if topographical, soil, or other similar physical conditions make such under-grounding installations unreasonable or cost prohibitive and do not endanger the health, safety or welfare of the public.

## **Street Lighting Improvement Standards.**

1. The Sub-divider shall make arrangements for the installation of adequate street lights in cooperation with the Town and utility company.
2. Said lights shall be located and installed according to the plans approved by the Town and the related utility company.
3. All streetlights shall have appropriate light deflector shields to minimize the reflection of streetlights into residences or other properties where reflective lighting is not desirable.