

Chapter 12
SUBDIVISIONS

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10 -12-1 TITLE

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Randolph, Utah or Chapter 12 of the Land Use Code of the Town of Randolph.

10-12-2 POLICY

- A. Control and Jurisdiction. It is hereby declared to be the policy of Randolph to consider the subdivision of land and the subsequent development of the subdivided plat pursuant to the official General Plan of Randolph for orderly, planned, efficient, and economical development.
- B. Public Services and Health, Safety and Welfare Protection. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace, and land shall not be subdivided and developed until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or cannot be provided for, the subdivision and/or development will not be allowed.
- C. Conformance with Town Plans and Standards. The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Official Zoning Map, and the capital budget of Randolph. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the currently adopted International Building Code, the Land Use Code, General Plan, Official Zoning Map, and capital budget of the Town of Randolph as they may be adopted.

10-12-3 PURPOSE

The purpose of this chapter is to promote the health, safety and general welfare of the community by ensuring that community growth and development occurs in an orderly, well-considered manner that is consistent with the goals of the General Plan by:

- A. Establishing requirements and procedures that ensure new growth will preserve the high quality of community environment; protect property values; and encourage development that blends in with Randolph's agricultural character, historic flavor and natural, scenic beauty.
- B. Providing policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of buildings and improvements within the Town, including, but not limited to, the construction and installation of

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roads, streets, curbs, gutters, drainage systems, water and wastewater systems, dedication of land and streets, granting easements or rights of way and to establish fees and other charges for the authorizing of subdivisions.

10-12-4 SCOPE OF CHAPTER

- A. Applicability: No person shall subdivide any parcel located wholly or in part in the Town except in compliance with this chapter. This chapter shall not apply to any parcel or parcels forming a part of a subdivision created and recorded prior to the effective date hereof, except as provided in subsection B which follows.
- B. Approval to Subdivide Required: The boundaries of any parcel shall not be altered in any manner that creates more parcels than initially recorded, or any nonconforming parcel(s), without first obtaining the approval of the Planning Commission.
- C. Compliance Prior to Occupancy: There shall be no human occupancy of any building until the improvements have been accepted by the Town and the building and parcel fully comply with the provisions of this title.

10-12-5 AMENDMENTS TO SUBDIVISION CHAPTER

Amendments to this chapter shall comply with the requirements of Utah Code Annotated as it applies to amendments to subdivision regulations.

10-12-6 SUPPLEMENTARY DEFINITIONS

Words used in this chapter but not defined herein shall have the meaning as defined in any other ordinance adopted by the Town Board.

- A. **Civil Engineer.** A professional engineer who deals with the design, construction, and maintenance of the physical and naturally built environment, including works such as roads, bridges, canals, dams, and buildings.
- B. **Cookie Cutter Housing.** Housing that is lacking individuality and is identical or nearly identical in design and floor plan, with little variance in quality and exterior appearance.
- C. **Cut.** The removal of soil, rock or other materials.
- D. **Excavation.** Disturbance to the ground, including, but not limited to, clearing, grubbing, rock removal, cutting, tunneling, drilling or other activity that alters the natural ground.
- E. **Fill.** A deposit of earth material by hand or mechanical means.
- F. **Final Plat.** A property map or chart of a land division that has been accurately surveyed, and so that streets, alleys, blocks, lots, parcels, and other divisions thereof can be identified. It is designed to be recorded in the Office of the Rich County Recorder.

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- G. **Gated Community.** A gated community is a form of residential community containing strictly controlled entrances and is often characterized by a closed perimeter of walls and fences. Gated communities usually consist of small residential streets and include various shared amenities.
- H. **Grading.** Any excavation or fill, or combination thereof.
- I. **Grading Plan.** A topographic development plan prepared by a professional engineer currently licensed in the State of Utah showing existing and proposed contours before and after grading of a site.
- J. **Off-site Construction.** Any construction related to a platted parcel and/or subdivision that is not within the platted parcel or subdivision under construction.
- K. **Off-site Facilities.** Facilities outside of the boundaries of the parcel or subdivision that are designed or located to serve the needs of the subdivision or parcel and/or adjacent properties.
- L. **On-site Facilities.** Facilities installed within, under or upon the public streets, or rights-of-way, within or on the perimeter of a parcel or subdivision.
- M. **Person.** An individual, firm, association, organization, partnership, company or corporation, or any legal entity entitled to own property.
- N. **Preliminary Plat.** A property map or chart of a proposed land division prepared in accordance with regulations herein prescribed. The preliminary plat is a study that, when approved, will serve as a basis for the preparation of the final plat.
- O. **Resubdivision.** The changing of any existing parcel or parcels of any subdivision plat previously recorded by the Rich County Recorder.
- P. **Ridge Line.** The crest of a hill or slope or topographical high point.
- Q. **Street Right-Of-Way.** That portion of land dedicated to public use for street and utility purposes.
- R. **Street.** Any legal right-of-way designed for vehicular access.
- S. **Streets.**
1. **Arterial Street.** A street, existing or proposed, that serves or is intended to serve more than fifty (50) residential dwelling units.
 2. **Collector Street.** A street, existing or proposed, that serves or is intended to serve up to fifty (50) residential dwelling units.
 3. **Local Street.** A street, existing or proposed, that serves or is intended to serve up to twenty-five (25) residential dwelling units.
 4. **Minor Street.** A street, existing or proposed, that serves or is intended to serve up to ten (10) residential dwelling units.
- T. **Subdivider.** Any person, trust, developer, firm, corporation, partnership or association that causes land to be divided into a subdivision.
- U. **Subdivision.** Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for sale, lease or development. Subdivision includes:
1. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument; and
 2. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

- V. **Subsurface Drainage.** Any system of pipes, canals, ditches, moats, sumps, and so forth, that intercept(s) the ground water and carries it to another body of water.
- W. **Surface Drainage.** Any surface system of drainage for the runoff of precipitation or irrigation and carries it to another body of water.
- X. **Vicinity Plan.** A map or drawing to scale showing the physical relationship of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classification of all land within three hundred feet (300') of the property proposed for development.
- Y. **Watercourse.** A body of water contained within a narrow channel and banks that may flow perennially, intermittently or ephemerally. For the purpose of this definition, watercourse means a wash, creek, stream or river; perennial means continuous flow in parts of the channel bed all year round during years of normal rainfall, intermittent means channels that normally cease flowing for weeks or months of each year, and ephemeral means channels that flow only for hours or days following a rainfall.
- Z. **Zone Clearance.** Determination made by the Planning Commission that a proposed activity complies with existing zoning regulations.

10-12-7 APPROVAL REQUIRED

While it is not illegal to create and record divisions of land, the Town of Randolph does not recognize such divisions unless they have been approved per Randolph's Land Use Code, Chapter 12, Subdivision. Furthermore, parcels within the Town that are created by such divisions cannot be developed or sold until the divisions have been approved by the Town and recorded in the Office of the Rich County Recorder.

10-12-8 CLASSIFICATION OF SUBDIVISION

- A. Subdivision, Major: All subdivisions with proposed divisions of four (4) or more parcels, or any size subdivision requiring new street(s) or extension of local governmental facilities, infrastructure, or the creation of any new public improvements.
- B. Subdivision, Minor: Any subdivision:
 - 1. containing not more than three (3) parcels fronting on an existing public or private street of adequate capacity;
 - 2. not involving any new street or road, or the extension of Town infrastructure or facilities, or the creation of any public improvements;
 - 3. not adversely affecting the remainder of the parcel or any adjoining property(s);
 - 4. not in conflict with any provision or portion of the Town General Plan, Land Use Map, Official Zoning Map, or these codes and regulations; not requiring a zone change or re-zone to be subdivided.

10-12-9 SUBDIVISION WITHIN SUBDIVISION (LOT SPLITS)

- A. Unless authorized by the governing body, no interested party shall be allowed to create a subdivision within a duly recorded subdivision except as follows:
 - 1. Individual lots may be “split” if they:
 - a. Result in no more than two lots which because of their size cannot legally be further subdivided;
 - b. Require no street dedication;
 - c. Conform to the general character of the surrounding area and the general pattern of existing lot lines;
 - d. Do not adversely affect the remainder of the parcel or adjoining property and conform to the applicable provisions of the Zoning Ordinance regarding setbacks, lot size, and frontage.
 - e. Involve property that is not part of an existing platted subdivision.
 - f. The lots in question have not been split within the previous 5 years.
- B. All changes in duly, legally recorded subdivisions are required to be submitted by the appropriate owner, developer, engineer, etc, identifying any amendments and requires approval by the governing body.
- C. The developer, individual, engineer or other interested party shall bear all costs of upgrade and install of service pursuant to Subdivision Ordinance.
- D. Following approval by the governing body, the plat is required to be re-recorded to reflect new subdivision.

10-12-10: VESTING OF RIGHTS

- A. Scope Of Vesting: Upon payment of the required application fees and submission of a completed application, (which includes all information requested by the town staff and planning commission in order to complete a reasonable review of the project), an applicant shall be entitled to have the application reviewed and acted upon pursuant to the terms of this title. Vesting is usually indicated by approval of the preliminary plat by the Town Board and is subject to the exceptions set forth below.
- B. Complete Application Required: For the purposes of this title, a complete application includes all documentation required by this title, other adopted laws, standards, and ordinances of the town, and relevant state and federal laws. Following review of the concept plat, staff will inform the applicant of any additional information required for a complete review. The Planning Commission will review the preliminary plat and recommend approval, approval with conditions

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- or denial of the preliminary plat. After the Planning Commission review, the Town Board will make an approval decision.
- C. Appeals: Appeals regarding processing of subdivision applications and approval decisions shall occur in accordance with state law.
- D. Nonsubdivision Related Matters: Nonsubdivision related matters, including, but not limited to, site development standards, procedural requirements and building code requirements will not vest until complete building permit applications have been filed and required fees have been paid. Water and sewer connection availability, costs of water and sewer connection and water development fees, applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit.
- E. Exceptions: Applicants shall not be entitled to project review and approval of applications pursuant to the terms of this title when revisions to this title are pending that would prohibit or further condition the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application, in accordance with state law.

10-12-11 PHASING PLAN

- A. All projects with more than four (4) separate structures shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must be submitted to the planning commission at or before the submission of the preliminary plat.
- B. Content of Plan: The phasing plan shall include the number of uses to be developed in each phase, the approximate timing of each phase, the timing on construction of public improvements and amenities to serve each phase whether on or off site. A developer may request a revision of the phasing plan which may be necessary due to conditions such as changing market conditions, inclement weather or other factors.

10-12-12 APPLICATION PROCESS, MINOR SUBDIVISION

- A. The following requirements only apply to the subdivision of land.
1. It is understood that subdivision approval does not guarantee the created parcels can be developed.
 2. If a subdivider or new owner intends to develop any of the created parcels he/she must apply for a separate Randolph Building Permit Application for each parcel and comply with all requirements.

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3. All applicants must submit six (6) copies of the preliminary plat for subdivisions that divide a parcel of land into three or fewer parcels.
 4. The Planning Commission may, with justification, waive certain requirements listed below if they are not pertinent to the development or are unnecessary to evaluate the safety of the development or comply with Randolph ordinances.
- B. When applying for a Minor Subdivision, the following information shall be provided:
1. Completed Minor Subdivision Application
 2. The name and address of the subdivider, the professional engineer and/or surveyor, currently licensed in the State of Utah, and the owners of the land within three hundred feet (300') of the boundaries of the land proposed for subdivision.
 3. Sufficient documentation to show the subdivider has a vested interest in the subject property or has the owner's permission to subdivide.
 4. A Site Map showing the proposed subdivision layout drawn at a scale of one inch equals fifty feet (1"=50') showing the following:
 - a. North point, scale and date.
 - b. Proposed name of the Subdivision
 - c. The current land use(s) of the original parcel.
 - d. The boundary lines of the tract to be subdivided marked in heavy lines with reference to survey markers or monuments.
 - e. The location, width and other dimensions of the existing platted street(s) and any existing utility easements and/or buildings within the proposed subdivision.
 - f. The location of any existing wastewater elements, storm drains, water supply mains and irrigation ditches as well as the location of any watercourse within 100 feet (100') of the boundary of the proposed subdivision.
 - g. The total area within the subdivision and the total area of each proposed new parcel.
 - h. The zone of the proposed subdivision and the zone(s) of contiguous properties.
 5. The design and development of the minor subdivision shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, trees and vegetation.

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6. The parcel arrangement, design and shape shall be such that parcels will provide a compact body of land for buildings and be properly related to topography and conform to requirements set forth herein.
 7. All parcels shall conform to the minimum requirements of this title for the zone in which the minor subdivision is located.
 8. Requirements of Rich County for subdivision split:
 - a. Certification by the Rich County Treasurer that no Rich County taxes are owed on the property (prior to final approval).
 - b. The signature of the County Treasurer indicating that at the time of final approval the property taxes, special assessments and fees due and owing have been paid in full.
- C. Fees: The subdivider shall be required to pay all application and subdivision related fees as determined by Town resolution and shall reimburse the Town for all attorney and/or engineer costs related to the subdivision platting and recording.
1. Review by the Planning Commission; Public Hearing: The Planning Commission, in conjunction with the Fire Marshal and others as deemed appropriate, shall review the Minor Subdivision Application at a Public Hearing and if the application is found to be complete and in compliance with all required regulations, shall forward their findings to the Town Board with a recommendation for approval.
 2. Decision of the Town Board; Recording Requirements: At a regularly scheduled public meeting, the Town Board may affirm, reverse, modify or remand the matter to the Planning Commission with directions for specific areas of review or clarification.
 - a. If approval is granted, the subdivider must, within 60 days from the date of approval, record the subdivision plat with the Rich County Recorder and provide a copy of same to the Randolph Town Clerk.

10-12-13 PRE-APPLICATION, MAJOR SUBDIVISION

The purpose of the pre-application is to give the applicant an opportunity to present a subdivision plan to the Planning Commission to obtain initial feedback and direction regarding ordinance compliance. The following steps or procedures shall be followed to initiate the subdivision process. The subdivider may submit a complete preliminary plat application, combining the pre-application process with the preliminary plat process.

- A. Vicinity Plan: Subdivider shall prepare a vicinity plan and submit six (6) copies to the Town. The vicinity plan shall show a simple sketch of the proposed layout of streets, parcels and other features, including existing utilities and watercourses in relation to the existing and planned streets within one-fourth (1/4) mile of the

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subdivision. The plan shall be prepared at a scale of not smaller than one inch equals two hundred feet (1" = 200').

- B. Review by Planning Commission: The Planning Commission shall review the pre-application or Preliminary Plat at a regularly scheduled meeting. The Planning Commission shall advise the subdivider within thirty (30) days after the review of possible problems and areas where the proposed subdivision does not comply with Town ordinances.

10-12-14 PRELIMINARY PLAT

A preliminary plat shall be furnished for all proposed land divisions. For any subdivision of six (6) or fewer parcels, the subdivider may prepare and submit final plat requirements concurrently with the preliminary plat for approval.

- A. Application Contents: Major Subdivision applications shall include all the items below.
1. Completed preliminary plat application.
 2. Feasibility Study: The subdivider shall be required to show the feasibility of the proposed water, sewage and electrical systems necessary to meet the requirements of the Town, the County and the State by providing letters of approval from the appropriate related authorities.
 3. Summary statement containing the following:
 - a) Total area within the subdivision showing a phasing plan and indicating the various uses; for example: parking, residential units, open space or common space and so forth.
 - b) Total area of each parcel.
 - c) Total number of proposed dwelling units.
 - d) Estimated maximum drainage flow (100-year storm) through any natural courses lying within the area to be subdivided expressed in cubic feet per minute.
 4. Scaled Drawing: A plan showing the proposed subdivision layout drawn at a scale of one inch equals fifty feet (1" = 50'), which shall show:
 - a) North point, scale and date.
 - b) The names and addresses of the subdivider, the professional engineer and/or surveyor, currently licensed in the State of Utah, of the subdivision, and the owners of the land within three hundred feet (300') of the boundaries of the land proposed for subdivision.
 - c) Proposed name of the subdivision.

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- d) The location of the subdivision as forming a part of the larger tract or parcel where the plan submitted covers only a part of the subdivider's tract and the current land uses.
 - e) The boundary lines of the tract to be subdivided must be marked in heavy lines with reference to survey markers or monuments.
 - f) The location, width and other dimensions of the existing or platted streets and/or easements, and buildings within the tract.
 - g) The location, width and other dimensions of the proposed streets, lots, alleys, easements, parks and other open spaces with proper labeling of spaces to be dedicated to the public.
 - h) Existing wastewater, storm drains, water supply mains, easements and irrigation ditches and any other natural or artificial watercourses within the tract and within one hundred feet (100') of the boundary of the proposed subdivision.
 - i) The boundary lines of the 1% flood-risk zone (100-year flood plain boundary) as defined by the most current FEMA approved flood hazard map.
5. Preliminary Engineer Drawings: Preliminary engineering drawings, including typical cross sections, and plans and/or written statements regarding width and type of proposed off-site and on-site water mains, wastewater facilities, drainage facilities and other proposed improvements such as sidewalks, curbs and gutters, parks and fire hydrants. If any of the improvements are required, the proposed location must be shown on the preliminary plat.
6. Contour Map: A contour map tied to an identified USGS benchmark which has contour intervals of two feet (2') to four feet (4') for areas of less than ten percent (10%) slope, and contour intervals of five feet (5') to ten feet (10') for areas of ten percent (10%) or greater slope, unless otherwise required by the Planning Commission.
7. Grading Plan: A grading plan prepared by a professional engineer currently licensed in the State of Utah shall be provided and shall include the following:
- a. Existing and proposed contours (and a cross sectional diagram) shall be shown at five-foot (5') intervals in addition to showing existing boundary lines of the property.
 - b. It must also show on- and off-site drainage patterns affecting surface water runoff on the property or proposed building site with a particular focus on identification of all watercourses (including ephemeral ones) as well as the FEMA flood risk lines (the 1% or

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- 100-year Flood Risk Line) including all man-made drainage or irrigation ditches that exist or are proposed.
- c. The slope of proposed cuts and fills shall be shown on the grading plan. Any cut or fill that measures more than four feet (4'), vertically from the finished grade to the intersection of the slope with the natural undisturbed ground, requires special approval by the Planning Commission.
 - d. All cut and fill areas are subject to incorporating retaining, landscaping or other techniques approved by a professional engineer currently licensed in the State of Utah and the Planning Commission for the purpose of stabilization.
 - e. Special notes and details of the existing terrain shall be detailed on the required topographic information.
 - f. The dimensions, elevations and contours of any proposed grading shall be shown.
 - g. A description shall be included of the methods to be employed in disposing of soil and other material removed, including the location of the disposal site.
 - h. A schedule shall be included showing when each stage of the project will be completed.
8. Drainage Study: A drainage study and report shall be prepared by a professional engineer currently licensed in the State of Utah and submitted with each application. The design of the drainage control system shall be based upon the following criteria:
- a. All drainage systems shall be separate and independent from the wastewater system.
 - b. Property development shall not cause a natural drainage channel to be filled in, obstructed or diverted. Any modification to a natural drainage channel must be approved by the Planning Commission and a professional engineer currently licensed in the State of Utah. Such proposal must be addressed in the drainage study and shown on the improvement plans. The subdivider may be required to dedicate right-of-way or record drainage easements for structures and/or improvements needed to carry storm runoff if approval is given for the proposed modifications.
 - c. The point of location where the natural drainage channel enters and leaves the subdivision property may not be changed.
 - d. No increase of water flows or volume will be permitted on downstream property owners. The effect of development shall be considered in the drainage design.

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- e. The developer shall provide the necessary means to assure drainage within the property being developed by making use of natural washes and constructing necessary drainage controls. The Planning Commission and a professional engineer currently licensed in the State of Utah shall review and approve any drainage control design.
 - f. It shall be required that each new development handle its storm water runoff in a manner that ensures no net increase in storm runoff above the natural state will occur on the downstream properties or significantly alter the natural flow of drainage within the subdivision. The pre-project flows must not be exceeded by the post-project flows.
 - g. Curb and gutter street design is discouraged except as provided in #.3.4. Such street design aggravates natural drainage and introduces the need for extensive storm drainage infrastructure. Drainage plan should accommodate street design without curb and gutter.
 - h. The storm water from the 1% flood-risk zone (100-year frequency storm) shall be utilized when determining drainage design.
 - i. Drainage plans must be consistent with all other reports (for example, geotechnical, soils, landscaping, etc.).
 - j. Necessary measures shall be taken to prevent erosion and scour at all points throughout the development. It shall be mitigated at all points of discharge and at the face of any cut or fill slope.
9. **Vegetation Plan:** A vegetation plan showing the location of existing and proposed vegetation, of vegetation proposed to be removed, and a re-vegetation proposal for those areas that will have raw soil exposed at the termination of construction and/or grading.
10. **Proof of Interest, Permission:** Sufficient documentation must be presented with the preliminary application showing the subdivider has a vested interest in the subject property or has the owner's permission to subdivide.
11. **Irrigation Clearance:** For all subdivisions proposed through which an irrigation ditch, canal or other such waterway passes within 100' on either side, the subdivider will need to obtain a letter of agreement from the owner of said ditch, canal or other waterway specifying any required improvements or possible relocation.
12. **Measures to Protect Against Landslide and Rockfall:** When deemed necessary by the Planning Commission, the developer shall submit professional studies relevant to the identified risk that identify potential areas of rockfall, landslide and/or other areas of natural hazard or menace and demonstrate that adequate mitigation measures can be implemented to ensure, to as great a degree as possible, that the affected areas can be used safely for building purposes.

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13. Other: Any additional reports deemed necessary by the Planning Commission.
14. Traffic Study: If deemed necessary by the Planning Commission, the developer shall submit a traffic study prepared by a professional engineer currently licensed in the State of Utah and qualified in the area of traffic and circulation. The study will incorporate safety issues for pedestrian, bicycle and vehicular traffic.
15. Management and Mitigation of Natural and Human-induced Hazards: In order to protect the health and the natural well-being of Randolph residents and the natural and cultural resources cited in A.14.a. through A.14.h., the following must be addressed:
 - a. Disposal of surface water and disposition of flood hazards in order to protect lands located outside the boundaries of the subdivision due to impacts of the development of the subdivision.
 - b. New development shall follow the latest building standards of reinforcement or design of structures where possible geological hazards exist.
 - c. Prevention and mitigation of human-induced hazards associated with waste dumping, toxic substance use or ecological/biological resources.
16. Review by Town Officials: The Planning Commission, in conjunction with the Fire Marshal, and others as deemed appropriate, shall review the preliminary plat.
17. Public Hearing, Recommendation by Planning Commission: At a Public Hearing, the Planning Commission shall approve, disapprove or approve with modifications the preliminary plat. A written report that outlines the findings of the Planning Commission shall be forwarded to the Town Board .
18. Variances: When unusual topographic or other exceptional conditions exist, the Variance/Appeal Hearing Officer may vary the requirements of this chapter.
19. Decision of Planning Commission; Expiration of Approval:
 - a. At a public meeting, the Planning Commission shall approve, disapprove or approve with modifications the preliminary plat.
 - b. If the final subdivision plat approval is not granted within twelve (12) months from the date the preliminary plat approval was granted, the preliminary plat approval shall expire unless an extension request is granted by the Planning Commission. An extension request may be pursued by applying for either one or the other of the two processes outlined below.

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- i) Process 1: Prior to the expiration of the 12-month deadline, the subdivider applies for an extension (of the preliminary plat) from the Planning Commission.
 - ii) Process 2: Prior to the expiration of the 12-month deadline, the subdivider has substantially completed improvements of the planned infrastructure in the subdivision. Substantial completion, as referenced in this section, shall be defined as the completion of the roads and electrical service.
- c. An extension request, under this provision, will subject the preliminary plat to further review by the Planning Commission. The Planning Commission will note and take into consideration any applicable zoning changes that have occurred since the original plat approval. If there are changes to the plat, they will need to be approved by the Planning Commission.
 - d. No fee shall be charged for an extension request unless changes have been made to the plat, in which case the fee shall be as established from time to time by the Town Board.
 - e. A subdivider may continue to extend his preliminary plat approval each year as described in this section for a maximum of three (3) years. If the final subdivision plat is not approved by the conclusion of the third year, the preliminary plat approval will lapse. When a subdivider has substantially completed improvements in the project, the preliminary plat shall expire no later than five (5) years from the date such improvements were made.
 - f. If a subdivider fails to submit an extension application within the time limit and has not substantially completed improvements on the project, he or she may make a one-time request to the Town for consideration of an extension of the preliminary plat by the Planning Commission.
 - g. The Planning Commission may choose to deny the application for an extension, the preliminary plat approval will be deemed to have lapsed. After expiration of the preliminary plat approval, a subdivider is required to make a complete resubmittal.

10-12-15 FINAL PLAT

The subdivider shall prepare and submit a final plat, together with a completed application, the required fees, and either a policy of title insurance or a preliminary title report showing proof of ownership or right to title, and to allow effective dedication of streets and easements within the subdivision without boundary exceptions. Fees shall be paid to, and the subdivision plats filed with the Town Clerk.

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- A. Preparation of Plat: A final plat shall be prepared for all subdivisions. Said plat shall be drawn on a sheet of vellum or Mylar having outside or trim line dimensions of twenty-four inches by thirty-six inches (24" x 36"). The border line of the plat shall be drawn in heavy lines, leaving a margin of at least one and one-half inches (1 1/2") on the left-hand side of the sheet for binding, and at least one-half inch (1/2") on the other three (3) sides of the sheet. The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing better. All lines, dimensions and markings shall be made on the tracing linen with waterproof black ink. The actual map shall be made with a minimum scale of one-inch equals fifty feet (1"= 50'). Details and the workmanship on finished drawings shall be clear and readable. A poorly drawn, incomplete or illegible plat is sufficient cause for rejection.
- B. Number Submitted: The subdivider shall also furnish the Town with one permanently reproducible copy and eleven (11) prints of the final plat when submitting the tracing.
- C. Final Plat Application: A final plat shall be furnished for all proposed land divisions and shall include all the items below. For proposed subdivisions that divide a parcel of land into three (3) or less lots, the Planning Commission may modify certain application requirements of this section if they are not pertinent to the development or are unnecessary for the evaluation of the safety of the development.
1. Completed final plat application.
 2. Subdivision name and the general location of the subdivision.
 3. Map Legend: A north point, scale and date.
 4. Bearing, Monuments: Accurately drawn boundaries showing the proper bearings and division, properly tied to public survey monuments. These lines should be heavier than street and lot lines to clearly define said subdivision boundaries.
 5. Streets, Street Names, Design Guidelines and Placement:
 - a. Names of proposed streets shall be provided to the Planning Commission for approval.
 - b. To eliminate confusion, names shall be sufficiently different in sound and spelling from other street names in Rich County and Randolph.
 - c. A street that is, or is proposed to be, an extension of an existing road shall bear the same name.
 - d. North, South, East and West coordinates and existing numbering shall be maintained where possible.

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- e. The width, length, bearings and curve data of centerlines of proposed road or easements shall be provided to the Planning Commission.
 - f. The developer shall ensure the location and placement of each road and safety sign as required by a certified traffic engineer.
 - g. All road signs shall be installed before issuance of a Certificate of Occupancy for any residence on a new street.
 - h. All street signage shall comply with regulations as outlined in Sections 06C-03 and 06C-03.1 of the Utah Department of Transportation (UDOT) Code.
- D. Boundaries, Bearings and Dimensions: All parcels and blocks are to be numbered consecutively under a definite system. The developer shall provide:
- a. The boundaries, bearings and dimensions of all areas within the subdivision intended to be dedicated for public use.
 - b. The lines, dimensions, bearings and numbers of all parcels, blocks and parks reserved for any reason within the subdivision.
- E. Watercourses: The location of existing perennial, intermittent and ephemeral watercourses.
- F. Official Monuments: The description and locations of all monuments set and established by the County, State or the United States government that are adjacent or near proposed subdivision.
- G. Certified Information: The typical forms acceptable to the Planning Commission to include the following:
- a. Description of land to be included in subdivision;
 - b. Professional engineer and/or land surveyors, currently licensed in the State of Utah, certificate of survey;
 - c. Owner's dedication;
 - d. Notary public's acknowledgment;
 - e. Requirements of Rich County for Subdivision and/or Property Split (Lot Line Adjustment);
 - i. Certification by the Rich County Treasurer that no Rich County taxes are owed on the property (prior to final plat approval).
 - ii. The signature of the Rich County Treasurer indicating at the time of signing that the property taxes, special assessments and fees due and owing have been paid in full.

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- iii. The County Treasurer must sign in the signature block area of the final approved plat prior to recording of the plat in the County Recorder's Office
 - f. Professional engineer, currently licensed in the State of Utah, certificate of approval;
 - g. Planning Commission Chair and the Mayor's signatures on the final plat and attested by the Town Clerk;
 - h. Town attorney's certificate of approval.
- H. Conformance with Preliminary Plat: The final plat must conform to the preliminary plat as approved or as approved with modifications, except where modifications are: a) a necessary result of significant changes in conditions beyond the control of the subdivider; or b) the final plat includes a significant public amenity such as a pedestrian or river parkway or scenic or open space easement not previously included in the preliminary plat.
- I. Improvements: The final plat shall include an overall improvements drawing to be submitted with the final plat showing the location of the following:
 - a. All wastewater facilities and manholes;
 - b. All water mains, valves and fire hydrants;
 - c. All culinary water lines and pressurized irrigation lines, ditches, canals and other waterways, along with any required improvements;
 - d. The location of all curb, gutter, sidewalk and other street improvements to be constructed as required by this chapter;
 - e. All fences, barriers or landscaping as required by the Planning Commission;
 - f. All special improvements required by the Planning Commission as conditions of subdivision approval;
 - g. Location of all street name signs as required by a professional engineer currently licensed in the State of Utah and qualified in the area of traffic circulation;
 - h. The location of any dedicated open space and a draft of the open space agreement.
- J. Water, Wastewater Design: Drawings showing layout, profile and detailed design for wastewater lines, water lines and storm drains.
- K. Profile, Cross Section Drawings: Plan profile and typical cross section drawings of all streets, bridges, culverts and other drainage structures and any additional requirements deemed necessary by a professional engineer currently registered in the State of Utah.

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- L. Grading, Drainage Plan: Final grading and drainage plan, indicating the finished grade by solid line contours superimposed on dashed line contours indicating the existing topography for the area of the final plat. Such contours shall be at least two foot (2') intervals for predominant ground slope within the tract between level and five percent (5%) grade, and five foot (5') intervals for predominant ground slopes with the tract over five percent (5%) grade.
- M. Vegetation Plan: Vegetation plan, if required as part of the preliminary plat, showing existing vegetation that will remain and the size, type and location of vegetation to be replaced.
- N. Erosion Control: Erosion control plan when required by a professional engineer currently licensed in the State of Utah as a result of preliminary plat review.
- O. Conservation, Open Space Agreement: Final draft of any required conservation easement or open space agreement, as approved by the Town Board in conjunction with the Town Attorney.
- P. Review by Planning Commission, and Public Hearing: The Planning Commission, in conjunction with others as deemed appropriate, shall review the final plat at a Public Hearing.

In any subdivision contiguous to property owned by a municipality, public service district, state or state agency, federal government or federal agency or other public entity, such entity shall be notified in writing by the Town of the proposed subdivision and shall be invited to review the final plat. A copy of the written notice to the public entity shall be filed with the Town.

If the final plat conforms to the preliminary plat as approved or approved with modifications, the Planning Commission shall grant final approval. If the final plat differs from the approved preliminary plat, the Planning Commission may approve, disapprove or approve with modifications of the final plat, as necessary to make the final plat conform to applicable Town ordinances. A written report shall be forwarded to the Town Board recording the Planning Commission findings.

- Q. Final Decision and Required Signatures: The Chair of the Planning Commission and the Mayor shall both sign the final plat, noting the final decision of the Planning Commission and Town Board.
- R. Town Attorney Approval and Conditions: The Town Attorney shall approve the final plat of a Major Subdivision if he/she finds that:
 - 1. There is a current title opinion from a licensed title company showing that the person dedicating the property described on the final plat is the title owner as shown on the records of the Rich County Recorder.
 - 2. The performance bond, escrow deposit, letter of credit or trust deed with the Town is in appropriate form and signed by the necessary parties.
 - 3. The subdivider has executed the subdivision improvements agreement required by this chapter.

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4. The subdivision does not, in his or her opinion, violate any ordinance of the Town or the laws of the State or the rules and regulations promulgated pursuant thereto.
- S. Recording: After the map or plat has been duly certified and approved by the Planning Commission, Mayor, Town Clerk and Town Attorney, the property owner shall file and record the approved final plat in the office of the Rich County Recorder within sixty (60) days from the date of the final inspection verifying that all subdivision improvements have been made.
- T. Phasing of Plats: The final platting of subdivisions may be done in phases. Each phase shall consist of the number of parcels completely developed with off-site improvements within a twelve (12) month period. If the roads and utilities are not established within twelve (12) months, the plat shall be considered null and void and subject to reapplication by the subdivider unless an extension has been approved as provided for in 12.3.6.D.

10-12-16 GENERAL STANDARDS

- A. Preservation in Design and Development: The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, trees and vegetation. 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 evaluated by a professional engineer currently licensed in the State of Utah.
- B. Control of Water and Storm Runoff: During grading or construction on any property, including off-site construction, the developer shall control both water used for construction and storm runoff in such a manner as to not affect any adjoining properties, nor add silt or debris to any existing storm drain, wash, channel or roadway.
- C. Development Compatible with Town Character: In support of the General Plan's directive that any new construction should conform to, and be compatible with, the general character of the existing community, the Town prohibits:
 1. Gated Communities: No subdivision shall install a gate or other similar structure designed to limit access into the subdivision unless a compelling reason for a gate can be demonstrated. The Planning Commission shall review requests for gates and must confirm and approve assertion of a compelling need.
 2. "Cookie Cutter" Development: No subdivision shall be designed with housing that is identical or nearly identical in design and floor plan with little variance in quality and exterior appearance.
- D. Self-imposed Restrictions: If the owner places restrictions on any of the land contained in the subdivision greater than those required by this Code, such

restrictions may be required to be indicated on the subdivision plat, or the Planning Commission may require that Covenants, Codes and Restrictions (CC&R's) be recorded with the County Recorder in a form to be approved by the Town Attorney.

10-12-17 PARCEL STANDARDS

- A. Building Sites: The parcel arrangement, design and shape shall be such that parcels will provide a compact body of land for buildings and be properly related to topography and conform to requirements set forth herein.
- B. Parcel Sizes: All parcels shown on the subdivision plat shall conform to the minimum requirements of this title, for the zone in which the subdivision is located, unless otherwise approved as a planned development provided for under the relevant section of the Randolph Land Use Code.
- C. Sewage disposal systems shall be by approved means.
- D. Transportation System Impact: Each subdivision and each parcel within the subdivision shall have access and egress that supports the safe and efficient function of the Town's transportation system and complies with the International Fire Code.
- E. Frontage on Public Streets: Each parcel shall abut on a street dedicated by the subdivision plat or an existing publicly dedicated street. Streets shall be at least twenty-four feet (24') wide except when approved by the Planning Commission as a private lane, street or Town approved right-of-way.
- F. Corner Parcels: Corner parcels shall have dimensions sufficient for the maintenance of required building setback lines on both streets, as well as sufficient area to comply with area requirements of this title.
- G. Parts of Parcels: All remnants for parcels below minimum size, left over after subdividing a larger tract, must be attached to adjacent lots or permanently dedicated for public or common use. Evidence of such attachment or dedication must be submitted prior to the approval of the final plat.

10-12-18 FEES

The subdivider shall be required to pay all application and subdivision related fees as determined by Town resolution and shall reimburse the Town for all attorney and engineer costs related to the subdivision platting, recording and inspection of subdivision improvements.

10-12-19 GUARANTEE OF PERFORMANCE BOND REQUIRED FOR SUBDIVISIONS

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The Planning Commission shall not approve a final plat until the subdivider provides a guarantee assuring the completion of all required improvements as shown on the final plat. The purpose of the bond is to ensure construction of the required improvements within twelve (12) months from the date of the final approval without cost to the Town. The guarantee shall meet the following requirements:

- A. **Type and Amount of Guarantee:** The performance bond required shall be fifteen percent (15%) in excess of the estimated cost of the required improvements. The subdivider shall furnish an estimate of the cost of constructing the required improvements under the direction of a certified engineer. This estimate will be reviewed and checked by the Planning Commission. If the amount is acceptable, a performance bond for that amount will be obtained by the developer. The performance bond from a financial institution shall consist of a cash deposit or a written guarantee of sufficient funds to complete the improvements.
- B. **Duration:** The duration of the surety bond shall be for twelve (12) months from the date of approval of the final plat or such lesser time as is required to complete the improvements.
- C. **Default:** In the event the subdivider is in default or fails or neglects to satisfactorily install the required improvements within one year from the date of approval of the final plat, or to pay all liens in connection therewith, the Town Board may declare the bond forfeited and the Town may install or cause the required improvements to be installed, using the proceeds of the collection of the bond or other assurance to defray the expense thereof.
- D. **Extension:** A surety bond may be extended prior to its lapse for one additional period of six (6) months; provided, that at least sixty (60) days prior to the expiration date, an application for its renewal is filed with the Town. The applicant shall clearly demonstrate, to the satisfaction of the Planning Commission and Town Board that in spite of good faith efforts of the applicant, circumstances beyond his or her control have prevented the timely pursuit of the project and completion of the necessary requirements within the original time frame.

The Planning Commission shall hear the request at their regularly scheduled meeting and recommend to the Town Board approval, approval with conditions, or denial of the extension. The Town Board, at their next regularly scheduled meeting, shall hear the request, and consider the recommendation of the Planning Commission. The Town Board shall approve, approve with conditions, or deny the request within fifteen (15) days of the Town Board first reviewing the request.

- E. **Ongoing Inspections:** A professional engineer currently licensed in the State of Utah, or a qualified designate shall perform ongoing inspections of the installation of underground utilities, trenching, base compaction for roads and sidewalks, and any other work which requires site inspection and review.
- F. **Final Inspection and Release:** the Subdivider shall be responsible for the quality of material, workmanship and condition of all improvements until final release is

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made by the Planning Commission. At the completion of the work, or not less than ten (10) days prior to the release date of the bond or other approved security, a professional engineer, currently licensed in the State of Utah, shall make a preliminary inspection of the improvements and shall submit a report to the Planning Commission setting forth the conditions of such facilities.

If all liens are paid and conditions are found to be satisfactory, the Planning Commission may recommend the Town Board approve the release of the bond less fifteen percent (15%) as provided hereafter. Lien waivers from all contractors shall be required in order to determine if the liens are paid.

If the condition of materials or workmanship shows unusual depreciation or does not comply with standards of the Town, or if any outstanding liens are not paid, the Town Board may declare the subdivider in default.

- G. Latent Defects: The Town shall retain in escrow, drawing interest for the benefit of the owner, fifteen percent (15%) of the value of the guarantee for a period of one year to assure that any latent defects that appear during that period are repaired and are in compliance with Town standards.

If after one year all required improvements exhibit no signs of defect, the escrow account shall be relinquished to the owner. If defects appear during this period, the owner shall complete the necessary repairs to meet the standards required by a Town appointed professional engineer currently licensed in the State of Utah or other appropriate professional. At the completion of such repairs, the final inspection and release process above shall be required.

- H. Permit Issuance and Sales During Default Prohibited: In the event the subdivider is found to be in default or fails to or neglects to satisfactorily install the required improvements, it shall be unlawful for any person to receive any further building permits or occupancy permits or to sell or offer to sell any parcel within the subject subdivision until all improvements are installed and accepted by the Town, or a formal extension is granted by the Town Board and a new agreement is signed.

10-12-20 COMPLIANCE WITH FINAL PLAT

Every approved subdivision shall be constructed, developed or otherwise completed according to the provisions of this title, in conformance to the approved final plat and supplementary documents pertaining to such subdivision. It shall be the responsibility of the subdivider to ensure that such provisions are correctly constructed, installed or otherwise completed. Failure to comply with this provision shall constitute grounds for immediate termination of all work activity associated with such subdivision. Before resumption of work activity, the subdivider shall agree, in writing, to reconstruct, at his/her cost, those items not in conformance with the provisions of the title before the release of the security guaranteeing improvements.

10-12-21 ADJACENT LOT LINE ADJUSTMENT

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- A. The owner of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may combine title to those parcels if the exchange of title is approved by the Planning Commission, in accordance with item 2 below.
- B. The Planning Commission shall approve an exchange of title under this ordinance if:
 - 1. no new dwelling lot or housing unit will result from the exchange of title, and
 - 2. the exchange of title will not result in a violation of applicable zoning requirements.
- C. If an exchange of title is approved, a notice of approval shall be recorded by the Planning Commission, in the office of the County Recorder which:
 - 1. is executed by each owner included in the exchange and by the Planning Commission,
 - 2. contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a "Utah Code Annotated Recognition of Acknowledgments Act; and
 - 3. recites the descriptions of both the original parcels and the parcels created by the exchange of title, if applicable.
- D. The owner of record of two adjacent parcels that are described by either a metes and bounds description or a recorded plat may combine the lot lines from those parcels if the removal of title is approved by the Planning Commission, in accordance with items 2 and 3 above.

10-12-22 VACATING OR CHANGING A PLAT

This section applies to vacating or changing a plat after it has received final approval and has been recorded at the Rich County Recorder's Office.

When vacating a public street, the Town adheres to Section 10-9a-609.5 of the Utah State Code regulations.

All vacations, amendments or changes to a subdivision plat, including change of the name of a recorded subdivision, or any adjustment of lot lines between adjacent properties, shall occur in the following manner:

- A. Procedure to Vacate or Change a Plat:
 - 1. The Town Board may, with or without a petition, or on its own initiative or on the initiative of any other Town official or body, consider any proposed vacation, alteration or amendment of a subdivision plat, any portion of a

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subdivision plat, or any street, parcel or alley contained in a subdivision plat at a Public Hearing.

2. Any property owner, as shown on the last Rich County assessment rolls, of land within the subdivision that has been laid out and platted as provided in this chapter may, in writing, petition the Town Board to have the plat, any portion of it, or any street or parcel contained in it, vacated, altered or amended as provided in this section. In such case, the petitioner shall pay the cost of the notice required by this section.
3. A petition to vacate, alter or amend an entire plat, a portion of a plat, or a street or lot contained in a plat, shall include:
 - a. Completed plat drawings;
 - b. Name and address of all owners of record of the land contained in the entire plat;
 - c. Name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered or amended; and
 - d. The signature of each of these owners who consents to the petition.

- B. Before the Town Board may consider a proposed vacation, alteration or amendment of a subdivision plat, the same shall be referred by the Town Board to the Planning Commission for its recommendation. The referral shall be given within thirty (30) days after the plat change proposal is received by the Town Board.

Although it may choose to do so in its discretion, the Planning Commission is not required to hold a Public Hearing on the proposed plat amendment but must give its recommendation to the Town Board within thirty (30) days after the proposed vacation, alteration or amendment is referred to it. Within forty-five (45) days after the Town Board receives the Planning Commission's recommendation, it shall give notice of its Public Hearing on the proposed vacation, alteration or amendment.

- C. Notice of Town Board Hearing for Plat Change:

1. The Town Board shall give notice of the date, place and time of its Public Hearing to all landowners who must receive such notice to consider any proposed vacation, alteration or amendment of a plat. The notice shall include a statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the date of the notice, and a statement that if no written objections are received within that time, unless a Public Hearing is required as indicated elsewhere in this title, the Town Board in its discretion may determine not to hold the Public Hearing.
2. If the proposed change involves the vacation, alteration or amendment of a street, the Town Board shall give notice of the date, place and time of the hearing by:

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- a. Mailing notice as required in subsection B1 of this section; and
 - b. Publishing the notice once a week for four (4) consecutive weeks before the Public Hearing in a newspaper of general circulation in the Town.
- D. Public Hearing:
1. A Public Hearing must be held on the proposed vacation, alteration or amendment of the plat if:
 - a. The proposed plat change includes the vacation of a public street or alley; or
 - b. Any property owner receiving notice of the proposed change notifies the Town in writing within ten (10) days of the date of the notice of their objection to the change; or
 - c. A petition requesting a plat change has been filed but not all of the property owners in the subdivision have signed the revised plat; or
 - d. The Town Board or any other Town official or body has proposed on its own initiative to amend the plat.
 2. In all other cases, the Town Board in its discretion may determine not to hold the Public Hearing.
- E. Town Board Decision:
1. Within thirty (30) days after the Town Board's Public Hearing, or where no Public Hearing before the Town Board was held, within forty (40) days after the date notice of the Town Board's Public Hearing was given to property owners, the Town Board at a regularly notified meeting shall decide whether to approve, approve with modifications, or deny the proposed vacation, alteration or amendment of the plat.

In the case of a denial or partial denial of a proposed plat change, the Town Board shall issue written findings to describe its reasons for the denial or partial denial. In the case of such denial or partial denial, any party may resubmit the proposal for the plat change at any time. In this case the review process for a plat change as given in this section shall be repeated.
 2. If the Town Board is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration or amendment, and that there is good cause for the vacation, alteration or amendment, the Town Board may by ordinance, vacate, alter or amend the plat, any portion of the plat, or any street or parcel.
 3. The Town Board shall ensure that the newly approved plat is recorded with the Rich County Recorder following procedure as outlined in Section 10-12-12 (B) of this Chapter.

10-12-23 PENALTIES

Any plat of a subdivision filed or recorded without the approvals required by this title is void. Any owner or agent of the owner of any land located in a "subdivision", as defined in this chapter, who offers for sale or transfers or sells any land in that subdivision or any possessory interest therein before a final plat of the subdivision has been approved and recorded as required in this chapter, is guilty of a class C misdemeanor and subject to penalty as provided in Chapter 12 of this code.

A description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation or from the penalties or remedies provided in this chapter.

10-12-24 REVIEW FEE

Each applicant for approval of a subdivision or planned development shall pay a review fee as shall be set by resolution of the Town Board to help defray the cost of the Town of reviewing the plans and making a determination as to whether or not the proposed subdivision or planned development complies with all applicable ordinances. This review fee will not be refundable, whether or not the subdivision is approved.

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CHECKLIST

Subdivision Plat Approvals by Planning Commission

(Planning commission is the land use authority that makes a final decision)

- _____ 1. Determine that the land use ordinance allows the requested subdivision in the zone where the property is located.
- _____ 2. Determine that the application contains the information required for a subdivision. The application requirements must be in the ordinance.
- _____ 3. Determine that all application fees have been paid.
- _____ 4. Consider whether the phase of the application (concept plan/sketch plat, preliminary plat, final plat) conforms to the ordinance. (If there is no subdivision ordinance, review the standards in state statute related to subdivisions.)
- _____ 5. Review standards in the ordinance that apply to the consideration of the phase (concept/sketch, preliminary or final) of the application. Are there written standards for exactions in the local ordinance? (If there is no subdivision ordinance, review the standards in state statute related to subdivisions.)
- _____ 6. Provide the required notice of a public meeting (24 hours) to consider the application.
- _____ 7. A single public meeting is required by state statute. Local ordinance may require more. Some local ordinances require a public hearing. These ordinances should be revised to eliminate the public hearing requirement.
- _____ 8. Conduct the meeting that is required by the ordinance and state statute as part of the consideration of the application for subdivision.
- _____ 9. Either approve the phase of the application, noting on the record that it complies with the provision of the relevant ordinance; deny the phase of the application noting on the record how the evidence indicates that the application does not comply with the ordinance; or with the consent of the applicant, allow the applicant to modify the application in a specific manner that is required by a specific section of the municipal code.
- _____ 10. Preserve the record of the proceedings to document the law and evidence that was considered by the land use authority before it made a decision related to the application.