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LAND USE (Subdivision) ORDINANCE of the Town of CEDAR FORT, UTAH

BE IT ORDAINED by the Town Council of the Town of Cedar Fort, Utah County, Utah, that an ordinance relating to the establishment of **Subdivision (Land Use)** and related land use issues be enacted as follows:

1.0 GENERAL

1.1 TITLE and Definition.

This ordinance shall be known and may be so cited and pleaded as:

"LAND USE (SUBDIVISION) ORDINANCE OF THE TOWN OF CEDAR FORT, UTAH."

Subdivision Definition:

1.1.1. A subdivision is any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions.

1.1.2. Subdivision includes:

1.1.2.1. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and

1.1.2.2. except as provided in Subsection 1.1.3 of this Section, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

1.1.3. Subdivision does not include:

1.1.3.1. a bona fide division or partition of agricultural land for agricultural purposes 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 violates an applicable land use ordinance.

1.1.3.2. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if;

- 1.1.3.2.1. no new lot is created; and
- 1.1.3.2.2. no lot which would qualify as a dwelling site is created from a lot (or lots or parcels) previously not eligible to have a dwelling; and
- 1.1.3.2.3. the adjustment does not violate any provision of Cedar Fort Land Use Ordinances.
- 1.1.3.3. a recorded document, executed by the owner of record,
 - 1.1.3.3.1. revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - 1.1.3.3.2. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate any provision of Cedar Fort Land Use Ordinances.
- 1.1.3.4. a bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels:
 - 1.1.3.4.1. an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or
 - 1.1.3.4.2. an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility; or
 - 1.1.3.4.3. an unmanned in-line hydroelectric generating facility; or
 - 1.1.3.4.4. an electrical transmission line or a substation.
- 1.1.3.5. a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - 1.1.3.5.1. no new dwelling lot or housing unit will result from the adjustment; and
 - 1.1.3.5.2. no lot which would qualify as a dwelling site is created from a lot (or lots) previously not eligible to have a dwelling; and
 - 1.1.3.5.3. the adjustment will not violate any provision of Cedar Fort Land Use Ordinances.
- 1.1.3.6. the deeding and dedication of a portion of a parcel of real property to the respective governmental entity for a federal highway, a state highway, or a Town street, if the respective governmental entity accepts the dedication, and provided that:
 - 1.1.3.6.1. no lot which would qualify as a dwelling site is created from a lot (or lots or parcels) previously not eligible to have a dwelling; and
 - 1.1.3.6.2. the deeding and dedication does not violate any provision of Cedar Fort Land Use Ordinances.

1.1.3.7. the deeding and dedication of a portion of a parcel of real property to Cedar Fort or Utah County for a road, if the dedication is accepted, and provided the deeding and dedication does not violate any provision of Cedar Fort Land Use Ordinances.

1.1.3.8. the joining of a subdivided parcel of property to another parcel of property that has not been subdivided.

1.1.3.9. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

1.1.3.9.1. no additional parcel is created; and

1.1.3.9.2. each property identified in the agreement is unsubdivided land, including a remainder of subdivided land.

1.1.4 When subdividing a recorded parcel - if TWO pieces are formed from the parcel, this constitutes a "minor" subdivision; if THREE or more pieces are formed, this constitutes a "major" subdivision. Major Subdivisions will comply with ALL provisions of this ordinance. Refer to Section 1.7 for requirements for Minor Subdivisions.

1.2 PURPOSE.

1.2.1 To promote the health, safety, and general welfare of the residents of the Town.

1.2.2 To promote efficient and orderly growth of the Town.

1.2.3 To provide standards for the physical development of residential subdivisions and construction of improvements thereon, including, but not limited to the design and installation of roads, streets, curbs, gutters, drainage systems, water and sanitation systems, and other public facilities and utilities; dedication of land and streets; granting of easements or rights-of-way and to provide for the payment of fees and other charges for the authorizing of a subdivision.

1.3 EVIDENCE OF PUBLIC WELFARE.

Any proposed subdivision and its ultimate use shall be in the best interest of the public welfare and the neighborhood development plan of the area concerned; and the sub-divider shall present evidence to this effect. Specific evidence shall include, as a minimum, identifying allowances for schools, churches, parks, and municipal buildings. Additionally, the Town intends to retain the agricultural and livestock potential of the zones.

1.4 RESTRICTIONS ON SUBDIVIDED LAND.

1.4.1 No person shall sell, exchange, or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land; or record for building purposes in the office of the County Recorder any subdivision plat unless the subdivision has been approved by the Town according to the provisions of this Ordinance.

1.4.2 All lots, plots, or tracts of land located within a subdivision shall be subject to the provisions of this Ordinance, regardless of whether or not the tract is owned by the Sub-divider or a subsequent purchaser, transferor, or holder of the land.

1.5 EXCEPTIONS.

1.5.1 Variations and exceptions to this Ordinance may be made to avoid non-economic hardship whenever the tract of land to be subdivided is, in the opinion of Town Council, of such unusual shape or size or is surrounded by such development or unusual conditions, that the strict application of the requirements contained herein would result in real difficulties and substantial hardships or injustices. The Town Council may, after recommendation by the Planning Commission, vary such requirements so that the sub-divider is allowed to develop his property in a reasonable manner. However, it shall be necessary that the public welfare and interest of the Town and surrounding area are protected and the general intent and spirit of the land use ordinances is preserved. Details of the variance process are contained in the Cedar Fort Zoning Ordinance.

1.6 BUILDING AND OCCUPANCY PERMITS.

1.6.1 Unless waived by the governing body, it shall be unlawful for any person to receive a building permit until all improvements including road base and utilities are installed on the lot which the building is to be constructed.

1.6.2 There shall be no human occupancy of any building until the improvements have been accepted by this municipality and the building and lot fully comply with the subdivision, land use and zoning ordinances of this municipality. It shall be unlawful for any sub-divider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy permits will not be issued until the improvements are completed. It shall be unlawful to build any residential unit on any lot less than area as governed by Zoning ordinance or any commercial building except on an improved lot.

1.7 MINOR SUBDIVISION PROCESSING AND APPROVAL PROCEDURE

- 1.7.1 A MINOR subdivision is when TWO parcels are formed from one parcel
- 1.7.2 Any building lot or parcel determined to be from an approved minor subdivision, must show a recorded fee simple title to receive a building permit. No minor subdivision shall be approved until at least 5 years has elapsed since the parcel was previously subdivided. At each approved minor subdividing, there results two buildable lots. A minor subdivision may also be developed as a major subdivision with no waiting period, provided the applicable provisions of the major subdivision requirements are met.
- 1.7.3 **Approved Subdivision**
Any parcel that has been presented to the Town and approved as a Minor Subdivision shall be considered an “approved subdivision” with regard to subdivision requirements (completion of the Minor Subdivision Application Form). Zoning and building requirements must also be completed before any residential or commercial construction may proceed.
- 1.7.4 **Unapproved Subdivision**
Any parcel that has been divided as a Minor Subdivision without being presented to the Town for approval shall be considered an “unapproved subdivision” with regard to minor subdivision requirements. The lots thus created shall be considered unbuildable lots until such time as the Planning and Zoning Commission and Town Council have reviewed and approved the dividing.
- 1.7.5 To qualify as an approved minor subdivision, a parcel must be approved by the Planning and Zoning Commission and Town Council. The Town Minor Subdivision Form must be completed and submitted to the Town to be considered for approval.
- 1.7.6 To qualify for a building permit, all approved minor subdivisions must satisfy all ordinance requirements for the applicable zone.

Important note: There will be a ONE TIME grace period from May 1, 2017 until October 31, 2017 on unapproved MINOR subdivisions that were recorded prior to January 26, 2017, but failed to get pre-approval from the Town as required by the then-enacted Town Ordinances. During the grace period, an unapproved subdivision may become an approved subdivision by completion of the Minor Subdivision Application Form and all applicable requirements of the land use ordinances.

Any unapproved subdivision recorded prior to January 26, 2017 that has not submitted a completed application for review for the unapproved subdivision to the Town on or before October 31, 2017 shall be subject to the time delay requirements of this Section 1.7.

2.0 MAJOR SUBDIVISION PROCESSING AND APPROVAL PROCEDURE.

2.1 PRELIMINARY PLAT.

- 2.1.1 Preliminary Consultation - Each person who proposes to subdivide land in jurisdiction of the Town shall consult with the Planning Commission staff before preparing any plats, charts, or plans, in order to become familiar with the Town subdivision requirements and existing master plans for the territory in which the proposed subdivision lies, and to discuss the proposed plan of development of the tract.
- 2.1.2 Zoning Requirements - Before the preliminary plat is submitted for processing, the sub-divider shall comply with all zoning ordinance regulations to accommodate intended lot size and type of development. Conditional use approval shall be required of all subdivision applications.
- 2.1.3 Preliminary Plat - Staff Review - Before submittal to the Planning Commission, plats shall have endorsement of review by staff. Without this endorsement, the plat shall not be reviewed by the Planning Commission. [Note: Currently there is no Planning Commission Staff. Plats may be submitted directly to the Planning Commission until such time as a staff is appointed.]
- 2.1.4 Preliminary Plat Filing - A preliminary plat shall be prepared in conformance with the standards, rules, and regulations contained herein and a number of legible prints, as determined by the Planning Commission, shall be distributed through the Planning Commission staff to various Town departments and interested entities for their information and recommendations.
- 2.1.5 Preliminary Plat Application Fee - All costs associated with the preparation and submittal of information and drawings for review and approval of any development shall be borne by the applicant or developer. At the time of filing the preliminary plat, the sub-divider shall pay to the Town a nonrefundable fee. The Town Council shall prescribe by resolution from time to time the amount of such fee, which shall be for the purpose of defraying expenses incidental to and in connection with the checking and reviewing of such preliminary subdivision plats.

- 2.1.6 Preliminary Plat Requirements - The preliminary plat shall be drawn to a scale not smaller than 50 feet to the inch, and shall be on standard 22" X 34" or 24" X 36" paper (Three (3) copies required). The plat shall show:
- 2.1.6.1 The proposed name of the subdivision and approximate address (there shall be no duplication of subdivision names within the Town and all names shall be approved by the Town Council).
 - 2.1.6.2 The subdivision location as forming a part of a larger tract or parcel. Where the plat submitted includes only a portion of a larger tract or only a part of a parcel or parcels of the same owner, a schematic plan of a prospective major street system shall be prepared showing logical connections to and through the larger parcel. The preliminary plat shall show all adjoining property owned or having ownership interest by the sub-divider.
 - 2.1.6.3 Sufficient information to locate accurately the property shown on the plat including the nearest section corner tie. A copy of the County ownership plat relating to the proposed subdivision and a legal description of the parcel must also be submitted.
 - 2.1.6.4 The names and addresses of the sub-divider(s), the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
 - 2.1.6.5 Contours at two-foot intervals to show the topography of the land.
 - 2.1.6.6 The boundary lines of the tract to be subdivided including total acreage proposed for subdivision.
 - 2.1.6.7 The location, dimensions, and other details of all existing or platted streets and other important features such as easements, railroad lines, water courses (including irrigation canals and ditches), canal weirs, exceptional topography, bridges and buildings within, or within 20 feet of, the tract to be subdivided.
 - 2.1.6.8 Location of new and existing storm drains, water supply mains, sewer lines and surface water control structures within the tract and immediately adjacent thereto. A commitment in writing from the appropriate agencies that utility services will be available and installed for the project.

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- 2.1.6.9 The flood hazard boundary per Federal Flood Insurance Administration, when applicable.
 - 2.1.6.10 The locations, widths, and other dimensions of proposed public street, utility easements, parks, other open spaces and lots, with proper labeling of spaces dedicated to the public or designated for private use.
 - 2.1.6.11 When any new development creates an incompatible land use there shall be a fenced and/or landscaped area along the entire lot(s) adjacent to the incompatible use created by the new development, as approved by the Town Council upon prior recommendation of the Planning Commission. These same requirements shall apply to the lots of any new development adjacent to collector or major streets. Incompatible use as used in this ordinance shall mean a use of land other than residential.
 - 2.1.6.12 North point, scale and date.
 - 2.1.6.13 A review copy of proposed protective covenants.
 - 2.1.6.14 A statement of compliance with existing zoning and conformance with the Town General Plan.
 - 2.1.6.15 A preliminary Storm Drainage Study.
 - 2.1.6.16 The proposed layout, dimension and numbering of all lots.
 - 2.1.6.17 Proposed construction of permanent fencing along appropriate subdivision boundaries in conformance with the guidelines provided in this Ordinance and staff recommendations.
 - 2.1.6.18 The proposed method of dealing with all irrigation water systems relating to the properties, including a full consideration of all runoff water conditions and any adjacent canal weirs that will need access provided for.
- 2.1.7 Preliminary Plat Approval - The preliminary plat shall be reviewed by the Planning Commission, who will approve or reject the plat based on the standards as itemized above within 45 days after its presentation to the commission, or if modified, within 45 days of the presentation of the latest modification. If approved, the Planning Commission shall express its written approval, or as a matter of minutes, with whatever conditions are

attached and by returning one copy of the preliminary plat, signed by the Commission Chairman, to the sub-divider. If the preliminary plat is not approved, the Planning Commission shall indicate its disapproval in writing or as a matter of minutes and reasons therefore by a similarly signed copy. Upon the Planning Commission's action, the plat shall be referred to the Town Council for review. When approved by the Town Council, the sub-divider is authorized to proceed with the preparation of the revised preliminary plat.

- 2.1.8 Time Limitation - Approval of the preliminary plat by the Planning Commission and endorsement by the Town Council shall be effective for a maximum period of (6) months after approval unless, upon application of the sub-divider, the Planning Commission grants an extension. If the final plat has not been submitted within six (6) months, or the approved extension period, the preliminary plan must again be submitted to the Planning Commission for reconsideration. However, preliminary approval of a large tract shall not be voided, provided the final plat of the first phase is submitted for final approval within the six (6) month period unless changes in the original preliminary plat are required to accommodate changes in planning objectives advocated by the Town.
- 2.1.9 Grading Limitation - No excavation, grading or re-grading shall take place on any land for which a preliminary subdivision plat has been submitted until such plat has been given final approval by the Town.
- 2.1.10 Revised Preliminary Plat Requirements
- 2.1.10.1 Prior to the submission of the final plat, the sub-divider shall submit three (3) copies of a revised preliminary plat to the Planning Commission staff, who shall check the revised plat against the requirements and conditions of approval of the preliminary plat, and retain one (1) copy for filing.
- 2.1.10.2 The Planning Commission staff shall return one (1) copy of the checked revised preliminary plat to the sub-divider indicating thereon any changes required by the Planning Commission and / or other Town departments.
- 2.1.10.3 At the time of submission, the tentative final plat shall bear notation by gas, electrical, and telephone company representatives indicating their review of the plat for utility easement purposes.

2.2 FINAL PLAT

2.2.1 Final Plat Requirements - The final plat shall be prepared on drawing medium and digital format approved by the Town Engineer, to the outside dimensions of twenty-two (22) by thirty-four (34) inches (or 24 by 36 inches) and the border line of the plat shall be drawn in heavy lines, leaving a space of at least one-half ($\frac{1}{2}$) inch on the bottom, top, and right side with at least one and one-half (1-1/2) inches on the left side. The plat shall be so drawn that the top of the sheet faces either north or west, which ever accommodates the drawing. All lines, dimensions, and markings shall be made on the drawing with approved waterproof black ink. The plat shall be made to scale large enough to clearly show all the details, in any case not smaller than fifty (50) feet to the inch, and the workmanship on the finished drawing shall be clear, clean and legible. The plat shall include the following information:

2.2.1.1 A subdivision name, approved by the County Recorder, and the general location of the subdivision in bold letters.

2.2.1.2 A north point, scale of the drawing, and the date.

2.2.1.3 Accurately drawn bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.

2.2.1.4 The widths, lengths, bearings, and curve data on centerlines of proposed streets and easements; the boundaries bearing the dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively by a numbering scheme approved by the Planning Commission. (The Town shall provide an address number to each residential structure.) The sub-divider may provide names for streets, but such names shall be cleared through the local post office by the sub-divider and approved by the Planning Commission.

2.2.1.5 The location of fire hydrants.

2.2.1.6 The standard forms approved by the Town Council for all subdivision plats; lettered for the following:

- 2.2.1.6.1 Description of land to be included in subdivision.
- 2.2.1.6.2 Registered professional engineer and / or land surveyor's "Certificate of Survey".
- 2.2.1.6.3 Owner's Dedication Certificate.
- 2.2.1.6.4 Notary Public's acknowledgment.
- 2.2.1.6.5 Town Planning Commission's Certificate.
- 2.2.1.6.6 Utah County Flood Control's approval.
- 2.2.1.6.7 Utah County Board of Health approval.
- 2.2.1.6.8 Town Engineer's Certificate of approval.
- 2.2.1.6.9 Town Attorney's approval.
- 2.2.1.6.10 Town Council Certificate of Acceptance attested by the Town Recorder.
- 2.2.1.6.11 A three (3) inch by three (3) inch space in the lower right-hand corner of the drawing for recording information.
- 2.2.1.7 Copy of the Protective Covenants for approval and recording by the Town Council.
- 2.2.1.8 Copy of topographical or lot grading plans.
- 2.2.1.9 Location of street lighting as required.
- 2.2.1.10 Location of all utilities
- 2.2.2 Tentative Approval - After compliance with the provisions for preliminary plat approval, the sub-divider shall submit an original final plat with two (2) copies thereof for Planning Commission tentative approval. Such plat shall include a certificate by the sub-divider's engineer, indicating that all lots meet the requirements of the Zoning Ordinance. The tentative final plat protective covenants, and accompanying information, after staff approval, shall be submitted to the Planning Commission at a regularly scheduled Planning Commission meeting.

2.2.3 Final Plat Application Fee - At the time of submitting the final plats, the sub-divider shall pay to the Town a non-refundable fee. The Town Council shall prescribe by resolution from time to time the amount of such fee, which shall be for the purpose of defraying expenses incidental to checking and reviewing the plat and engineering inspections of the future sub-division. Review work, site inspections, field reviews and associated paperwork shall be billed to, and paid for, by the developer on a monthly basis.

2.2.4 Construction Documents - After approval of the Tentative Final Plat by the Planning Commission the sub-divider shall provide (prepared by a registered engineer not employed by the Town) a complete set of profiles, construction and design data of all streets, existing and proposed, and all utilities to be constructed within the subdivision, and furnish such information to the Town Engineer with the final plat for his review. All construction drawings and details must be approved by the Town Engineer before his signature is entered on the final plat. The Town Engineer shall determine the amount of bond or other security to assure construction of improvements.

2.2.5 Final Approvals

2.2.5.1 Upon approval and signature by the Town Engineer, including approval of Flood control requirements and Utah County Board of Health, the final plat shall be submitted to the Planning Commission for action at a regularly scheduled public meeting. Upon approval and signature, the Planning Commission shall remit the plat to the Town Attorney.

2.2.5.2 Upon approval as to form and adequacy of support documents the Town Attorney shall sign the final plat and recommend it for approval by the Town Council. In addition to the final plat appropriately endorsed by the Chairman of the Planning Commission and the Town Engineer, the sub-divider shall submit to the Town Attorney the following:

2.2.5.2.1 Subdivision Bonding Documents.

2.2.5.2.2 Current Title Report.

2.2.5.2.3 Evidence of payment or a check for payment of Final Plat fees, special assessments, and other cost associated with the subdivision.

2.2.5.2.4 Original Protective Covenant Documents.

2.2.5.2.5 Other support information as required by the Town Attorney or Town Council.

2.2.5.3 After approval and recommendation by the Town Attorney, the Final Plat shall be submitted to the Town Council for consideration at a regularly scheduled public meeting. Upon their vote of approval the Council shall authorize the Mayor to sign the Final Plat which is to be attested by the Town Recorder.

2.3 IMPROVEMENTS AND DEDICATIONS

2.3.1 Requirements Before Recordation - The improvements required by this Ordinance shall be constructed, installed and maintained by the sub-divider until accepted by the municipality prior to recording the final plat in the office of the County Recorder, unless the construction, installation, and maintenance is guaranteed in the manner provided in this Ordinance. Improvements shall not be installed or constructed until their design and specifications have been approved by the Town Engineer.

2.3.2 Guarantee of Improvements - In lieu of the actual completion and acceptance by the Town Council of the improvements required by this Ordinance and before approval of the final plat by the Town Council, the sub-divider shall guarantee the installation and construction of the required improvements within (1) one year from the date of approval of the final plat by one or more of the following methods:

2.3.2.1 Bond - The sub-divider shall furnish and file with the recorder a bond with corporate surety, or an escrow account, in an amount equal to 125% of the cost of the improvements not previously installed as estimated by the engineer to assure the installation and construction of such improvements within 12 months immediately following the approval of the subdivision plat by the Council, which bond shall guarantee that the improvements shall be maintained in a state of good repair free from material or workmanship defects for a period of 24 months from the date of completion and acceptance by the Town of the entire subdivision.

2.3.2.2 Deposit With Municipality - The sub-divider shall deposit with the municipality a sum equal to 125% of the costs of the required improvements not installed, constructed or accepted by the

municipality. The sub-divider shall have the right to draw against the account with the municipality all sums to 100% of the total account which shall be paid to the order of persons installing, constructing or maintaining the improvements. The municipality shall hold the additional 25% to guarantee that the improvements are installed, constructed, and maintained for a period of 24 months after acceptance by the municipality. The municipality may, after making written demand on the sub-divider install, construct or repair the improvements and pay such costs from the sub-divider's account. The municipality shall refund any sums remaining in the sub-divider's account 24 months after the council accepts the improvements.

2.3.3 Release of Performance Guarantees - The Town Council is authorized at the request of the sub-divider or his successors in interest, to release from time to time, portions of guarantee funds, credits, liens, and covenants for which the construction performance has been fully satisfied, provided however, there shall be retained with the Town for a period of twenty four months from the date of acknowledgment by the Town Engineer and Town Inspector, that all improvements are emplaced, a sum or security of not less than ten (10) percent of the total improvement construction cost as a guarantee of good material and workmanship.

2.3.4 Acceptance of Dedicated Streets and Improvements - The dedication of the streets, water lines, storm drains, sewer lines and other improvements required by this Ordinance shall be deemed an offer by the sub-divider which shall be kept open for at least two (2) years and may not be withdrawn during that time. The Town shall accept the offer of dedication only if it finds that the sub-divider has constructed, installed and maintained the improvements required by this Ordinance and the improvements comply with the minimum requirements of this Ordinance and the Town Standards and Specifications at the time of acceptance.

2.4 RECORDATION AND LIMITATIONS

2.4.1 When finally approved, the Town Recorder shall be responsible for recording subdivision plats. The sub-divider shall pay for all recording fees at the time of recordation. No final plats shall be recorded in the office of the County Recorder, and no lots included in such final plat shall be sold or exchanged, unless and until the plat is properly approved, signed, and accepted.

2.4.2 Any final plat not so approved and signed, or which shall not be offered for recording within six (6) months after the date of final approval,

unless the time is extended by the Town Council, shall not be recorded or received for recording and shall have no validity whatsoever.

2.4.3 It shall be unlawful for any person to change the lines, drawings, lot sizes or shapes, or any other provision of a plat after it has received approval by any person whose approval is required. Any plat that is changed in violation of this paragraph is void and the sub-divider may, upon conviction thereof, be punished to the extent of the law for violation of a misdemeanor. In addition, the Town may compel the person recording the plat to withdraw the plat from the County Recorder's office or to file a notice, or the Town may itself file a notice that the recordation of the plat is void.

2.5 AMENDED PLATS

2.5.1 When changes are made in a plat of a subdivision which has been approved, said subdivision shall be vacated and an amended plat thereof shall be approved and recorded in accordance with State Law.

3.0 REQUIRED SUBDIVISION IMPROVEMENTS

3.1 PERMANENT IMPROVEMENTS

The sub-divider of any land located in or platted as a subdivision shall, at his own expense, install the following improvements in compliance with preliminary and / or final plat approval and the specifications contained in the CEDAR FORT TOWN STANDARDS AND SPECIFICATIONS. All streets, utilities, rights-of-way, and other items to be deeded to or maintained by the Town shall be warranted for two (2) years from the date of acceptance by the Town.

3.1.1 Water Systems

3.1.1.1 No subdivision shall be approved or allowed that does not connect onto an approved public water system of the Town with adequate capacity and pressure to supply the water needs of the proposed subdivision. The Town engineer shall determine whether the water system is adequate in both capacity and pressure. If the water system is not adequate (or if a new source is to be developed), the sub-divider shall be required to improve (or develop) the water system at his own cost to bring the water system up to an adequate level of capacity and pressure. The sub-divider shall also install, at his own expense, all water pipelines, equipment, (storage tanks), and

pump stations necessary to connect with and make available the existing (or new) water supply distribution system of the Town. The bonding provision of the Town of Cedar Fort Subdivision Ordinance shall apply to this section.

3.1.1.2 The sub-divider shall install water lines to make the supply of water available to each lot within the sub-division, including laterals to the property line of each lot. The location and size of water mains shall be approved by the Town Engineer. Subdivision water lines shall be a minimum of eight (8) inches in diameter. Service laterals shall be 3/4 inch in diameter. All water lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed city streets.

3.1.1.3 Existing mains must be relocated by the sub-divider if in conflict with proposed subdivision.

3.1.1.4 The sub-divider shall transfer to the Town water rights equivalent to (0.45) acre-feet per year of water for each residence (building lot inside water use) and 4 acre-feet per year for each acre of ground (outside and animal watering) proposed to be subdivided. Dedicated open space shall not be included in the outside and animal watering requirement. The developer must file for and obtain any application changes for point of use, and transfer unencumbered water rights to the Town.

3.1.2 Sewage Disposal - The sub-divider shall comply with the regulations and specifications of, and shall be approved by, the Town Engineer and the Utah County Board of Health. "Dry" sewer line mains and lateral connections terminated at all property lines shall be provided for future connection to a sewage treatment plant, in addition to septic tanks on each lot.

3.1.3 Storm Water

3.1.3.1 The sub-divider shall comply with the recommendations of Cedar Fort Town's General Storm Drain Plan.

3.1.3.2 The sub-divider shall be required to submit preliminary plans to the Cedar Fort Town Engineer on all storm drainage facilities before final plans are prepared. All final plans on storm drainage work shall be approved by the Cedar Fort Town Engineer.

3.1.3.3 The sub-divider shall pay to the Town a storm drain impact fee as follows:

Refer to the Cedar Fort Building Fees ORDINANCE for the amount of these fees.

3.1.3.4 The sub-divider shall also comply with all requirements of the Utah County Flood Control Department.

3.1.4 Street Grading and Surfacing - All public streets shall be graded and hard surfaced in accordance with the standards and specifications adopted by the Town Council.

3.1.5 Curbs and Gutters - Concrete curbs and gutters are not required except in major subdivisions that contain one acre or less lots.

3.1.6 Sidewalks - Concrete sidewalks are not required except in major subdivisions that contain one acre or less lots. Sidewalks to be 48" wide.

3.1.7 Driveway Approaches - Concrete driveway approaches are not required except in major subdivisions that contain one acre or less lots. Approaches shall be a minimum of ten (10) feet and a maximum of twenty (20) feet in width and shall be constructed of concrete six (6) inches thick with at least six (6) inches of compacted untreated base course as foundation materials.

3.1.8 Monuments - Permanent monuments shall be accurately set and established at:

3.1.8.1 The intersecting centerlines of existing streets related to the subdivision.

3.1.8.2 The beginning and ends of curves on street center lines or points of intersections or tangents.

All permanent monuments shall remain in place, or be reset at the sub-divider's expense, after curbs, gutters, and sidewalks are installed. Monuments shall be of a type approved by the Town Engineer, and all subdivision plats shall be tied to a section corner or monument of record, as established by the Utah County Surveyor.

3.1.9 Irrigation Water - All gravity flow ditches through which water will continue to flow within or adjoining a subdivision after its completion, whether to serve as irrigation water and / or waste flow to or from any

adjacent property, shall be piped with a minimum pipe size of at least 15 inches and shall be approved by the Town Engineer. Irrigation ditches which do not carry irrigation water and / or waste flow may be abandoned, with approval of the Town Engineer and Irrigation Company.

- 3.1.10 Fire Hydrants - Fire hydrants will be installed as required. Such fire hydrants shall be of the type, size, and number as adopted by the Town Council, and installed in such locations as approved by the Town Engineer. A fire hydrant shall be placed at the end of every cul-de-sac.
- 3.1.11 Street Signs - The sub-divider shall furnish and install all necessary street marker and traffic control signs as defined by the Town Engineer and Town Council.
- 3.1.12 Fencing - A permanent metal chain link, masonry, or other non-climbable fence other than wood and not less than six (6) feet in height shall be installed along all boundaries with properties adjacent to the subdivision where adjacent uses are found to be incompatible by the Planning Commission. In addition, temporary construction fencing shall be installed along boundaries or where required to contain blowing refuse prior to the start of building construction as recommended by the Town Engineer. The construction fence shall remain in place until the final bond release or until 90% of the lots are built on. Upon installation of the permanent fence and acceptance by the Town, individual property owners shall assume full responsibility for maintenance of fences or portions of fences constructed upon their property and shall hold the Town harmless for any and all defects of workmanship, maintenance, repair, and liabilities of any nature arising from the construction or intended use of said fences.

In situations where a temporary construction fence and a non-climbable permanent fence coincide, the non-climbable permanent fence shall take the place of the temporary construction fence and shall be constructed prior to the beginning of home construction within the subdivision.

- 3.1.13 Staking of Lots - Survey stakes shall be placed at both front and back lot corners to completely identify the lot boundaries on site. Back lot corners shall be marked with a metal pipe or rod driven into the ground, and front lot corners shall be identified with permanent plugs in the sidewalk or back of the curb. All lot corners must be in place prior to the issuance of building permits and after the completion of all subdivision improvements. It shall be the responsibility of the lot owner to insure that all lot corners are in place prior to the final inspection of the house.

3.1.14 Road Improvements - All sub-dividers regulated under this section shall install improvements consisting of curb, gutter, sidewalks, road base and paving which comply with the specification set by the Cedar Fort Town council.

3.1.15 Lot Grading - A Lot Grading Plan which shall:

3.1.15.1 Be completed by a professional engineer and show existing and proposed contours at one (1) foot intervals unless a variation from the one (1) foot topographical interval is allowed by the Town. The final grading plan must be approved by the Town prior to issuance of the first building permit.

3.1.15.2 Show waterways and ditches on or adjacent to the subject property within fifty (50) feet. Piping or relocation shall be approved in writing by appropriate water user or water master.

3.1.15.3 Delineate all areas subject to potential 25-year flood events as designated by the Army Corps of Engineers.

3.1.15.4 A soil report, based upon adequate test borings and excavations shall be required prior to preliminary approval of any subdivision plat. If the soil report indicates the presence of critically expansive soils, high water table or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, drainage to the buildings from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the Town Engineer. The soil investigation shall recommend corrective action intended to prevent damage to the proposed development or public improvements.

3.2 USE OF LOTS NOT FULLY IMPROVED

3.2.1 Housing Restrictions - When a subdivision is approved by the Town and recorded with the office of the County Recorder under the "in lieu of" guarantee of improvements provision of this Ordinance, no person shall construct or emplace a structure intended for human habitation on a parcel of land which has been subdivided until the sanitary system, and culinary water improvements have been installed, tested and approved. Occupancy shall not be allowed until all improvements up to and including road-base, culinary water, sanitary system, curb, gutter, sidewalk, street signs, storm drainage, irrigation, and public utilities, including electric power, natural gas, and telephone, are installed and approved.

3.2.2 Refuse Collection - If not fully improved, the sub-divider shall provide temporary garbage disposal facilities within a subdivision when homes are occupied and asphalt surface improvements have not been placed and approved by the Town Engineer. A minimum pickup of 10 cubic feet of garbage per occupied home per week shall be provided, starting at the time the first home is occupied and continuing until the asphalt surface improvements are completed and public garbage service is provided. The garbage disposal container shall be located within the bounds of the subject subdivision, but not on an existing improved street.

3.2.3 Maintenance of Streets - The sub-divider shall keep the streets within a subdivision in a well-graded condition during the time when homes are occupied but the asphalt surfacing improvements are not complete. The sub-divider shall maintain all asphalt streets free of dirt and construction debris. The sub-divider shall be given 48 hours or a working day to improve the street condition after being notified by the Town that the street condition is unacceptable. If unacceptable conditions have not been corrected to the satisfaction of the Town at the end of 48 hours, the Town shall have the right to direct a separate contractor to perform the work, with payment for such work coming from the Emergency Repairs Shared Savings Account.

3.3 ORDER OF MAKING IMPROVEMENTS

Underground utilities, water and fire hydrants shall be installed prior to surfacing the streets and installing road base.

3.4 EMERGENCY REPAIRS

3.4.1 Responsibility - The offer to dedicate, evidenced by the recording of a subdivision plat prior to installation and acceptance of improvements, shall in no instance obligate the Town to maintain, repair, or assume responsibility for subdivision improvements or condition. To assure the interest of public safety and welfare where building permits are issued prior to final acceptance of the sub-divider's improvements by the Town, the sub-divider shall deposit monies in the form of a shared savings account in the name of the Town, in a financial institution licensed under laws of the State of Utah. The amount shall be equal to 10% of the cost of the subdivision roadway improvements. These monies shall be used for emergency repairs, for example, broken water lines and emergency street repairs where safety is the prime factor. All repairs classified as "Emergency" shall be so determined by the Town Engineer and shall be

subject to Town Council approval. Where possible, the Town will notify the responsible person(s) in writing at least 2 working days before repairs are to be made except in emergencies where that passage of time would be detrimental to the health and / or safety of the public. However, if no response occurs within two (2) working days, and depending on the severity of the emergency, after notice has been given, the Town will order the repairs made. The Town reserves the right to withdraw funds for necessary emergency repairs at any time independently of the sub-divider. In the event monies are withdrawn for emergency repairs, it shall be the responsibility of the sub-divider to deposit additional monies to bring the account to the original amount deposited in the shared savings account. Work shall not continue within a subdivision until the emergency repair savings account is restored to the original amount. The monies deposited in the shared account, along with accrued interest and all Town control of the account, and is released when the Improvement Bond money is released.

4.0 PENALTIES, VALIDITY, SEVERABILITY, CONFLICT, EFFECTIVE DATE

4.1 PENALTIES:

It will be unlawful for any person to violate any of the provisions of this ordinance. Any person, firm or corporation whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of the provisions of this ordinance will, upon conviction, be guilty of a Class C misdemeanor and punishable as provided by law - both civilly and criminally, as per UCA 10-9a-803. Such persons, firm or corporation who intentionally violate this Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such persons, firm or corporation, and shall be punishable as herein provided.

4.2 SEVERABILITY

If any section, subsection, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof. This revised ordinance supersedes and replaces all previous versions of this ordinance.

4.3 CONFLICT WITH OTHER LAND USE ORDINANCES OF THE TOWN.

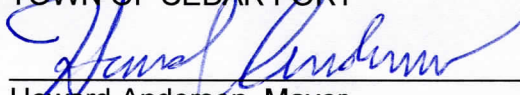
If any provision of this ordinance is in conflict with a provision of another ordinance of the Town, then the most stringent requirement shall govern.

4.4 EFFECTIVE DATE:

Due to impending development within the town, it is the opinion of the Town Council that an emergency exists. Therefore, in order to preserve properly the peace, health, safety and general welfare of the Town of Cedar Fort and its inhabitants, this ordinance will take effect upon its passage by majority vote of the Town Council and posting in three public places within the town.

Approved and passed this 25 th Day of April 2017

TOWN OF CEDAR FORT


Howard Anderson, Mayor

Attested by: 
Town Clerk


Councilmember Howard Anderson

Voted Yea 

Councilmember Ellen Cibula

Voted Yea 

Councilmember David Gustin

Voted YEA 

Councilmember Chris Murphy

Voted YEA C.M.

Councilmember Richard Stark

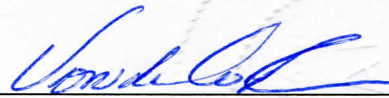
Voted NO 

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, VONDA COOK, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 23 day of April 2017, entitled

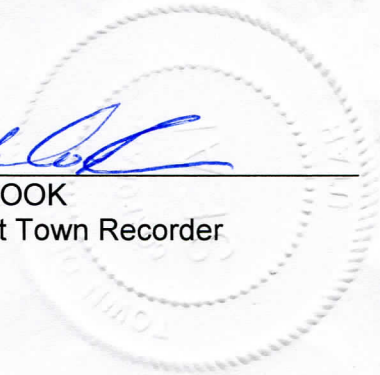
“LAND USE (SUBDIVISION) ORDINANCE OF THE TOWN OF CEDAR FORT, UTAH“

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 23 day of April 2017.



VONDA COOK
Cedar Fort Town Recorder

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, VONDA COOK, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 25 day of April 2017 and herein referred to as:


“LAND USE (SUBDIVISION) ORDINANCE OF THE TOWN OF CEDAR FORT, UTAH“

SUMMARY:

The above named ordinance was revised to define and describe the requirements, limitations and restrictions on subdivision of land within the Town of Cedar Fort. Submittal requirements for proposed subdivisions are defined. Definition of subdivision is explained and details of such subdivisions (major and minor) are enumerated and the time limit between minor subdivisions is increased from 2 years to 5 years.

The three places are as follows:

- 1. Post Office
- 2. Town Hall
- 3. Cedar Valley Store



VONDA COOK
Cedar Fort Town Recorder

Date of Posting: 4-26-17