

Action Number: TBA by Clerk Submitted by: Planning Commission
Date of Proposal Inception: 02/28/2019

Action Type: Proposed Ordinance

Action Name: Cedar Highlands Subdivision

Action Preamble:

WHEREAS, the Town of Cedar Highlands is an incorporated area; and

WHEREAS, a developer may build upon their land only the which is lawful; and

WHEREAS, the Town Council has determined it is in the public interest to enact a subdivision ordinance;

NOW THEREFORE, be it ordained by the town:

Action Body:

See subdivision document attachment

Action Penalty:

As applicable in the subdivision document attachment

Action Effective Date:

Within ten days or as soon as published on the Cedar Highlands Town Website

Mayors Signature

Date

Town Clerk/Recorder or 2nd Council Member

Date

Printed Name

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SUBDIVISION
ORDINANCE
OF
CEDAR HIGHLANDS,
UTAH

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CHAPTER 1. SUBDIVISION

SECTION 1.1 Purposes of Ordinance.

The provisions of this Ordinance are enacted for the purpose of adoption of subdivision regulations for the divisions of land within Cedar Highlands, Utah. The provisions of and the intent of this Ordinance is to promote the health, safety and general welfare of the citizens of Cedar Highlands and to implement the goals, policies and programs of the General Plan by ensuring that all proposed subdivisions are consistent with the General Plan. This Ordinance is enacted for the further purpose of facilitating the orderly growth and development of the Town; lessening congestion in the streets; preventing the over-crowding of land; avoiding undue concentration of population; securing economy in municipal expenditures; facilitating adequate provisions for transportation, water, sewage, schools, parks and other public requirements; stabilizing the value of property, and increasing the security of home life.

The regulations, action data, exceptions, suggestions, and conditions set forth in this Ordinance are designed to assist the subdivider/developer in the preparation of his plans and shall apply to all subdivisions or property wholly within the city limits.

SECTION 1.2 Scope of Ordinance.

(1) No land shall be subdivided which is located wholly or in part in Cedar Highlands, Utah, except in compliance with this Ordinance. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of subdivision of a larger tract of land, nor offer for recording in the office of the County recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Ordinance; provided, that this Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, except as provided (2) below.

(2) No lot within a subdivision created and recorded prior to the effective date of this Ordinance or approved by the Planning Commission and Governing Body and recorded in the County Recorder's office under the provisions of this Ordinance, shall be further divided, nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any non-conforming lot, without first obtaining the recommendation of the Local Planning Commission and the approval of the Local Governing Body.

(3) No lot within an already approved subdivision may be divided without compliance with Chapter, 10-9a-601 thru 10-9a-611 et. al. of the Utah State Code.

SECTION 1.3 Applications.

The provisions of this Ordinance shall be applicable to all subdivisions within the meaning of the term "subdivision", as used in this Ordinance, which subdivisions are wholly within the Town.

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SECTION 1.4 Definitions.

The following definitions shall be used in the interpretation of this Ordinance. All definitions included in the Cedar Highlands Zoning Ordinance shall also apply to this Ordinance where and when needed.

1. Alleys: Those publicly owned passageways, regardless of width, that were established more as a necessary convenience for adjoining property owners than for use as public highways, roads or streets regularly traveled by motor vehicles. They are typically used for garbage collection, access to residential garages and rear entrances to commercial establishments
2. Collector Street. A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal traffic-way between large and separated areas or districts and which is the primary means of access to a major street system.
3. Commission's Authorized Representative. Any Town employee or official who has been designated by the Planning Commission and approved by the Local Governing Body to represent the Town in enforcing or carrying out the functions of the Planning Commission as set forth in this Ordinance.
4. Design Review Committee. A committee which is comprised of the Town Mayor, Planning Commission Chairperson, Appointed Town Staff, and/or any others deemed necessary by the Town Mayor.
5. Easement. A A right to cross or otherwise use someone else's land for a specified purpose.
6. Engineer. The engineer or surveyor engaged by the subdivider/developer to prepare a final plat or to compile such data as may be required in connection therewith in accordance with the provisions of this Ordinance.
7. Final Plat. A map or chart of the land division, which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified. The document shall be prepared in accordance with provisions of this Ordinance.
8. Intervening Property. Property located between the existing city utilities and public service facilities, and the property under development.

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9. Major Street. A street, existing or proposed which serves or is intended to serve as a major traffic-way.
10. Metes & Bounds. The description of a lot or parcel of land by courses and distances.
11. Minor Street. A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
12. Minor Subdivision. Four (4) or less lots which (a) already has improvements; (b) is not traversed by the mapped lines of a proposed road; (c) meets the requirements of Chapter 2 of the Subdivision Ordinance; and (d) may be exempted from the plat process and sold by metes and bounds.
13. On-Site Facilities. Facilities installed in, under, or upon the public streets, or rights-of-way within or on the perimeter of the subdivision or development site.
14. Off-Site Facilities. Facilities designed or located so as to serve other property outside the boundaries of the subdivision.
15. Oversize Facility. Facilities with added capacity designed to serve other property outside the boundaries of the subdivision or development site.
16. Preliminary Plat. A plat made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. Such plat need not be based upon an accurate or final survey of the property. The Preliminary Plat is essentially a study plat which, when approved, will serve as a basis for the preparation of the final plat.
17. Subdivider/Developer. Any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity that creates or develops a subdivision for himself or for another.
18. Town Staff. An authorized employee of Cedar Highlands, including any elected official or appointed member of the Planning Commission officially representing Cedar Highlands, Utah.
19. Town Engineer. A designated Engineer or authorized representative employed by or officially representing Cedar Highlands, Utah.

20. Sewer. An onsite septic system approved and permitted by Southwest Utah Public Health Department and into which domestic sewage from a building's sanitary drainage system discharges.

21. Subdivision. Any land that is divided, subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose of, whether immediate or future, selling, leasing, or developing either on an installment plan or upon any and all other plans, terms, and conditions. It includes the division of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and divisions of land for all residential and non-residential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

22. Subdivider/Developer's Authorized Representative. Any person who has been designated by the subdivider/developer in writing, which designation has been filed with the Commission as the authorized person to represent the subdivider/developer.

23. Zoning Ordinance. The Zoning Ordinance of Cedar Highlands, Utah.

SECTION 1.5 Other Public Agencies.

The Planning Commission may withhold approval of a preliminary plat for thirty (30) days if all or part of the area to be subdivided may be needed for a park, school, street or other public purpose. The Planning Commission shall notify the appropriate agency in writing of the proposed subdivision. If proper means have not been initiated to acquire the desired property by a public agency within thirty (30) days, the owner may then subdivide in compliance with the provisions of this title. Acceptance of dedication of proposed public lands or streets, or street rights-of-way in an approved plat can be made only by the Governing Body.

CHAPTER 2. PROCEDURE

SECTION 2.1 Procedures.

Before dividing any tract of land into two or more building lots, a subdivider/developer, owner, or agent of the owner shall comply with the following procedures.

SECTION 2.2 Minor Subdivision.

Procedure for obtaining approval of a Subdivision, which does not require the submission of a Final Plat (4 or less lots).

Step 1. Discuss Proposed Subdivision with Town Staff. Any person wishing to subdivide within Cedar Highlands, Utah, shall secure from the Town Staff or other authorized representative of the Plan

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ning Commission, information pertaining to the Town's plan for streets, parks, draining, zoning, subdivision of lands, and other requirements affecting the land to be subdivided.

Step 2. Design Review Committee The subdivider/developer shall prepare a plan of a scale of not smaller than 1 inch equals 500 feet, and shall submit two physical copies and one digital pdf. copy of the same to the Town. The plan shall be reviewed by the Design review Committee, and show the following:

1. The location of the subdivision; and
2. The general layout of streets, blocks and lots within the area to be subdivided; and
3. The relationship of the proposed streets within the proposed subdivision to existing and planned streets within one-half mile from the outside boundaries of the subdivision.
4. The Design Review Committee's recommendations may, at the discretion of the Design Review Committee, then be submitted to the Planning Commission for its review.

Step 3. Preliminary Plat & Construction Drawings. (The need for construction drawings for a minor lot subdivision may not be required and will be determined by the Design Review Committee). The subdivider/developer shall prepare and submit the following information and material to the Town staff for review:

5. Payment of filing fee for Preliminary Plat; and
6. A written application for approval of a Preliminary Plat of the subdivision; and
7. Two (2) copies (24 inches by 36 inches) and six (6) copies (11 inches by 17 inches) of a Preliminary Plat of the subdivision; and
8. Two (2) copies (24 inches by 36 inches) and six (6) copies (11 inches by 17 inches) of a topographic map, and
9. Six (6) copies of a Geotechnical Survey performed by a Utah Licensed Geotechnical Engineer who is familiar with the Cedar Highlands area, and
10. Two (2) copies (24 inches by 36 inches) and six (6) copies (11 inches by 17 inches) of Construction Drawings showing typical cross-sections of streets, location and size of both "on-site" and "off-site" water mains; street profiles, contours, and any other information or material required by the Town, such as location of all utilities.

Step 4. Town Staff and Town Engineer Review of Preliminary Plat & Construction Drawings. The Town Staff shall review the submitted drawings and recommend changes or approval to Town Engineer. The Town Engineer will review drawings and recommend changes, approval or disapproval to Planning Commission.

Step 5. Planning Commission Review of Preliminary Plat & Construction Drawings.

1. The Planning Commission shall review and recommend to the Town Council approval, disapproval or approval with modifications of the Preliminary Plat & Construction Drawings, within thirty (30) days from the date of the submission of the Preliminary Plat & Construction Drawings.

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2. Action of the Planning Commission shall be written on the face of three copies of the Plat; two of which shall be retained in the files of the Town Administrator, and one of which shall be returned to the subdivider/developer. If disapproval is recommended, the Planning Commission shall express its reasons therefore.
3. The Preliminary Plat & Construction Drawings may be presented to the Planning Commission at the same time, provided such plans shall have been presented to the Town Zoning Administrator at least 30 days prior to their presentation to the Planning Commission. Construction Drawings may be presented separately, after approval of the Preliminary Plat

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Step 6. Town Staff Review. The Town Staff shall check the Preliminary Plat for accuracy of the lot boundaries and shall determine the amount of bond or other performance guarantee, which shall be based upon an engineer's estimate of the cost of installing the required improvements.

Step 7. Town Council Approval of Preliminary Plat & Construction Drawings.

1. The subdivider/developer shall convey evidence from the Central Iron County Water Conservancy District (CICWCD) of proof of water availability and authority to use and will pay all costs incurred for deeding and transferring the water. Water requirements for all multi-residential, commercial and industrial/manufacturing properties will be determined in accordance with Town ordinances and CICWCD.
2. Any land that shall be deeded to the Town as a requirement of a subdivision shall be annexed into the Town prior to recording the deed. The subdivider/developer shall pay any and all costs related for said transfer. Exceptions may be made by the Town Council for beneficial uses of roads, parks, trails and other rights-of-way consistent with Public Improvement Specification and this Ordinance.

The Minor Subdivision Ordinance shall not allow subdividing in phases.

Step 8. Soils Suitability. A geological survey from a qualified soils engineer identifying the types of soils within the proposed subdivision area and identifying any soils or other geological constraints for a subdivision shall be submitted prior to approval of the construction drawings.

1. The subdivider/developer shall convey evidence from CICWDC of proof of water availability and authority to use and will pay all costs incurred for deeding and transferring the water. Water requirements for all multi-residential, commercial and industrial/manufacturing properties will be determined in accordance with Town ordinances and CICWCD.
2. The Town Council shall review the verification of suitable soils and geological stability and approve or disapprove the subdivision development and Construction Drawings. The Town Council may require additional studies and require additional test holes to be drilled and further analysis.

Step 9. Bond or Other Performance Guarantee Submitted to Town. (Applies only if improvements are required). Prior to the approval of the Final Plat (if required) the subdivider/developer shall submit a proposal bond or other performance guarantee to be approved by the Town Attorney and Town Council as set forth herein and required by this Ordinance. After approval the subdivider/developer shall post a bond or other performance guarantee with the Town, guaranteeing that the required improvements will be installed and paid for without cost to the Town. The Town will also collect an inspection fee of 1% of the total estimated improvements cost.

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SECTION 2.3 Major Subdivision

Procedures for obtaining approval of a Major Subdivision (5 or more lots)

Step 1. Discuss Proposed Subdivision with Town Staff. Any person wishing to subdivide within Cedar Highlands, Utah, shall secure from the Town Staff or other authorized representative of the Planning Commission, information pertaining to the Town's plan for streets, parks, draining, zoning, subdivision of lands, and other requirements affecting the land to be subdivided.

Step 2. Design Review Committee The subdivider/developer shall prepare a plan of a scale of not smaller than one-inch equals 500 feet, and shall submit three copies of the same to the Town. The plan shall be reviewed by the Design Review Committee, and show the following:

1. The location of the subdivision; and
2. The general layout of streets, blocks and lots within the area to be subdivided; and
3. The relationship of the proposed streets within the proposed subdivision to existing and planned streets within one-half mile from the outside boundaries of the subdivision.

Step 3. Review of Design Review Plan. The Design Review Committee recommendations may, at the discretion of the Design Review Committee, then be submitted to the Planning Commission for its review.

Step 4. Preliminary Plat & Construction Drawings. (Construction Drawings may be submitted separately, after approval of the Preliminary Plat). The subdivider/developer shall prepare and submit the following information and material to the Town staff for review:

1. Payment of filing fee for Preliminary Plat; and
2. A written application for approval of a Preliminary Plat of the subdivision; and
3. Two (2) copies (24 inches by 36 inches) and fourteen (14) copies (11 inches by 17 inches) of a Preliminary Plat of the subdivision; and
4. Two (2) copies (24 inches by 36 inches) and six (6) copies (11 inches by 17 inches) of a topographic map, and
5. Six (6) copies of a Geotechnical Survey performed by a Utah Licensed Geotechnical Engineer who is familiar with the Cedar Highlands area, and
6. Two (2) copies (24 inches by 36 inches) and six (6) copies (11 inches by 17 inches) of Construction Drawings showing typical cross-sections of streets, location and size of both "on-site" and "off-site" water mains; street profiles, contours, and any other information or material required by the Town, such as location of all utilities.

Step 5. Town Staff and Town Engineer Review of Preliminary Plat & Construction Drawings. The Town Staff shall review the submitted drawings and recommend changes or approval to the Town Engineer. The Town Engineer will review drawings and recommend changes, approval or disapproval to the Planning Commission. Town Staff and Town Engineer shall have thirty (30) days from the date they receive the Preliminary Plat and/or Construction drawings to submit their recommendations to the Planning Commission.

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Step 6. Planning Commission Review of Preliminary Plat & Construction Drawings.

1. The Planning Commission shall review and recommend to the Town Council approval, disapproval or approval with modifications of the Preliminary Plat, within thirty (30) days from the date of the submission of the Preliminary Plat and Construction Drawings.
2. Action of the Planning Commission shall be written on the face of three copies of the Plat; two of which shall be retained in the files of the Town Zoning Administrator, and one of which shall be returned to the subdivider/developer. If disapproval is recommended, the Planning Commission shall express its reasons therefore.
3. The Preliminary Plat and Construction Drawings may be presented to the Planning Commission at the same time, provided such plans shall have been presented to the Town Zoning Administrator at least 30 days prior to their presentation to the Planning Commission. Construction Drawings may be presented separately, after approval of the Preliminary Plat.

Step 7. Town Staff Review. The Town Staff shall check the Preliminary Plat for accuracy of the lot boundaries and shall determine the amount of bond or other performance guarantee which shall be based upon an engineer's estimate of the cost of installing the required improvements.

Step 8. Soils Suitability. A geological survey from a qualified soils engineer identifying the types of soils within the proposed subdivision area and identifying any soils or other geological constraints for a subdivision shall be submitted prior to approval of the construction drawings.

1. With any identified constraints, recommendations of corrections shall be submitted by the qualified soils engineer with said report.
2. The Town Council shall review the verification of suitable soils and geological stability and approve or disapprove the subdivision development and Construction Drawings. The Town Council may require additional studies and require additional test holes to be drilled and further analysis.

Step 9. Town Council Approval of Preliminary Plat & Construction Drawings. The Town Council shall review the Planning Commission's recommendation of the Preliminary Plat and Construction Drawings and shall approve, disapprove or approve with modifications. The decision will consider the following items:

1. Payment of professional and consultant fees required for review and approval of plans and drawings;
2. Whether the subdivision includes mapped lines of any proposed street;
3. The inclusion of a survey showing the location of the proposed lots with dimensions, utilities, streets, lot numbers, block numbers, and includes topographical data collected onsite by a licensed surveyor;
4. Whether access to culinary water has been coordinated and approved by the CICWCD (Evidence of their review and approval shall be necessary for the Town's consideration of the subdivision);
5. Whether land deeded to the Town as a requirement of a subdivision has been annexed into the Town prior to recording the deed as required by the Town, whether the subdivider/developer has

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6. paid any and all costs related to said transfer. Exceptions may be made by the Town Council for beneficial uses of roads, parks, trails and other rights-of-way consistent with the General Plan, Public Improvement Specification and this Ordinance;
7. Updated preliminary plat and/or construction drawings reflect existing conditions at the time of construction commencement as required by this Ordinance; and
8. Overall compliance with this Ordinance.

Step 10. Filing Fee. Payment of a filing fee for the final plat as determined by Town Council

Step 11. Bond or Other Performance Guarantee Submitted to Town. Prior to approval of the Final Plat by the Planning Commission the subdivider/developer shall submit a proposal bond or other performance guarantee to be approved by the Town Attorney and Town Council as set forth herein and required by this Ordinance. After approval the subdivider/developer shall post a bond or other performance guarantee with the Town, guaranteeing that the required improvements will be installed and paid for without cost to the Town. The Town will also collect an inspection fee of 1% of the total estimated improvements cost.

Step 12. Final Plat. After the Preliminary Plat has been approved, the subdivider/developer shall prepare and submit two tracings of the Final Plat of the subdivision to the Town Zoning Administrator, together with all accompanying documents, as required by these regulations. (One of the tracings may be a process duplicate when approved by the Town Zoning Administrator.) A written application for approval of the Final Plat, on forms furnished by the Cedar Highlands Town Zoning Administrator, shall also be submitted with the Final Plat.

Step 13. Town Staff and Town Engineer Review of Final Plat. The Town Staff and Town Engineer shall check the Final Plat tracings for accuracy and completeness. The subdivider/developer shall pay to the Town Treasurer, before recommended approval of the final plat is given to the Town Council, all costs of checking the subdivision, which shall be computed on the basis of actual costs as determined by the Town Engineer.

The subdivider/developer shall convey evidence from CICWCD as proof of water availability and authority to use and will pay all costs incurred for deeding, obtaining and transferring any water, water rights, and/or water well. Water requirements for all multi-residential, commercial and industrial/manufacturing properties will be determined in accordance with Town ordinances and CICWCD.

Step 14. Planning Commission Review of Final Plat. After the Final Plat has been reviewed by the Town Staff and approved by the Town Engineer, it shall be submitted to the Planning Commission for its recommended approval or disapproval. Recommendation of the Final Plat by the Planning Commission shall not be deemed as acceptance of the dedication of any street, public way or ground. Such acceptance must be obtained from the Town Council.

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Step 15. Town Attorney Approval. A Preliminary Title Report or copy of a Title Insurance Policy indicating ownership of the property and Final Plat shall be presented to the Town Attorney together with a copy of the approved bond or other performance guarantee by the subdivider/developer for review regarding ownership of the property and zoning requirements.

Step 16. Final Plat Must Be Approved by Town Council and Recorded. After recommendation of approval of the Final Plat by the Planning Commission and Town Attorney, the Final Plat must be reviewed within 30 days by the Town Council. Upon approval of the Final Plat by the Town Council, the subdivider/developer shall obtain all required signatures before submitting one copy of the Final Plat tracing to the County Recorder. All Final Plats must be recorded in the office of the Iron County Recorder not more than 30 days from the date of the final signature being placed on the final plat. No excavation grading or re-grading shall take place on any land, and no building permits shall be issued, until a proposed subdivision has received final subdivision approval from the Town Council, and the approved final subdivision plat has been recorded in the office of the Iron County Recorder.

1. A Final Plat of any subdivision which is not recorded within 30 days from the date of the final signature shall be null and void unless an extension for reasonable cause is approved by the Town Council.
2. No lots shall be conveyed until the subdivision plat complies with the provisions of this ordinance and the final plat is recorded in the county recorder's office.

Step 17. Electronic Copies All final plats shall be delivered by one of the following: CD, USB flash drive, or e-mailed zip file (not to exceed 20 MB). The final plats must be in .pdf format and either AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP) and must have a projection assigned to the file(s). Submitted final plats must also include the proper metadata that describes what coordinate system/projection the data being delivered is assigned to.

Step 18. "As Built Plans" After the improvements have been installed, and prior to the final inspection and releases herein provided, "As Built Plans" shall be prepared and submitted to the Town Staff and Town Engineer in the same formats required in Step 17 and two (2) copies (24 inches by 36 inches), showing the surveyed location and details of all public facilities installed by the developer.

If the major subdivision (five or more lots) is to be constructed in phases the Preliminary Plat must show all phases.

SECTION 2.4 Construction.

Structures, erected within a subdivision in which a soils engineering report has been required, must be built in accordance with the final specifications adopted by the Town Council. This shall be in addition to all other building code requirements.

The Building Inspector shall have the authority to deny a building permit to a builder proposing to erect a structure not in compliance with the final specifications adopted by the Town Council of Cedar Highlands. The Town Engineer shall assist the Building Inspector in determining the compliance of builders with the engineering report. The Building Inspector shall maintain a complete copy of soils en

gineering report for inspection and review by the general public and for his own use in performing the duties of the Building Inspector.

CHAPTER 3. SUBDIVISION IMPROVEMENTS

SECTION 3.1 Improvements Required.

Subdivision improvements shall be installed in accordance with Cedar Highlands Town Improvement and Engineering Standards, in the absence of such standards, Iron County, Utah standards shall be used. In the absence of those standards, Utah State standards shall be used. A bond or other performance guarantee must be furnished to the Town by the subdivider/developer before approval of final plat.

SECTION 3.2 Improvements.

Material/compaction testing is required for all improvements and all improvements shall comply with the Geological Survey recommendations. The following improvements shall be required in all subdivisions and shall be approved by the Town Staff and Town Engineer:

1. All streets shall be in accordance with Cedar Highlands Town's specifications or more as required by a geo-technical engineer.
2. Street drainage and drainage structures shall be provided in accordance with Town specifications and Cedar Highlands Town storm drain system master plans. Additionally, prior to altering the natural terrain, sub-divider(s) shall consult with the Town Engineer to determine the flood control measures necessary in their project area. A flood control system shall be designed and approved as part of the construction plans.

Design of flood control systems shall meet the following criteria:

1. A comprehensive drainage study shall be performed for the development by a licensed Professional Engineer. The drainage study shall provide all necessary data required by this Ordinance or the Town Engineer.
2. Detention basins shall be sized to detain a 25-year, 24-hour post development rainfall event.
3. Detention basin outlet structures shall be designed to restrict flows to a pre-development 2-year, 24-hour rainfall event or 0.2 CFS/acre, whichever is less.
4. Detention basins shall be constructed with emergency overflow spillways with a post development 100-year rainfall peak capacity.
5. Storm water drainage systems, including pipes and ditches, must be designed to effectively convey flows to and from the detention basin for all storm events up to and including the 100-year rainfall event.
6. Flows from detention basin outlet structures and emergency overflow spillways shall be conveyed directly to a Town designated storm drain system or street right-of-way without impacting other private property. This standard can be waived if a private property owner gives permission to receive the flow through deeded drainage easement.

7. All required improvements shall be designed and installed to Town Engineering Standards.
8. Water mains shall be installed in accordance with CICWCD standards.
9. Easements shall be provided and fire hydrants installed to Town Standards.
10. Underground utilities shall be installed within the subdivision.

SECTION 3.3 Costs of Improvements.

Cost of improvements that are covered under the provisions of this section, as well as the cost of other improvements which the developer may install, shall be the responsibility of the developer.

CHAPTER 4. BONDS AND OTHER PERFORMANCE GUARANTEES

SECTION 4.1 Guarantee.

The subdivider and/or developer shall deposit security with the Town to guarantee proper installation of all required improvements in accordance with the plans, specifications, time limitations, and conditions relating thereto as meets with the approval of the Town Council or such personnel as the Town Council shall designate. The amount of the security shall be 125% of the Engineer's estimated costs of the improvements. The security shall be in the form of cash, an irrevocable letter of credit, or an escrow bond.

SECTION 4.2 Types of Guarantees.

Irrevocable letters of credit or escrow bonds shall be executed by financial institutions acceptable to the Town, and must be in the form approved by the Town. The bond or letter of credit as required by this section must be posted prior to recording. As improvements are completed, inspected, approved and accepted the guarantee may be reduced proportionately. Upon completion, inspection, approval, and acceptance of the improvements, the security, less fifteen percent (15%), shall be released to the subdivider/developer. Fifteen percent (15%) of the Engineer's costs of improvement shall be held from the security deposited for a period of one (1) year following final inspection and acceptance to warrant improvements for this time period.

CHAPTER 5. PRELIMINARY PLAT

SECTION 5.1 Preliminary Plat.

The Preliminary plat shall comply with the following requirements:

1. Description: In a title block located in the lower right corner of the sheet shall appear the following:
 - a. The proposed subdivision name which shall not duplicate, or too closely approximate, phonetically, the name of any other subdivision in the area covered by these regulations.
 - b. The names and addresses of the owner or subdivider/developer if other than the owner.
 - c. Scale shall be sufficient size to adequately describe in legible form, all required conditions of this Ordinance.

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2. Illustrate Existing Conditions.

- a. The boundary of the proposed subdivision and the acreage included.
- b. Vicinity Map.
- c. All property under the control of the subdivider/developer. Where the plat submitted covers only a part of the subdivider/developer's tract, a sketch of the prospective street systems of the unplatted parts of the subdivider/developer's land shall be submitted.
- d. The location, width, and names of all existing streets within two hundred feet of the subdivision and of all prior platted streets or other public and traveled ways.
- e. The location of all wells, proposed, active and abandoned, and all reservoirs within the tract and to a distance of at least one hundred feet beyond the tract boundaries.
- f. Existing septic tanks, water mains, culverts, or other underground facilities within the tract and to a distance of at least one hundred feet beyond the tract boundaries, indicating the pipe sizes and location.
- g. Existing ditches, canals, natural drainage channels, and open waterways and proposed realignments.
- h. Contour at vertical intervals not greater than five (5) feet and two (2) feet when specified by the Town Engineer.
- i. Exceptional topography, airports, and air approaches when required by the Town Engineer.

3. Proposed Plan.

- a. The layout of streets, showing location, widths, and other dimensions designated by actual or proposed streets, and easements.
- b. The layout, numbers and typical dimensions of lots, including lot numbers, and block identification.
- c. Parcels of land intended to be dedicated or reserved for public use or set aside for use of property owners in the subdivision.
- d. A technical drainage design by which the subdivider/developer proposes to handle storm water drainage for the subdivision as required in Part 3.2 (3). Such design shall comply with Cedar Highlands Town storm drain system master plans.
- e. Approximate radius of all center line curves on streets.
- f. A general plan for water and power mains.

If construction has not substantially commenced or final plat not recorded within two (2) years from the date of preliminary plat and/or construction drawing approval by the Town Council, the applicant shall be required to update the preliminary plat and construction drawings to reflect existing conditions at the time of construction commencement. Such updating of the construction drawings shall be coordinated between the Town staff and the applicant. In the event of an appeal to the updating of the construction drawings by the applicant, the Town Council shall be the appeal authority. This requirement shall be effective and binding on preliminary plats and construction drawings submitted.

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CHAPTER 6. CONSTRUCTION AND PROFILE DRAWINGS

SECTION 6.1 Construction Drawings and Profile Drawings.

Plans and profile drawings and all construction drawings shall be delivered by one of the following: CD, USB flash drive, or e-mailed zip file (not to exceed 20 MB). They must be in .pdf format and either AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP) and must have a projection assigned to the file(s). Submitted final plats must also include the proper metadata that describes what coordinate system/projection the data being delivered is assigned to. With 3 hard copies on 24"x 36" (trim line). Drawings submitted for approval shall include:

1. Title Block with:
 - a. Name of subdivision and date.
 - b. Name of Town.
 - c. Type of work.
 - d. Name of Engineer preparing drawings.
 - e. Space for approval of the Town Engineer.
2. North Arrow and Scales. Horizontal scale preferred is 1-inch equals 50 feet; Minimum scale is 1-inch equals 10 feet. Vertical scale preferred is 1-inch equals 50 feet; minimum scale is 1-inch equals 10 feet.
3. Location of permanent benchmarks and their true elevations according to United States Geological Service Datum. All profiles shall conform to the standards of the profession.
4. Profiles shall indicate finished and existing grades for each side of the street and shall extend a minimum of two hundred (200) feet beyond the limits of the proposed project.
5. Plans and Profiles shall also include details of:
 - a. Street cross-sections;
 - b. Location and elevations of manholes, catch basins, storm sewers and their appurtenant works;
 - c. Elevations and location of fire hydrants, water mains, type of pipe, valves and their appurtenant works;
 - d. Manholes;
 - e. Clean outs;
 - f. Other appurtenant works; and
 - g. A non-culinary (irrigation) water system, if any, indicating size, location, and kind of pipe, valves and turnouts.
6. Elevations for the edge of road and road center lines shall be shown on the plans for all 50-foot stations. Street monuments shall be installed by the subdivider/developer's engineer or land surveyor at points designated on the final map. They must be placed prior to release of the improvement bond.
7. After Town Council approval, one set of drawings shall be returned to the subdivider/developer and shall be available at the work site.
8. As Built Drawings. Upon completion of each improvement a reproducible copy and two (2) prints of "As Built Drawings" shall be prepared and submitted by the subdivider/developer's en-

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gineer, to accurately define for permanent record the surveyed improvements and underground utilities as they were actually constructed.

CHAPTER 7. FINAL PLAT

SECTION 7.1 Final Plat.

The final plat must be prepared by a licensed surveyor on a standard tracing linen sheet or Mylar drawn with waterproof black India ink. The top of the plat shall be either north or east, whichever accommodates the drawing best. The plat shall contain all information required as set forth below:

1. Description and Delineation. The plat shall show:
 - a. The name of the subdivision, which name must be reviewed by the Planning Commission and approved by the Town Council.
 - b. An identification system for all lots and blocks and names of streets. Lot lines shall show dimensions in feet and hundredths. Lot sizes shall be shown to 1/1000 acre accuracy.
 - c. Monumentation and survey control:
 - i. All United States, state, county, city or other official monuments shall be identified on the plat and the location accurately tied by true bearing and distance.
 - ii. Street monuments shall be installed by the subdivider/developer in accordance with the requirements of the Town standards located on the plat.
 - iii. All street centerline data and street widths shall be shown with ties to property lines, lot corners, etc.
 - d. The dedication to the public of all streets or other areas reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners.
 - e. Size of the sheet shall be 24" x 36".
2. Standard Forms. The final plat shall require:
 - a. A registered professional land surveyor's "Certificate of Survey".
 - b. The owner's "Certificate of Dedication" or a "Corporate Certificate" for corporations.
 - c. A notary public's acknowledgment.
 - d. The Town Planning Commission's "Certificate of Approval".
 - e. The Town Engineer's "Certificate of Approval".
 - f. The Town Attorney's "Certificate of Approval".
 - g. The Town Council's "Certificate of Approval".
 - h. Power Company's "Certificate of Approval".
 - i. Gas Company's "Certificate of Approval".
 - j. Telephone Company's "Certificate of Approval".
 - k. Cable Company's "Certificate of Approval".
 - l. A one and one-half by five-inch space in the lower right hand corner of the drawing for the use of the County Recorder.
3. The following information shall be submitted.
 - a. A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.

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- b. An original copy of any proposed deed restrictions in final form and signed by all of the owners of any interest in the subdivision who sign the final subdivision map. This copy shall be acknowledged by a Notary Public and shall be recorded in the office of the County Recorder along with the final plat. (Note for Planning Commission consideration: The Town Attorney requires a copy of the CCRs and reviews them to ensure that they meet legal requirements).
 - c. Deeds of each new lot created with a signature line for Planning Commission Chair to acknowledge the Final Plat was approved. Planning Commission Chair shall sign deeds after Final Plat Mylar is approved by all signatories.
4. Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, plans and regulations including but not limited to:
- a. The Town of Cedar Highlands Zoning Ordinance, building and housing codes and all other applicable Municipal Ordinances of the Town of Cedar Highlands.
 - b. The Official General Plan, including all streets, drainage and utility systems and parks shown on the Official Map or General Plan as adopted.
 - c. The standards, regulations and policies adopted by the Town Engineer and all boards, commissions, agencies, and officials of the Town of Cedar Highlands.

Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formation, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Town Council upon recommendation of the Town Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not involve such a danger.

If construction has not commenced or final plat not recorded, within two (2) years from the date of preliminary plat and/or construction drawing approval by the Town Council, the applicant must notify the Town at least 60-days prior to the time of construction commencement to update the construction drawings, if needed. Such updating of the construction drawings shall be coordinated between the Town staff and the applicant and may result in additional review by the Town. In the event of an appeal to the updating of the construction drawings by the applicant, the Town Council shall be the appeal authority. This requirement shall be effective and binding on preliminary plats and construction drawings submitted.

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CHAPTER 8. STANDARDS

SECTION 8.1 Improvements Standards.

1. All improvements shall be installed in accordance with Town Specifications and Cedar Highlands Municipal Code.
2. In the event Town Specifications do not exist, all improvements shall be installed in accordance with Iron County, Utah specifications
3. In the event Iron County Specifications do not exist, all improvements shall be installed in accordance with Utah State specifications

SECTION 8.2 Design Standards.

All subdivisions shall comply with the following standards:

1. General Standards. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.
2. Lot Size Standards.
 - a. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Planning Commission. All lots shall conform to area requirements of any existing Zoning Ordinance.
 - b. All residential lots in subdivision shall front on a public street, or on a private street or court approved by the Planning Commission and the Town Council.
 - c. Residential lots in the subdivisions shall, where possible, not front on collector roads.
3. Street Standards.
 - a. The street or highway layout shall conform to the official map adopted by the Planning Commission and the Town Council.
 - b. Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivisions. Not more than six (6) lots shall front on a stub street.
 - c. Minor streets shall approach the major or collector streets at an angle of at least eighty (80) degrees.
 - d. Subdivider/developer shall design street patterns to provide reasonable access to subdivisions. Where possible a minimum of two (2) access roads should be provided.
 - e. Residential streets shall have a minimum width of fifty (50) feet and shall include appropriate drainage facilities. All streets that front public, commercial, and industrial facilities, i.e., Churches, Schools, Parks, Cemeteries, shall be a minimum width of sixty-six (66) feet
 - f. Dead end streets, including cul-de-sacs, shall not exceed five hundred (500) feet in length with a turnaround in accordance with Cedar Highlands Fire Department Standards.
4. Easement Standards
 - a. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of fifteen (15) feet, apportioned equally in abutting properties.
 - b. Where front-line easements are required, a minimum of fifteen (15) feet shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen (15) feet width,

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extending throughout the peripheral area of the development, if required by the Planning Commission.

- c. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required. Public utility installation shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.
5. Utilities to be Underground. Unless the Planning Commission and Governing Body determine, upon application by the subdivider/developer, supported by recommendation of the Town Engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider/developer.

SECTION 8.3 Flag Lot Standard

In order to allow the more efficient use of land which otherwise may be inaccessible except through unnecessary streets, flag or L-shaped lots may be allowed upon recommendation by the Planning Commission and approval by the Town Council.

The following conditions must be met:

1. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.
2. The staff portion of the lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff portion of flag lots shall be 25 feet and the maximum length shall be 250 feet or longer if approved by the Town Council.
3. No building or construction, except the driveways, shall be allowed on the staff portion of the lot.
4. The staff portion of the lots shall be deemed to end and the flag portion of the lots shall be deemed to commence at the extension of the front lot line.
5. The square footage located in the flag portion of the lot, exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as is required in the underlying zone.
6. Side and rear yard requirements of the flag portion of the lots shall be the same as is required in the underlying zone and Cedar Highlands Municipal Code.
7. The minimum setback requirements for all buildings shall the same as is required in the underlying zone and Cedar Highlands Municipal Code
8. No more than two flag lots can be served by one staff portion of the lots.
9. The maximum number of flag lots in the development site will be ten percent (10%) of the total number of lots, except when it is determined to be a hardship to develop otherwise, more may be allowed.
10. Driveways shall be at least twelve (12) feet in width and adequately drained so as to mitigate erosion and adverse runoff in accordance with Cedar Highlands Municipal Code
11. Written notice, from the developer, shall be mailed to adjacent land owners prior to consideration and approval.
 12. A property owner may request approval of a special exception from the Town Council if unusual circumstances on the property are physically prohibitive and would require a staff width or length other than what is required by the ordinance.

CHAPTER 9. ACCEPTANCE OF DEDICATED STREETS AND PUBLIC IMPROVEMENTS

SECTION 9.1 Dedication.

The subdivider/developer shall dedicate the streets, easements and land for public facilities, and public improvements to the Town at the time the final plat is approved by the Town Council. The dedication shall be deemed an offer by the subdivider/developer, which shall be irrevocable until one (1) year after all of the improvements are completed. The Town shall accept the offer of dedication only if it finds that the subdivider/developer has constructed, installed and maintained the public improvements required by this Ordinance and that the improvements comply with the minimum requirements of this Ordinance at the acceptance.

SECTION 9.2 Time of Acceptance.

Unless the Town Council extends the time for acceptance of the dedicated public improvements and land, the dedication shall be accepted on action of the Town Council, or at the expiration of one (1) year following the completion and acceptance of the public improvements. The subdivider/developer shall be so advised in writing and of the reason for non-acceptance.

CHAPTER 10. PENALTY AND SEVERABILITY

SECTION 10.1 Penalty.

Any person, firm or corporation (as principal, agent, employed, or otherwise) violating, causing, or permitting violation of the provisions of this Ordinance shall be guilty of a class B misdemeanor, and punishable as provided by Utah State law.

SECTION 10.2 Severability.

If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such hold shall not affect the remaining portion of this Ordinance.

CHAPTER 11. ADOPTION

Passed and adopted by the Town Council and approved by the mayor of the Town of Cedar Highlands, Utah this XXth day of XXXX, 2019.