

ORDINANCE 19-03

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 16 of the Hyrum City Municipal Code is known as the Subdivision Ordinance of Hyrum City and sets forth those regulations governing the division, subdivision, and development of land within Hyrum City; and

WHEREAS, the Hyrum City Council has found it necessary to amend certain of these standards to reflect changes in state and local laws;

NOW THEREFORE, upon recommendation of the Planning Commission and following a public hearing, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING TITLE 16 THE SUBDIVISION ORDINANCE OF THE HYRUM CITY MUNICIPAL CODE SECTION 16.10.050 (D) TO ENCOURAGE CUL-DE-SACS AND CURVED ROADS IN SUBDIVISIONS; SECTION 16.20.030 TO REQUIRE DEVELOPER TO EXTEND UTILITY LINES TO BOUNDARIES OF DEVELOPED PROPERTY; SECTION 16.20.210 NOTIFICATION OF CANAL COMPANY AND MAY REQUIRE DEVELOPER TO PIPE DITCH; CLARIFICATION OF SUBDIVISION SUBMITTAL FEES; AMENDING PENALTY FROM CLASS B MISDEMEANORS TO INFRACTIONS WHERE APPLICABLE; AND OTHER MISCELLANEOUS CHANGES.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Section 16.10.050 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.10.050 Plan Contents

- A. The name of the subdivision;
- B. The property boundaries of the proposed subdivision;
- C. The names and addresses of all adjacent property owners; the name and address of the owner of the property to be divided, and proof of ownership or authority to act for the owner of the property to be divided;

- D. The approximate number of lots proposed and street layout. Cul-de-sacs and curved roads are encouraged to create traffic calming features within the subdivision;
- E. The approximate total acreage of development as well as size of individual lots;
- F. A description of the type of water system proposed along with the water rights;
- G. A description of the type of sewer or sanitary waste system proposed;
- H. Submitted with the plan shall be the following items:
 - 1. A current plat map highlighted to show the location of the property (Plats available from the Cache County Recorder);
 - 2. A contour map (request for these maps can be made from the U.S. Geological Survey (USGS). A more accurate contour map must be provided if so requested by the Planning Commission;
 - 3. A map showing soil types. Requests for these maps can be made through the Soil Conservation Service (SCS);
 - 4. A written statement from the subdivider as to his/her intent in the development and the feasibility, design criteria and overall impact.

2. Section 16.10.060 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.10.060 Submittal To The Zoning Administrator

The sub divider shall submit the required application fees to the city, and ten copies of a Concept plan to the Zoning Administrator for distribution to the staff. These individuals shall provide written comments on their findings and concerns to the Zoning Administrator. The Zoning Administrator will provide this information to the developer and shall advise the developer of the date of the Planning Commission meeting for which he/she should seek an agenda appointment. The comments of the City Staff may require redrawing of the Concept plan. Concerns raised by City Staff will be forwarded to the Planning Commission and City Council.

3. Section 16.12.050 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.12.050 Submittal To The Zoning Administrator

The subdivider shall submit the required application fees to the city, and ten copies of the Preliminary Plat and related documents per HCC 16.12.030 D including restrictive covenants,

homeowner's association agreements, storm water management plans, etc., to the Zoning Administrator for distribution to the City Engineer and City staff members. These individuals shall provide written comments on their findings and concerns to the Zoning Administrator. The Zoning Administrator will provide this information to the developer. This phase also may result in revisions to the plat.

4. Section 16.12.060 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.12.060 Submittal To The Planning Commission

The subdivider shall submit ten copies of a Preliminary Plat with any required changes and related documents to the Zoning Administrator as well as a written response to any issues raised by the City Engineer or City staff members at least two weeks before their regularly scheduled meeting. Zoning Administrator or City Engineer may require additional time if all items have not been sufficiently addressed.

5. Section 16.16.030 E. of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.16.030 Plat Contents

The following information is required for all final subdivision plats:

E. Additional Information Required. In addition to the final plat and construction drawings, the applicant shall provide the following information:

1. Executed or signed easements for any necessary offsite easements across privately owned land;
2. Any necessary deeds or boundary line agreements necessary for recording of the Final Plat;
3. Any required UDOT approvals for access;
4. City engineer's estimate of costs for construction of all required public improvements;
5. Three (3) copies of the California Bearing Ratio (C.B.R.) test results, if required by the City Engineer;
6. Evidence that all property taxes are current and that roll back taxes have been paid, and that no other debts or obligations are outstanding and no liens or encumbrances are placed on the property;

7. A preliminary title report covering all the property located within the subdivision. The report shall be prepared or updated within thirty (30) days of the date of recording of the Final Plat;
8. A final copy of any restrictive covenants (CC&Rs), reservations, or private easements;
9. Letter from the Cache County Health Department regarding any proposed septic tanks or leach fields;
10. Prior to recording the final plat, the new property line adjacent to existing roads must be staked. (Ord. 09-03)
11. Location for neighborhood mailboxes, as approved by the US Postal Service. Developer is responsible for the cost and installation of required mailboxes. (Ord. 15-03)

6. Section 16.16.040 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.16.040 Submittal To The Zoning Administrator

The required application fees shall be submitted to the city, and Four (4) twenty-four by thirty-six (24 x 36) inch and eight (8) 11-inch x 17-inch paper copies of the final plat and construction drawings shall be submitted to the Zoning Administrator who shall distribute them to staff members for review and verification of accuracy and meeting the approval requirements of the City Council. The City may request additional copies if required. An electronic copy (e-mail / PDF) acceptable to the City Engineer shall also be provided. The Zoning Administrator may return the plat to the developer for re-submission as a Preliminary Plat to the City Council if, in his/her opinion, a significant change has occurred. The Council in turn, may require re-submittal to the Planning Commission. (Ord. 08-19)

7. Section 16.16.080 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.16.080 Nature And Effect Of Final Subdivision Plat

It is the intent of this Code that approval of a Final Subdivision Plat be a ministerial action by the City assuring compliance with the requirements of this Code and any conditions imposed by the City Council for preliminary plat approval. After a final subdivision plat has been approved by the City Council and recorded in the Office of the Cache County Recorder, and all improvements completed as required by state law, the applicant

may apply for building permits, consistent with the approved final subdivision plat.

8. Section 16.16.100 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.16.100 Recording The Approved Final Subdivision Plat

One (1) Mylar drawing of the Final Subdivision Plat, following the receipt of all necessary approvals shall be submitted to the Zoning Administrator for review, checking and recording in the office of the Cache County Recorder. Any deficiency, gap, or overlap identified during the County and/or City review process must be corrected prior to plat recording. All approvals shall become void unless the plat is offered to the City for recording within one (1) year from the date of approval. The filing of any unapproved plat is prohibited and any recording officer who records such a plat is guilty of ~~misdemeanor~~—an infraction. Any sale or contract to sell any land in violation of the legal controls of this Code is voidable at the option of the purchaser.

9. Section 16.20.020 D. of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.020 Public Improvements-Construction-Inspection

D. Following final inspection and corrections according to the punch list made by the City Engineer concerning items missed or needing correction, the City Engineer shall provide a written statement to the City Council and subdivider that the improvements described in the construction drawings have been completed and that they meet the minimum requirements of all the ordinances, resolutions, rules and regulations of the City, that they comply with the requirements of the county board of health, the City or county fire department, and with the standards, rules, regulations and policies formulated by the City Engineer and by the various City departments and approved by the City Council; which standards, rules, regulations and policies the City Council is empowered to approve and adopt by resolution or ordinance, and the same are incorporated in this title by reference. No final plat of a subdivision of land shall be recorded without the subdivider having first provided the City with a one-year written guarantee on all public improvements installed therein.

1. In some instances, specified improvements such as sidewalks may be delayed upon written approval by the City Council or City Engineer; provided, that the subdivider furnishes to the City a security of performance, as set forth in HCC 16.20.030(B), to guarantee the specified improvements will be constructed and paid for. The amount of the security shall be estimated by the City Engineer and conditioned upon payment by the subdivider of all expenses incurred for labor and materials used in construction of the required improvements. In no event shall the City be deemed liable under this section on any claim asserted by a laborer or material man. (Ord. 08-15)

10. Section 16.20.080 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.080 Extension Of Public Works Facilities

The extension of any City public works facilities including, but not limited to, roads, bridges, storm drains, water mains, sewer lines and secondary water systems, shall be installed by the developer of any subdivision. In most situations extensions shall be required to the boundaries of the developed area so as not to restrict future development. There shall be no provisions for cost recovery made available to the developer for the extension of public works facilities by subsequent developers unless special or unusual circumstances warrant such provisions; which special or unusual circumstances must be approved by the City Council ~~in writing on or before acceptance of the final plat~~. The City, however, may consider sharing (but is not obligated to share) the cost of materials necessary to upsize any water lines in excess of eight-inch diameter or sewer lines in excess of eight-inch diameter in anticipation of future growth.

11. Section 16.20.170 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.170 Street Improvements

- A. The developer will apply an approved seal coat to all paved roads in the development. The proposed dates of chip and seal coat application must have the approval of the City Administrator. To ensure completion, the developer shall post a bond for the amount of the City Engineer's estimate

of the cost of sealing and chipping. The application of the seal coat and other means of acceptable seals must be completed before the subdivision warranty period expires or developer can pay the estimated cost to the city and they will schedule it to be completed with future city road projects. The city would prefer this option in cases where construction is still ongoing in the development.

- B. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to un-subdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission and approved by the City Council.
- C. New streets must connect with existing public streets.
- D. The subdivider shall install curbs, gutters and sidewalks on existing and proposed urban streets adjacent to and in all subdivisions, including on the rear of such lots that back on major streets not permitted access to such streets and those proposed for swales meeting City design standards.
- E. Street number signs and traffic control, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the City, shall be provided by the developer at all street intersections. Installation shall be made by City departments, to insure uniformity, at the expense of the developer.
- F. Wherever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half shall be platted; however, in most cases, half-streets shall be prohibited.
- G. Curbs and gutters shall be provided on both sides of all public streets, unless the minimum lot width of lots within the subdivision is more than one hundred fifty (150) feet or a swale is approved. (Ord. 09-03, 15-03)

12. Section 16.20.210 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.210 Irrigation Ditches And Canals

- A. Open ditches or canals shall not be allowed within or adjoining a subdivision. The subdivider shall work with irrigation, drainage or ditch companies as to:
 - 1. Cover, realign or eliminate ditches or canals within or adjoining the subdivision.
 - 2. Identify the size of pipe and culverts required.

3. Provide the responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipes or culvert must be approved by the City Engineer.
- B. When a lot contains or is adjacent to an irrigation ditch or canal that is not otherwise satisfactorily protected, as determined by the Planning Commission (pipng may be required), the subdivider must construct a ~~continuous non-climbable chain link~~ fence at a location twenty feet (measured horizontally) from the high-water line of the ditch or canal, or other as determined by the City Council after considering site specific conditions.
- C. Canal companies will be notified of proposed subdivision approvals as required by state law.

13. Section 16.24.080 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.24.080 Violation - Penalty

Whoever shall violate any of the provisions of this title shall be guilty of a ~~Class B misdemeanor~~ infraction and, upon conviction of any such violation, shall be punishable by a fine of not more than one thousand four hundred and seventy-five dollars ~~or by imprisonment for not more than six months~~, or by the penalty for transfer and sale of property provided in UCA ~~10-9-811~~ 9a-803, except that in all cases where a corporation would be punishable as for an ~~misdemeanor~~ infraction, and there is no other punishment prescribed by ordinance, such corporation is punishable by a fine not exceeding one thousand four hundred and seventy-five dollars. Provided further, that each violation of this title shall be considered a separate offense, and each day such violation is permitted to exist shall constitute a separate offense.

14. Section 16.28.050 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.28.050 Improperly Created Mini-Subdivisions

- A. Punitive actions. Persons failing to create new mini-subdivisions without following the current ordinance are guilty of an ~~Class B misdemeanor~~ infraction (per 16.24.06080).

15. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

16. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

17. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

18. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 7th day of March, 2019.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: