

## CHAPTER 17. SUBDIVISION ORDINANCE

- Article 17-1. Administration**  
**Article 17-2. Definitions**  
**Article 17-3. Necessity of Subdivision Plat Approval**  
**Article 17-4. Preliminary Plats**  
**Article 17-5. Final Plats**  
**Article 17-6. Subdivision Improvements**  
**Article 17-7. Subdivision Regulations and Design Standards**  
**Article 17-8. Supplementary Design Standards**

### Article 17-1. Administration

- 17-1-1. Title.**  
**17-1-2. Purposes.**  
**17-1-3. Violation of Subdivision Ordinance.**  
**17-1-4. Enforcement.**  
**17-1-5. Variances and Appeals.**  
**17-1-6. Fees.**  
**17-1-7. Amendments.**  
**17-1-8. Conflict.**  
**17-1-9. Invalidity or Unconstitutionality.**

#### 17-1-1. Title.

This Chapter shall be known and may be cited as the "Subdivision Ordinance of the City of Orem, Utah." (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

#### 17-1-2. Purposes.

- A. The purposes of this Chapter are:
1. To promote the health, safety and general welfare of the residents of the City of Orem.
  2. To ensure the efficient and orderly development of land within the City of Orem.
  3. To prevent the uncontrolled division and development of real property, which may be done without considering the rights and best interests of adjoining property owners and the City of Orem as a whole.
  4. To avoid poorly planned developments that:
    - a. Do not comply with the Orem General Plan or City of Orem ordinances;
    - b. Cannot be adequately served by existing utilities or public services;
    - c. May prove to be dangerous or unsafe;
    - d. May cause an undue burden on existing traffic or transportation services; or
    - e. May require the future expenditure of public funds to correct problems caused by the development.

5. To minimize the number of boundary line disputes in the City and to eliminate existing property line gaps and property line overlaps.

6. To provide a mechanism requiring each developer to pay for the public improvements associated with a particular subdivision, and to provide a mechanism for each subdivision to pay its fair share of increased burdens on existing public services.

7. To provide design standards for public improvements, facilities and utilities, to provide for accesses to public rights-of-way, to provide for the dedication of land and streets deemed necessary for the proper development of the subdivision, and to provide for easements or rights-of-way that are necessary to service the property.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

B. This Chapter is designed to inform the subdivision developer and the public of the requirements for obtaining subdivision plat approval. To this end, an attempt has been made to outline all subdivision requirements in this Chapter and other applicable ordinances and laws. Because each parcel of real property is unique and has its own set of problems to be dealt with, and because there may be some aspects of subdivision development that cannot be easily articulated, it is not possible to cover every possible contingency. Therefore, the Planning Commission and/or the City Manager have the authority to impose reasonable conditions upon a subdivider in addition to those expressly required, provided that:

1. The conditions are not arbitrary or capricious;
2. The Planning Commission and/or the City Manager finds that the conditions are necessary to promote the health, safety or welfare of the citizens of Orem; and
3. The conditions do not conflict with any applicable law.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

#### 17-1-3. Violation of Subdivision Ordinance.

Unless otherwise specified by State law or this Chapter, the violation of any of the provisions of this Chapter shall be a Class C misdemeanor. This provision shall not be used against City officers and staff in their good faith attempts to administer and enforce the terms of this Chapter.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-1-4. Enforcement.**

The City Manager is hereby designated and authorized as the officer charged with the enforcement of this Chapter.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-1-5. Variances and Appeals.**

A. The Board of Adjustment may, upon application of an aggrieved party and payment of the appropriate fee, authorize a variance from the terms of this Chapter. A variance may be granted only if it will not be contrary to the public interest and if there are special conditions making literal enforcement of this Chapter an unnecessary hardship on the applicant; provided, that the spirit of the ordinance shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:

1. The variance will not substantially affect the City's Master Plan or development ordinances and that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the City's Master Plan and development ordinances;
2. There are special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone;
3. Because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

In granting the variance, the Board of Adjustment may impose such additional conditions as will, in its judgment, substantially secure the objectives of the standard or requirement that is waived or modified.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

B. The power of the Board of Adjustment to grant variances shall be strictly construed, and it is the intent of this Section that variances be granted only in cases of extreme hardship, and that only minor variances be granted. Before granting any variance, the Board shall make the findings required by Subsection A. above. The findings shall be supported by facts that are made a part of the record of the Board meeting where the variance is granted. Economic hardship shall not be deemed a sufficient reason for granting a variance.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

C. Any person aggrieved by a decision of the City Staff or the Planning Commission in the application of this Chapter may appeal in writing first to the City Council. An application for appeal to the City Council must be filed in the office of Development Services within thirty (30) days after the date of the decision being appealed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

D. Any person aggrieved by a decision of the City Council may appeal in writing to the Board of Adjustment. An application for appeal to the Board of Adjustment must be filed in the office of Development Services within ten (10) day after the date of the decision being appealed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-1-6. Fees.**

Fees required by this Chapter shall be paid in the amount set by resolution of the City Council.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-1-7. Amendments.**

All proposed amendments to this Chapter shall be reviewed by the Planning Commission for its consideration and recommendations. Upon receiving the recommendation of the Planning Commission, or upon the Planning Commission's failure to act within thirty (30) days of receiving a request from the City Council to consider a proposed amendment to this Chapter, the City Council shall hold a public hearing on the proposed amendments. After closing the public hearing, the City Council may vote to approve, modify, or disapprove the proposed amendments, or may take any other action allowed by applicable laws. Proceedings to amend any provision of Chapter 17 shall be deemed to have been formally initiated by the City for purposes of Utah Code Section 10-9a-509(1)(a)(ii) upon the consideration of such proposal by the Planning Commission at a regularly scheduled meeting. The Planning Commission shall not be required to take any definitive action with respect to the proposal or to spend any given amount of time on the application in order for the proposed amendment to be deemed formally initiated. Any subsequent modification of the proposed ordinance amendment by City staff, the Planning Commission, or the City Council shall not alter the status of the application as having been formally initiated.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002; Ord. No. O-07-0039, Amended 08/14/2007)

**17-1-8. Conflict.**

This Chapter shall not nullify more restrictive laws or more restrictive provisions set forth in covenants, agreements or deed restrictions governing the subdivided property, but shall prevail over such laws or provisions that are less restrictive. This provision shall not be interpreted to imply that the City will enforce restrictive covenants to which it is not a party.  
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-1-9. Invalidity or Unconstitutionality.**

Should any portion of this Chapter be found to be invalid or unconstitutional by a court of competent jurisdiction, all remaining portions not found to be invalid or unconstitutional shall remain in full force and effect.  
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**Article 17-2. Definitions**

**17-2-1. Construction of terms.**

**17-2-2. Definitions.**

**17-2-1. Construction of terms.**

Words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular. The words "lot," "plot," "tract," "plat," "parcel," and "development site" shall be considered synonymous when the context so requires. The term "construct" means "build," "erect," "alter," "move," "install," "repair," "reconstruct," "convert," or "maintain." The word "shall" is always mandatory. The terms "City Manager," "City Attorney," "Development Services Director," "Public Works Director," or "City Engineer" shall include their appointed agents and designees. Words not included herein, but which are defined in other Chapters of the Orem City Code, shall be construed as defined therein.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-2-2. Definitions.**

Unless otherwise required by context, the following words appearing in bold print shall be defined as follows:

**Arterial street** shall mean a street that is designated as an arterial street in the City's Street Master Plan.

**Average percent of slope** shall mean the rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot. A vertical rise of one hundred (100') feet between two (2) points one hundred (100') feet apart measured on a horizontal plane is a one hundred percent (100%) grade or a 1:1 slope.

**Buildable area** shall mean that portion of a lot that, in its natural state, has an average percent of slope of less than twenty percent (20%) and will allow construction under the regulations of this Chapter.

**Collector street** shall mean a street that is designated as a collector street in the City's Street Master Plan.

**Construction drawings** shall mean plans prepared by a registered engineer, a registered land surveyor, or licensed architect, with professional seal affixed thereto, showing all required improvements, including any proposed utilities.

**Cul-de-sac** shall mean a street closed at one end by an enlarged, circular turn-around area.

**Cut** shall mean either excavated material, or the void resulting from the excavation of earth material.

The reference for a cut is the distance from a survey elevation stake to a required lower adjacent elevation.

**Developer** shall mean any subdivider or any person or organization that develops, or intends to develop, property after it has been divided.

**Developer ordinances** shall mean the City's subdivision, zoning, street, sign, building standard, and flood control ordinances, as well as any other ordinance enacted by the City that governs the development of real property.

**Excavation** shall mean either the removal of earth from its natural position, or the cavity resulting from the removal of earth.

**Fill** shall mean earth materials used either as a manmade deposit or to raise an existing grade, or shall mean the depth or the volume of such material. The reference for a fill is the distance from a survey elevation stake to a required higher adjacent elevation.

**Final grading** shall mean the last stage of grading a soil or gravel material prior to landscaping or the installation of concrete or bituminous paving, or other required final surfacing material.

**Final plat** shall mean a map and supporting documents, prepared in accordance with the provisions of this Chapter and prepared for recording in the Office of the Utah County Recorder.

**Ten-year storm** shall mean a storm having a ten percent (10%) chance of annual occurrence.

**Flood plain** shall mean land adjacent to a waterway that may be submerged by a temporary rise in the waterway's flow due to an unusual or rapid accumulation of runoff or surface water.

**Grading** shall mean either an excavation or fill, or the act of excavating or filling.

**Hillside** area shall mean any lot having an average percent of slope of ten percent (10%) or more.

**Improvements** shall mean curbs, gutters, sidewalks, gradings, pavings, landscaping, water and sewer systems, drainage systems, fences, public facilities, amenities and other such requirements of this Chapter.

**Local street** shall mean a street which is supplementary to a collector street which serves or is intended to serve the local needs of a neighborhood.

**Lot** shall mean either a division of land platted and placed on record in accordance with the laws and ordinances of the City, or a division of land described by metes and bounds on the records of the Utah County Recorder.

**Monument** shall mean a permanent survey marker established by the Utah County Surveyor and shown on a final plat with state plane coordinates, and/or a survey marker set in accordance with the City Engineer's specifications and referenced to Utah County survey monuments.

**Natural** state shall mean the condition of land that has not been graded, disturbed, or built upon.

**Nuisance strip** shall mean a parcel of property that cannot be developed in conformance with the requirements of all City ordinances because of the size, shape, dimensions or other physical characteristic of the parcel.

**Planned Residential Development (PRD)** shall mean a development that complies with the provisions of Article 22-7 of the City Code.

**Preliminary plat** shall mean a plat prepared in accordance with this Chapter, showing the design of a proposed subdivision and the existing conditions in and around the subdivision.

**Sensitive area** shall mean an area of land that contains environmental or geological elements that, if altered, may cause damage to the environment or the improvements thereon.

**Street** shall mean a right-of-way for the purpose of vehicular and pedestrian traffic.

**Subdivision** shall mean the division of any parcel of land into two (2) or more parts for the purpose of sale or building development, whether immediate or future.

**Subgrade** shall mean either the soil prepared and compacted to support a structure or a pavement system, or the elevation of the bottom of a trench in which a sewer or pipeline is laid.

**Utilities** shall mean and include natural gas, electric power, cable television, telephone, storm system, sewer, culinary water and other services deemed to be of a public-utility nature by the City.

**Utility** easement shall mean the area designated for access to construct or maintain utilities on privately or publicly owned land.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0040, Amended, 08/24/1999; Ord. No. O-02-0001, Rep&ReEn, 01/08/2002)

## Article 17-3. Necessity of Subdivision Plat Approval

- 17-3-1. **Applicability of Chapter.**
- 17-3-2. **Subdivision requirements.**
- 17-3-3. **Nonconforming structures.**
- 17-3-4. **Overview of subdivision approval process.**

### 17-3-1. Applicability of Chapter.

Any division of real property located within the City of Orem shall be subject to the terms of this Chapter. The division of real property includes any sale, gift, transfer, conveyance, split or other division that results in changing the boundaries or legal description of a given parcel of real property.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

### 17-3-2. Unlawful subdivision.

A. It is unlawful to transfer, sell, convey, gift or assign any subdivided property before a final subdivision plat for the property to be transferred, sold, conveyed, gifted or assigned is approved and recorded pursuant to the requirements of this Chapter and applicable State law.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0043, Amended, 09/22/1998; ; Ord. No. O-99-0040, Amended, 08/24/1999; Ord. No. O-02-0001, Rep&ReEn, 01/08/2002)

B. Except as otherwise provided, all lots/parcels created by the subdivision of real property shall comply with the City's lot size, lot width, and buildable area requirements, and shall abut on a dedicated street.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn, 01/08/2002)

C. Any developer desiring to develop property that has been subdivided illegally must comply with the requirements of this Chapter before developing the property, regardless of whether or not the developer was the one who illegally subdivided the property. No building permit may be issued for a lot that has been illegally subdivided.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn, 01/08/2002)

D. It is unlawful to amend, vacate, alter or modify any plat which has already been approved and/or recorded, without first receiving City approval of the amended, vacated, altered or modified plat.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn, 01/08/2002)

E. It is unlawful to divide real property in such a way that a parcel of property is created or left behind that cannot be developed according to the requirements of this Chapter, the City Zoning Ordinance or other

applicable laws, regardless of whether or not a subdivision plat is required for the division. Examples of this type of violation include, but are not limited to, nuisance or protection strips, parcels created or left for the sole purpose of denying another property owner access to his or her property, parcels with insufficient square footage, parcels with insufficient buildable area, parcels that do not meet the sensitive area requirements of this Chapter, and parcels that do not abut on a dedicated street.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn, 01/08/2002)

F. All property shall be developed in strict compliance with the approved preliminary plat, the approved final plat, the approved construction drawings, the City's Construction Standards and Specifications and all notes, restrictions, covenants, dedications, boundaries, and other commitments shown on the approved preliminary and/or final plat. Failure to note any improvement required by this Chapter on the preliminary plat, final plat or the construction drawings shall not eliminate the developer's responsibility to complete that improvement in the subdivision.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn, 01/08/2002)

### 17-3-3. Nonconforming structures.

A subdivision that has the effect of rendering any existing structure nonconforming to current City ordinances shall not be allowed. All property lines, streets and other improvements shall be located in such a way as not to render any existing use or structure nonconforming. However, the Planning Commission may grant an exception to this requirement if, due to substantial difficulty with the topography of the property, a street cannot reasonably and practically be located in such a way that avoids creating a nonconforming structure.

(Ord. No. O-02-0001, Rep&ReEn, 01/08/2002)

### 17-3-4. Overview of subdivision approval process.

The following paragraphs provide a brief overview of the subdivision approval process in the City of Orem. This section is not intended to give an exhaustive review of the subdivision process. More specific provisions relating to the approval process are found elsewhere in this Chapter. An attempt has been made to refer to some of the applicable sections found elsewhere in the ordinance at the end of each paragraph. Except as otherwise allowed or required by this Chapter, applications for approval of subdivision plats shall be pursuant to the following procedure:

A. The developer and his or her engineer are responsible for knowing and complying with the provisions of this Chapter. Copies of applicable City

ordinances can be obtained from the Development Services Department.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

B. The developer prepares a preliminary plat. (§ 17-4-1, et. seq.).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

C. The developer completes an application for preliminary plat approval, holds a neighborhood meeting when required and submits the application, the preliminary plat, required supporting documents, and the applicable fee to the Development Services Department.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002; Ord. No. O-2014-0008, Amended 02/11/2014)

D. The preliminary plat is reviewed by the Development Review Committee (DRC) to determine if it complies with applicable City ordinances. (§ 17-4-5).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

E. If the DRC finds that the preliminary plat complies with applicable City ordinances, the preliminary plat is scheduled for review by the Planning Commission. If the DRC finds that the preliminary plat or supporting documents do not comply with applicable City ordinances, the plat and/or documents must be revised to the satisfaction of the DRC before they are forwarded to the Planning Commission. (§ 17-4-5).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

F. The Planning Commission reviews the preliminary plat and approves, conditionally approves, or denies the application. (§ 17-4-5).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

G. If the Planning Commission approves or conditionally approves the preliminary plat, the developer prepares a final plat, completes an application for final plat approval and submits the application, the final plat, required supporting documents, and the applicable fee to the Department of Development Services. If the Planning Commission denies the preliminary plat application, the developer may appeal, upon payment of the appropriate fee, the Planning Commission's decision to the City Manager. (§ 17-5-1, et. seq.).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

H. The final plat is reviewed by the Development Review Committee (DRC) to determine if it complies with applicable City ordinances and the preliminary plat. (§ 17-5-4).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

I. If the DRC finds that the final plat complies with applicable City ordinances and the preliminary plat, the final plat is forwarded to the City Engineer. (§ 17-5-4).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

J. The City Engineer reviews the final plat and approves, conditionally approves, or denies the application. (§ 17-5-4).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

K. If the City Engineer approves or conditionally approves the final plat application, the final plat is recorded by the City after all bonds and recording fees have been paid by the applicant and after all conditions have been met. If the City Engineer denies the final plat application, the developer may appeal the City Engineer's decision to the City Manager. The City Manager may affirm, reverse, reverse in part, or remand the City Engineer's decision. (§ 17-5-4).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

L. The developer completes the required improvements in a timely manner. (§ 17-6-6).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

M. If the City approves the improvements and the improvements make it through the required warranty period, the improvements are accepted by the City and the bond is released to the developer. (§ 17-6-6).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

N. If the improvements are not timely completed, if they do not pass City inspection, or if they do not pass the warranty period, the City may give notice to the developer to repair or complete the improvements or the City may take action on the bond and take steps to complete the improvements. (§ 17-6-6).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd., 01/08/2002)

**Article 17-4. Preliminary Plats**

- 17-4-1. Preliminary plat required.**
- 17-4-2. Application for preliminary plat approval.**
- 17-4-3. Content of preliminary plat and required documents.**
- 17-4-4. Parcels previously divided.**
- 17-4-5. Review and approval procedures.**
- 17-4-6. Street or easement dedication may be required.**
- 17-4-7. Validity of preliminary plat approval.**

**17-4-1. Preliminary plat required.**

A. The purpose of the preliminary plat is to review and plan for the overall development of the subdivision and the land surrounding the subdivision. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

B. A preliminary plat must be approved for a parcel before a final plat can be approved for that parcel. An applicant may request simultaneous preliminary and final plat approval, but bears the risk of having either or both rejected. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-4-2. Application for preliminary plat approval.**

A. The developer shall submit an application for preliminary plat approval to the Development Services Department. The time frame for when an application must be submitted in order to be heard at a given Planning Commission meeting shall be set by policy of the Development Services Department. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

B. The application for preliminary plat approval shall include the following:

- 1. Four (4) full size copies and one computer aided design (CAD) drawing on a computer disk formatted and compatible with the City's computer system of each sheet of the preliminary plat.
- 2. All documents required in Subsection 17-4-3(C) below.
- 3. Payment of the applicable fee.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-4-3. Content of preliminary plat and required documents.**

A. The preliminary plat shall be drawn on standard drafting medium, the dimensions of which shall not exceed twenty-four inches by thirty-six inches (24" x 36"), and shall be drawn to scale. The scale shall

be indicated on each sheet, but shall not be less than one inch (1") = sixty feet (60'). (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

B. The preliminary plat shall contain the following:

- 1. An arrow, indicating north, drawn on each sheet.
- 2. The proposed name of the subdivision. The City may reject a proposed subdivision name if the proposed name is similar to or may be confused with an existing subdivision name.
- 3. A vicinity drawing accurately locating the property shown on the plat.
- 4. The names and addresses of the property owner(s), the developer and the engineer or surveyor of the proposed subdivision.
- 5. The names and addresses of the current owners of all parcels immediately adjoining the proposed subdivision, and the boundary lines of such parcels.
- 6. Contours drawn at two-foot (2') intervals, unless waived by the City Engineer.
- 7. The boundary lines of the parcel to be subdivided and a description of the proposed outside boundary of the property contained within the preliminary plat that is referenced to two section corner monuments and is prepared by a licensed land surveyor. The section corner monuments and the point of beginning shall indicate computed "State Plane Coordinates."
- 8. The dimensions and square footage of each lot.
- 9. The dimensions and locations of existing and proposed improvements, structures, easements, and topographical features within the parcel to be subdivided and within two hundred feet (200') of the proposed subdivision boundaries.
- 10. For each lot, the location and dimensions of existing and proposed irrigation systems and easements.
- 11. Final grade elevations, if required by the City Engineer.
- 12. Where the preliminary plat covers only a part of a larger unsubdivided or undeveloped area, the plat shall show the location of the subdivision as it forms part of the larger area, and shall include a sketch proposing a future street system of the unsubdivided or undeveloped area.
- 13. A storm water drainage plan, approved by the City Engineer that is designed to accommodate the water generated by a "twenty-five year storm" within the proposed subdivision.
- 14. The location of any areas of potential flood hazard, as defined in Chapter 10 of the City



Code, within the subdivision boundaries or within 200 feet of the subdivision boundaries.

15. The location of any known fault lines located within 1,000 feet of any part of the subdivision as determined from the Utah County Hazards Map and any other source.

16. The location of existing structures within the preliminary plat boundaries, and a notation as to whether the existing structures will remain or be demolished.

17. The layout and location of future public streets. The City may require streets in the preliminary plat in such locations, sizes and of such design as may be necessary to provide adequate traffic circulation and access to the property contained within the preliminary plat and to other parcels of property in the surrounding area. Street connections shall be made to street connection points as shown in the Street Connection Master Plan.

18. A note indicating that no driveway or drive access may be located within twenty-five feet (25') of an existing fence which is greater than three feet (3') in height if to do so would result in the fence being within the Clear Vision Area associated with the driveway or drive access as described in Section 22-14-19.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-92-0019, Amended, 10/13/1992; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. 2014-0008, Amended 02/11/2014)

C. The following documents shall be included with the application:

1. Any application request for a proposed change to any existing zone boundaries or any zone classification that is necessary for approval of the proposed subdivision.

2. A preliminary title report prepared by a title company licensed to practice in the State of Utah which shows that the owner/applicant owns or represents the owner(s) of all of the property contained within the preliminary plat. The City may require that the owner/developer resolve any boundary overlaps, gaps or other title discrepancies before approval of the preliminary plat.

3. A special report that details all environmental, geological, and engineering concerns for subdivisions proposed within a sensitive area.

4. Any other documents related to the development that the City may reasonably require.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

D. A neighborhood meeting complying with the requirements of Section 22-14-20(I)(substituting

“preliminary plat” for “site plan”) shall be required whenever a preliminary plat shows or is required to show a street extending from or connecting to a street connection point as shown in the Street Connection Master Plan. The neighborhood meeting must be held before an application may be forwarded to the Planning Commission.

(Ord. No. O-2014-0008, Enacted 02/11/2014)

#### **17-4-4. Parcels previously divided.**

Any parcel of property which was originally part of a parcel now being subdivided, and which was divided off from the parcel being subdivided since January 1, 1954, shall be included in the preliminary plat of the proposed subdivision unless it has already been recorded as part of another subdivision or unless it is owned by someone other than the developer.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

#### **17-4-5. Review and approval procedures.**

A. The Development Services Director shall review each application submitted to determine the completeness of the application. He or she shall forward completed applications to the Development Review Committee (DRC).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

B. The DRC shall review all applications for the purpose of determining compliance with all applicable City ordinances and the Orem Community Master Plan. If the development proposed in the application meets all the applicable regulations and standards, the DRC shall forward the application to the Planning Commission. Otherwise, it shall be returned to the applicant for appropriate modification. In no case shall the application proceed to the Planning Commission if it does not meet the regulations and standards imposed by all applicable ordinances. The DRC may establish a policy for forwarding applications to the Planning Commission subject to variances, waivers, modifications, or ordinance amendments being made by the appropriate body.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

C. Department Directors may make individual recommendations to the Planning Commission and the City Manager, which may be different from the recommendation of the DRC or the Planning Commission.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

D. The Planning Commission shall approve, conditionally approve or deny the application request.

1. The Planning Commission shall approve the preliminary plat if it finds that the preliminary plat complies with all applicable ordinances and that there is no need to attach any conditions to the approval. The Planning Commission may impose conditions upon its approval if it finds that such conditions are reasonably necessary to meet the objectives of this Chapter.

2. The Planning Commission may deny an application for preliminary plat approval for either of the following reasons:

a. There is insufficient evidence to demonstrate that the applicant either owns or represents the owner(s) of all of the property contained within the preliminary plat. The Planning Commission may withhold approval of a preliminary plat if the owner/applicant has not resolved all boundary gaps, overlaps or other property disputes which affect the property contained within the preliminary plat; or

b. The preliminary plat does not comply with all applicable City ordinances.

3. If the Commission denies a request, it shall state the reasons for the denial.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-4-6. Street or easement dedication may be required.**

The DRC may require that the owner dedicate to the City any or all of the street rights-of-way or easements designated on the preliminary plat as a condition of approval of the preliminary plat. The dedication shall be by appropriate deed from the owner to the City. The dedication shall also be made on the final plat. In determining whether or not a dedication will be required at the preliminary plat stage, the DRC shall consider, among other things, the necessity of the dedication for traffic circulation, the convenience of the public, and the development of on-site and off-site improvements.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-4-7. Validity of preliminary plat approval.**

A. An approved preliminary plat is valid for one (1) year. The Planning Commission may grant one (1) year extensions of the preliminary plat, provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat approval.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

B. If a final plat which covers only a portion of the approved preliminary plat is recorded within the one (1) year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat shall be extended for one (1) year from the date of recording the final plat.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

C. The preliminary plat must be amended if the developer desires to increase the number of lots in the subdivision, or change the grade or location of streets within the subdivision.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

D. The preliminary plat need not be amended to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes if the Development Services Director finds that amending the preliminary plat is not necessary to protect the interest of the City or adjoining property owners.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

## Article 17-5. Final Plats

### 17-5-1. Submission of application.

### 17-5-2. Content of final plat and required documents.

### 17-5-3. Street dedication.

### 17-5-4. Review and approval procedures.

### 17-5-5. Agreement of owner/developer.

### 17-5-6. Validity of final plat approval.

### 17-5-7. Procedures for recording final plat.

### 17-5-8. Existing structures as part of final plat.

### 17-5-9. Amendments to final plat.

### 17-5-10. Amendments to Recorded Plats.

### 17-5-1. Submission of application.

A. The developer shall submit an application for final plat approval to the Development Services Department.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

B. The application for final plat approval shall include the following:

1. Three (3) full-size copies, one 11" by 17" copy and one 8 1/2" by 11" copy of each sheet of the final plat.

2. All documents required in Subsection 17-5-2(E) below.

3. Payment of the applicable fee.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

C. A final plat may be submitted for approval concurrently with the preliminary plat, provided the final plat meets the requirements of this Chapter. If the developer chooses to submit the preliminary and final plats concurrently, the City maintains the right to deny the request for approval of the plats, and the developer shall bear all risks associated with their preparation and submittal.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

### 17-5-2. Content of final plat and required documents.

A. The final plat shall be drawn on a sheet approved by the Utah County Recorder's Office.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996 ; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

B. The final plat shall be drawn with all lines, dimensions and markings made in waterproof black drawing ink.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996 ; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

C. The final plat shall be drawn to scale. The scale shall be indicated on the plat and shall not be less than one inch (1") = sixty feet (60').

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996 ; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

D. The final plat shall contain the following:

1. An arrow indicating north on each sheet.

2. The name of the subdivision.

3. The subdivision boundary lines showing the proper bearings and dimensions, which lines shall be of heavier line weight than any other lines on the drawing, and which shall be referenced to two section corner monuments. The section corner monuments and the point of beginning shall indicate computed "State Plane Coordinates." All bearing change locations of the subdivision boundary shall indicate computed "State Plane Coordinates."

4. The names, widths, lengths, bearings and curve data of all streets and other areas intended for public use.

5. The numbers of all lots, blocks, and streets, which numbering shall be in accordance with the City street numbering system, as designated by the City Engineer. Streets shall not be given names other than the appropriate number designation (e.g. 400 North) for the street, except in the case of streets that cannot be readily assigned numerical designations because of a configuration which is not aligned with north-south or east-west coordinates.

6. The bearings, dimensions, and square footage of each lot.

7. The bearings, dimensions, and locations of all easements within the subdivision.

8. A "Certificate of Survey" with a metes and bounds description, the signature of a land surveyor licensed in the State of Utah, and the land surveyor's seal.

9. A provision containing the notarized signatures of all of the owners, dedicating all streets, public utility easements and other public areas to the City for the perpetual use of the City.

10. A notice of all covenants, conditions and other restrictions that may be relevant and applicable to the property contained within the final plat.

11. An "Acceptance by the City of Orem" approval block for the signatures of the Development Services Director, City Engineer, and attestation by the City Recorder. A signature line for the Planning Commission Chairperson shall be provided if the plat replaces all or part of a vacated plat. A signature line for the City Attorney to sign

approved as to form shall be provided outside of the approval block. In the case of a PRD development, there shall be a City Council approval block for the signatures of the Mayor and City Recorder.

12. A lined block in the lower right hand corner of the first sheet in substantially the following form:

**CONDITIONS OF APPROVAL**

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996 ; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Rep&ReEn 01/08/2002 }

E. The following documents shall be included with the application for final plat approval:

1. Construction drawings showing existing ground and/or asphalt elevations, planned grades and elevations of proposed improvements and the location of all public utilities. Improvements shown on the construction drawings shall be in accordance with the preliminary plat. The City Engineer may adopt a policy governing additional requirements for Construction drawings. All Construction drawings shall have the designing engineer or architect state license seal stamped on all submitted sheets. No final plat shall be approved by the City Engineer until the construction drawings have been approved by the City Engineer.

2. Documents evidencing conveyances or consents from owners of property interests within the subdivision when such are required by law.

3. Any other documents the City may reasonably require to ensure compliance with the terms and purposes of this Chapter.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-5-3. Street dedication.**

Unless previously dedicated, the developer shall dedicate to the City the full width of all street rights-of-way on the final plat; provided, however, that in cases where a proposed street in the subdivision abuts undeveloped property where no street currently exists and evidence is provided showing that the owner of the abutting property has no intention of developing it within the near future, the City Engineer may waive the full width dedication requirement and allow the dedication of a lesser width if he or she finds that such is necessary to promote the public interest. In no case, however, shall the lesser width allowed be less than thirty feet (30').

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

**17-5-4. Review and approval procedures.**

A. The Development Services Director shall review each application submitted to determine the completeness of the application. He shall forward completed applications to the Development Review Committee.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

B. The Development Review Committee (DRC) shall review all applications for final plat approval for the purpose of determining compliance with all applicable City ordinances and the Orem General Plan. If the development proposed in the application meets all the applicable regulations and standards, the DRC shall forward the application to the City Engineer. Otherwise, it shall be returned to the applicant for appropriate modification. In no case shall the application proceed to the City Engineer if it does not meet the regulations and standards imposed by all applicable ordinances, unless it is forwarded subject to the occurrence of some contingency.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

C. The City Engineer is the final approving authority for final plats.

1. The City Engineer shall approve the final plat if it meets the requirements of the preliminary plat and all applicable ordinances. The City Engineer may approve the final plat with conditions if allowed discretion by applicable ordinances.

2. The City Engineer may deny approval of the final plat if the final plat does not comply with all applicable ordinances.

3. If the request for final plat approval is denied, the City Engineer shall state the reasons for the denial.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

D. In the case of a final plat that is a part of a planned residential development, the City Council shall have the final approving authority instead of the City Engineer.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

E. The City Engineer shall:

1. Review all required construction drawings. The City Engineer shall not approve the construction drawings unless they comply with generally accepted engineering standards, the

City's Construction Standards and Specifications and any other specifications, standards or policies established by the City.

2. Make recommendations to the Development Review Committee in accordance with City requirements concerning the final plat or construction drawings.

3. Prior to recording, review the final plat and surveyor's certification for acceptability.

4. After final approval by the City Engineer or City Council, sign the plat, provided it meets all the requirements of this Chapter.

5. Record the final plat after all requirements are met.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-02-0001, Rep&ReEn 01/08/2002)

#### **17-5-5. Agreement of owner/developer.**

No final subdivision plat shall be recorded until (1) the developer of the subdivision has tendered the bond required by Article 17-6 and entered into an agreement with the City in which the developer agrees to install the improvements as required by this Chapter, and to indemnify and hold the City harmless from any claims, suits or judgments arising from the condition of the property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period); and (2) the owner(s) of the subdivision has given written permission to the City or its representatives to enter upon the property included within the final plat to complete any subdivision improvements required by this Chapter in the event that the owner/developer fails to satisfactorily complete such improvements in the time allowed by this Chapter. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn, 01/08/2002)

#### **17-5-6. Validity of final plat approval.**

The final plat shall expire and be void one (1) year after approval by the City Engineer, unless the plat has been recorded.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

#### **17-5-7. Procedures for recording final plat.**

A. The following fees, in an amount established by City Council resolution, shall be paid to the City prior to recording the final plat:

1. A fee for street identification signs and for each traffic control sign.
2. A fee for a duplicate copy of the final plat.
3. A fee for recording the final plat.

4. Any other fees or bonds required by the City.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Renumbered, 01/08/2002)

B. The City shall record the final plat in the Office of the Utah County Recorder after the fees required in subsection (A) above are received by the City and after the developer has completed all other City requirements for recording.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Renumbered, 01/08/2002)

#### **17-5-8. Existing structures as part of final plat.**

Lots having existing residential or commercial structures must be included in a final plat before fifty percent (50%) of the lots in the preliminary plat in which the structure is located have been included in an approved final plat.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Rep&ReEn Renumbered, 01/08/2002)

#### **17-5-9. Amendments to final plat.**

The City Engineer may approve minor amendments to approved final plats before the plat is recorded if he/she finds that the proposed amendment(s) does not jeopardize the interests of the City or adjoining property owners. The types of minor amendments contemplated by this section include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major amendments to unrecorded approved final plats shall go back through the approval process. Amendments to recorded final plats shall be in accordance with state law and any policies or procedures adopted by the City.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

#### **17-5-10. Amendments to Recorded Plats.**

A. The Planning Commission is designated and authorized to consider and approve at a public hearing, with or without a petition, any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat. If the Planning Commission is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the Planning Commission may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

B. The City Manager or his designee may approve final plats to adjust lot lines between adjacent properties if:

1. No new dwelling lot or house unit results from the lot line adjustment;
2. The adjoining property owners consent in writing to the lot line adjustment;
3. The lot line adjustment does not result in remnant land that did not previously exist; and
4. The adjustment does not result in violation of applicable zoning requirements.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

C. Final plats approved by the City Manager may be recorded in the Office of the Utah County Recorder.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

## Article 17-6. Subdivision Improvements

- 17-6-1. Required improvements.
- 17-6-2. Subdivision improvements.
- 17-6-3. Debris in streets.
- 17-6-4. Improvements installation priority.
- 17-6-5. Costs of improvements.
- 17-6-6. Bond for improvements.

### 17-6-1. Required improvements.

A. The following improvements are mandatory in all subdivisions and shall be installed by the developer in accordance with the City's Construction Standards and Specifications:

1. Street paving.
2. Curb, gutter, and sidewalk on both sides of the street.
3. Drive approaches for each lot.
4. Culinary water systems.
5. Sanitary sewer systems.
6. Surface water runoff drainage systems.
7. Permanent markers to identify lot corners.
8. Utilities.

The requirement to install curb, gutter, and/or sidewalk may be waived by the Planning Commission if it finds that the property has a topography or location that does not lend itself to sidewalk construction. Sidewalks shall not be required along portions of Carterville Road. If the street plan line has not been established or if the right of way cannot be determined before construction, then the developer shall pay to the City the current cost of improvements required by the City and the City shall be responsible for installing the improvements.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-92-0019, Amended, 10/13/1992; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

B. The City Engineer may also require the developer to install or provide any or all of the following improvements according to the particular needs of the subdivision:

1. Fire hydrants.
2. Subsurface water drainage systems.
3. Bridges.
4. Fences.
5. Grading.
6. Retaining walls.
7. Landscaping.
8. Covering, piping, relocating or abandoning irrigation ditches.
9. Public facilities.
10. Extending and constructing roads, water lines and sewer lines beyond the boundary limits of the final plat.

11. Engineered footings.
12. Street lighting conduit.
13. All other improvements which the City deems reasonably necessary to promote the public health, safety and welfare.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02 0001, Ren&Amd 01/08/2002)

C. In determining the particular needs of the subdivision and in determining whether any of the improvements specified in 17-6-1(B) should be required in a particular subdivision, the City Engineer shall consider, among other things:

1. Recommendations from staff, the DRC, or the Planning Commission.
2. The requirements of the Uniform Building Code and the Uniform Fire Code.
3. The topography of the property, the type of soil on the property, the existence of subsurface water drainage systems in the vicinity of the property, and the city's storm water drainage master plan.
4. The extent to which the proposed subdivision causes or contributes to the need for the improvement.
5. The need for the improvement to protect the health, safety and welfare of residents of the subdivision and the community at large.
6. The types of development and uses adjacent to the subdivision.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

D. The developer may be required to install off-site improvements when it is shown that the proposed subdivision causes or contributes to the need for such improvements. In cases where the proposed subdivision causes or contributes to the need for off-site improvements but the developer is not required to install them, the City may impose an impact fee as allowed by law, or may otherwise require financial contribution pursuant to written agreements between the City and the Developer. Whether or not the developer actually installs the improvements, the City may require that owners of other undeveloped properties, the development of which will also contribute to the need for the improvements, pay impact fees or be party to such agreements. The fees or the monies collected pursuant to such agreements shall be used towards the costs of installing the improvements. Whether off-site improvements are installed or financed in whole or in part by the Developer through the use of impact fees or agreements, the City shall follow the requirements of all applicable statutory and case law in arriving at a just and equitable distribution of the costs of the

improvements. Written findings shall be made by the City showing the reasons and justification for the allocation of the costs. This Subsection shall not apply in the case of required off-site water and sewer systems, the financing of which is covered by Subsections 17-6-5(B) and (C).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

E. The City may require a developer to install water, sewer or storm drain lines that are larger than that which would be necessary to meet the service needs of the subdivision. In such cases, the City shall participate in the cost of installing the larger lines as provided in Section 17-6-5(B).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

F. All required improvements shall be completed and pass City inspections within one (1) year of the date that the final plat is recorded. Required improvements for plats recorded between November 1 and March 31 must be completed by the next October 1. For example, the required improvements for a plat recorded on February 6, 1990 must be completed by October 1, 1990. Failure to meet this time frame will result in forfeiture of the bond. All curb, gutter, sidewalk, base gravel, and compaction must be installed in accordance with the City's Construction Standards and Specifications and approved by the City before any temporary or final occupancy permits will be issued for any lot in the subdivision.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

**17-6-2. Subdivision improvements.**

All subdivision improvements shall be completed by qualified contractors in accordance with the City's Construction Standards and Specifications. No work may be commenced on public improvements without first obtaining a permit from the Public Works Department.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

**17-6-3. Debris in streets.**

When installing any of the subdivision improvements, the developer and contractor shall be required to keep all paved streets, sidewalks, and gutters within or outside the subdivision free from any debris, trash, mud, or dirt from the project. Upon notification by the City of a violation of this provision, the developer shall have the area affected cleaned within twenty-four (24) hours. If he fails to do so, the City may clean it and the developer shall reimburse the

City for all costs incurred. Bond money may be used to cover cleaning costs.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

**17-6-4. Improvements installation priority.**

A. Underground utilities, service lines and water and sewer systems, including laterals, shall be installed prior to the installation of any other street improvements, unless the City Engineer waives this requirement in writing.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

B. All gravity flow systems shall be installed prior to installation of pressurized systems.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

C. All new sewer lines shall be inspected by television monitoring equipment before the installation of asphalt paving. The developer of the subdivision shall be required to provide for the television monitoring.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

D. No building permits (either temporary or permanent) shall be issued until all water and sewer lines have been extended to the farthest lot line of any lot being developed in the subdivision plat and the water and sewer lines have been approved by the City, unless the City Engineer waives this requirement in writing.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

**17-6-5. Costs of improvements.**

A. Except as otherwise provided herein, the developer shall pay for all costs of designing, purchasing, installing, warranting and otherwise providing the improvements required by this Chapter.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

B. The City will participate in the cost of sewer and water main lines when the City requires the developer to install or provide lines that are larger or greater than those necessary to provide the required services for the subdivision. The size of such improvements shall be specified by the City and the amount of City participation in the cost of the improvements shall be agreed upon in writing by the City and the developer prior to approval of the subdivision plat; provided, however, that the City shall not participate in the construction of any sewer line less than ten inches (10") in diameter or water line less than



twelve inches (12") in diameter, and in all cases, the maximum financial participation by the City shall be limited to the difference in costs between the improvements needed to service the subdivision and those improvements actually required by the City.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0043, Amended, 09/22/1998; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

C. Whenever the City requires a developer to install off-site water and sewer systems in order to properly develop a subdivision, the developer may be reimbursed in accordance with the improvement reimbursement policy adopted by the Public Works Department. In order to be reimbursed, the developer shall file a written request for reimbursement with the City, in accordance with the policy, within thirty days of completing the installation of the systems for which he is seeking reimbursement.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-92-019, Amended, 10/13/1992; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

D. When a developer installs an improvement within a subdivision that will serve other undeveloped property, the City may impose an impact fee on the undeveloped property, to be paid at the time of development. The fees collected shall be used to reimburse the developer who installed the improvement. Allocation of costs shall be made pursuant to City policy.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

#### **17-6-6. Bond for improvements.**

A. The developer of a subdivision shall bond for the proper and timely installation of all subdivision improvements required by the City ("required improvements"). Required improvements include:

1. All improvements required by City ordinances;

2. Improvements shown or noted on preliminary plats for those lots included in the final plat, and construction drawings approved by the City; and

3. Improvements required by the City as part of the plat approval process.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-02-0001, Ren&Amd 01/08/2002; Ord. No. O-07-0040, Amended 08/14/2007; Ord. No. O-08-0034, Amended 12/09/2008)

B. The developer's bond shall be held to guarantee that all required improvements will:

1. Be constructed in accordance with the City's Construction Standards and Specifications and the construction drawings approved by the City Engineer.

2. Be completed and pass City inspection within one (1) year of the date that the final plat is recorded.

3. Remain free from defects for a period of one (1) year following the date that all improvements pass City inspection. The developer shall repair or replace any improvements which are or become defective during this time period. All repairs or replacements shall be made to the satisfaction of the City. The City may require the developer to guarantee and warrant that any repairs remain free from defect for a period of one (1) year following the date that the repairs pass City inspection. The City may retain the developer's bond until the repairs have lasted through the warranty period, and may take action on the bond if necessary to properly complete the repairs.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-92-0019, Amended, 10/13/1992; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-05-0041, Amended, 12/13/2005; Ord. No. O-07-0040, Amended 08/14/2007; Ord. No. O-08-0034, Amended 12/09/2008)

C. The bond guaranteeing the developer's timely and proper installation of required improvements shall be equal in value to at least one hundred ten percent (110%) of the cost of the required improvements, as estimated by the City Engineer. The purpose of the bond is to enable the City to make or complete the required improvements in the event of the developer's inability or failure to do so. The City need not complete the required improvements before collecting on the bond. The City may, in its sole discretion, delay taking action on the bond and allow the developer to complete the improvements if it receives adequate assurances that the improvements will be completed in a timely and proper manner. The additional ten percent will be used to make up any deficiencies in the bond amount and to reimburse the City for collection costs, including attorney's fees.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

D. The bond shall be an irrevocable letter of credit, escrow bond, cash bond, or combination bond in favor of the City. The requirements relating to each of these types of bonds are detailed below. The City must approve any bond submitted pursuant to this section. The City reserves the right to reject any of the bond types if it has a rational basis for doing so. Letters of credit shall be from a federally insured bank or savings and loan and shall be submitted on one of the forms set forth in this section. Escrow bonds shall be held by a federally insured bank, savings and loan or credit union or a title insurance underwriter authorized to do business in the State of Utah.

**Letter of Credit.**

a. A letter of credit must be good for a period of at least two years. The following form is acceptable for letters of credit:

**IRREVOCABLE LETTER OF CREDIT**

Date: \_\_\_\_\_, 20 \_\_\_\_  
Letter of Credit No. \_\_\_\_\_

CITY OF OREM  
56 N. State Street  
Orem, Utah 84057

Attention: \_\_\_\_\_

Gentlemen:

We hereby establish our irrevocable letter of credit in your favor for the account of \_\_\_\_\_ in the aggregate amount of \_\_\_\_\_ United States Dollars (U.S. \$ \_\_\_\_\_) available with us by payment of your draft drawn on us at sight accompanied by a signed and dated statement reading as quoted in either (A) or (B) below:

(A) "I, the City Manager of the City of Orem, hereby certify that as of the date of this statement, the required improvements for \_\_\_\_\_ Subdivision, Plat "\_\_\_\_", have not been completed according to City ordinances."

(B) "I, the City Manager of the City of Orem ("City of Orem"), hereby certify that (1) \_\_\_\_\_ letter of credit no. \_\_\_\_\_ (the "letter of credit") will expire within thirty (30) calendar days after the date of this statement, (2) the expiration date of the letter of credit has not been extended, and (3) the letter of credit has not been replaced by a substitute letter of credit or other bond in a form satisfactory to the City of Orem."

The draft drawn under this letter of credit must be marked "drawn under \_\_\_\_\_ letter of credit no. \_\_\_\_\_."

Partial drawings and multiple drawings are permitted.

This letter of credit expires at our above office on \_\_\_\_\_.

This letter of credit is governed by the Uniform Customs and Practice for Documentary Credits (1983

revision), International Chamber of Commerce Publication No. 500.

We hereby engage with you that your draft drawn under and in compliance with the terms of this letter of credit will be duly honored upon presentation to us at our above address.

(NAME)

By: \_\_\_\_\_  
(Authorized Signature)

**2. Escrow Bond.**

a. The following form is acceptable for escrow bonds:

**ESCROW BOND**

(Name of entity holding bond) hereby promises and warrants that it has on deposit in an escrow account for the benefit of the City of Orem, the sum of \$ \_\_\_\_\_ to ensure the proper and timely completion and guaranty of all improvements required by the City of Orem for \_\_\_\_\_ Subdivision, Plat "\_\_\_\_". The developer of the subdivision is \_\_\_\_\_.

(Name of entity holding bond) acknowledges that this bond is required as a condition of subdivision plat approval, that all required improvements must be completed and guaranteed according to City of Orem ordinances, and that all required improvements must be inspected, approved and accepted by the City of Orem. No funds shall be released from the escrow account without the written consent of the City Engineer of the City of Orem.

The City Engineer may authorize partial releases from the escrowed funds to the developer as the required improvements are completed. No partial releases shall be made without the written consent of the City Engineer.

After the required improvements have been approved and accepted by the City and the warranty period has run, the City Engineer will notify the escrow holder that it may release any money remaining in the escrow to the developer and the escrow holder shall then be discharged of its obligations to the City pursuant to this escrow bond. Prior to such time, this escrow bond shall not be amended or terminated without the written consent of the Public Works Director.

If all or any part of the required improvements are not installed, completed and accepted according to City of Orem standards, the City shall notify the developer and the escrow holder in writing of the incomplete or unacceptable work and shall make demand on the developer that the defects be corrected within thirty (30) days. If the defects are not corrected within thirty (30) days, the City may complete the improvements or correct the defects and charge to the escrow holder all the costs of doing so. In the alternative, the City may require the escrow holder to release all non-released funds to the City so that the City can take action to complete the improvements.

The escrow holder, upon receiving a notice signed by the City Engineer setting forth a list of the defects and the amount of escrowed money required by the City, shall pay to the City from the escrow account the amount required. The escrow holder shall be held harmless by the parties by reason of the payment to the City, provided the money is released in accordance with the written authorization from the City Engineer.

(Name of entity holding bond)

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

STATE OF \_\_\_\_\_ )  
: ss  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by (name and title).

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_  
Residing at: \_\_\_\_\_

(DEVELOPER)

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

STATE OF \_\_\_\_\_ )  
: ss  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by (name and title).

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_  
Residing at: \_\_\_\_\_

3. **Cash Bond.**

a. A developer may use a cash bond by tendering the required bond amount in cash or certified funds to the City.

b. Partial releases may be made from the cash bond as allowed for other bond types.

c. The City shall not pay any interest on funds held as a cash bond.

4. **Combination Bond.**

a. A combination bond is a lot bond submitted in conjunction with a letter of credit, escrow bond, or cash bond.

b. The purpose of the combination bond is to offer developers some of the advantages of submitting lot bonds while minimizing the City's risk in accepting lot bonds.

c. No more than fifty percent (50%) of the required bond amount shall be covered by a lot bond. The remaining amount shall be covered by a letter of credit, escrow bond, or cash bond.

d. Any partial releases from the combination bond shall come first from the lot bond.

e. The estimated value of any lot submitted as a lot bond shall be determined by the City Engineer, taking into account any appraisals or other information available to him.

f. Lots to be held by the City as lot bonds shall be conveyed to the City by warranty deed. The developer shall submit the warranty deed to the City together with a title insurance policy in favor of the City for the full amount that the lot bond is required to cover.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-92-019, Amended, 10/13/1992; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2012-0017, Amended 06/12/2012)

E. A sum equal to ten percent (10%) of the total amount covered by the bond shall be held and not released for a period of one (1) year after all improvements are completed and final inspection is made by the City.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-02-0001, Ren&Amd 01/08/2002; Ord. No. O-08-0034, Amended 12/09/2008)

F. If, for any reason, the funds or bonds set aside or provided for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be personally liable to complete the improvements required by this Chapter. If the

developer is a corporation, the principal officers of the corporation shall be personally liable to complete the improvements.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

G. The bonds required by this Section are for the sole benefit of the City. The bonds are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots within the subdivision. The bonds are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or materials shall have a cause of action against the City or the bond for providing labor or materials.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

H. Notwithstanding any other provision to the contrary, the City may require a warranty on the required improvements in a subdivision for a period of up to two years after the improvements pass City inspection if the City:

1. Determines for good cause that a lesser period would be inadequate to protect the public health, safety and welfare, and
2. Has substantial evidence of:
  - a. The prior poor performance of the contractor,
  - b. Unstable soil conditions within the subdivision or development area, or
  - c. Extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.

(Ord. No. O-08-0034, Enacted 12/09/2008)

## Article 17-7. Subdivision Regulations and Design Standards

- 17-7-1. **Buffered Sidewalks.**
- 17-7-2. **Residential driveways.**
- 17-7-3. **Culinary water systems.**
- 17-7-4. **Fire hydrants.**
- 17-7-5. **Sanitary sewer systems.**
- 17-7-6. **Drainage systems.**
- 17-7-7. **Streets.**
- 17-7-8. **Bridges.**
- 17-7-9. **Walkways.**
- 17-7-10. **Lots.**
- 17-7-11. **Easements.**
- 17-7-12. **Public Utilities.**
- 17-7-13. **Fencing Major Canals.**
- 17-7-14. **Piping Ditches and Canals.**
- 17-7-15. **Street Lighting.**

### 17-7-1. Buffered Sidewalks.

A. A buffered sidewalk separated from the street by a landscaped strip may be installed in any residential zone and shall be designed and constructed in accordance with the City's Construction Standards and Specifications and shall comply with the Streets Master Plan.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0023, Amended, 05/25/1999; Ord. No. O-02-0001, Rep&ReEn, 01/08/2002)

B. Buffered sidewalks shall be constructed on both sides of all sub-local streets. A buffered sidewalk shall also be constructed on all residentially-zoned side(s) of any new street. The buffered sidewalks required by this section shall consist of a sidewalk at least five feet in width separated from the street by a landscaped planter strip at least eight feet in width. Setbacks on lots with buffered sidewalks meeting the requirements of this section shall be measured from the back of curb. The Planning Commission may waive the buffered sidewalk requirement if it finds that compliance with the requirement would be functionally or aesthetically inconsistent with existing development located near or adjacent to the property.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0023, Amended, 05/25/1999; Ord. No. O-02-0001, Rep&ReEn, 01/08/2002)

### 17-7-2. Residential driveways.

A. Driveways shall be provided for all residential building lots and shall be installed and bonded for in conjunction with the building permit. The drive approach for the driveway shall be at least twenty feet (20') wide.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2012-0017, Amended 06/12/2012)

B. Drive approaches for corner lots in residential zones shall be regulated as follows:

1. For the side of the corner lot where traffic is approaching the corner, the drive approach shall not be located within twenty (20) feet from the point of intersection of the two right of way lines or within the building setback.
2. For the side of the corner lot where traffic is departing the corner, the drive approach shall be located at least fifty (50) feet from the point of intersection of the two right of way lines.

The City Engineer may modify the requirements of this section if the City Engineer finds that compliance would create an unreasonable hardship and that traffic safety would not be compromised with the modification.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

C. No driveway or drive access shall be constructed within twenty-five feet (25') of an existing fence which is greater than three feet (3') in height if to do so would result in the fence being within the Clear Vision Area associated with the driveway or drive access as described in Section 22-14-19. However, if compliance with this subsection would make it impossible to place a driveway or drive access on a desired lot line and still comply with subsection (B)(2) above because of the existence of a fence on another lot, the twenty-five foot requirement shall not apply, but the driveway or drive access shall be located as far as possible from the fence while still complying with subsection (B)(2).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

### 17-7-3. Culinary water systems.

Culinary water systems shall be extended to each lot in a subdivision and shall be in conformance with the City's Construction Standards and Specifications. The developer shall install main water lines throughout the entire subdivision, extending to the farthest boundaries thereof. All water laterals shall be installed by the developer.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

### 17-7-4. Fire hydrants.

A. Fire hydrants shall be installed by the developer in accordance with the Uniform Fire Code, at locations approved by the City as designated on the preliminary plat and the City-approved construction drawings.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

B. All cul-de-sacs shall have a fire hydrant located within the turn-around area of the end of the street.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

C. Fire hydrants must be one of the following types, unless another type is approved by the Public Works Director:

1. Mueller Centurion;
2. Pacer Waterous; or
3. Guardial Kennedy.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

**17-7-5. Sanitary sewer systems.**

Sanitary sewer systems shall be extended to each lot in a subdivision and shall be in conformance with the City's Construction Standards and Specifications. The developer shall install main sewer lines and laterals throughout the entire subdivision, extending to the farthest boundaries thereof. The developer shall locate and mark at the property line the location of the ends of sanitary sewer laterals.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

**17-7-6. Drainage systems.**

A. A. Surface water runoff drainage systems shall be designed to handle all runoff generated within the subdivision by a ten year storm. Such systems shall be designed and installed according to the City's Construction Standards and Specifications.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0023, Amended, 05/25/1999; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

B. Ground water drainage systems, if required, shall be designed and installed in accordance with construction standards and specifications determined by the City Engineer.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0023, Amended, 05/25/1999; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

C. All drainage systems may be required to extend to the outermost boundaries of the subdivision.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

**17-7-7. Streets.**

A. All street and right-of-way improvements shall be designed and constructed in accordance with the City's Construction Standards and Specifications and shall comply with the City's Streets Master Plan.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0023, Amended, 05/25/1999; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

B. The angle formed by the intersection of two streets shall be at least eighty (80) degrees for a distance of at least thirty (30') feet from the intersection of the right-of-way lines; provided, however, the City may require a greater angle and/or a longer distance if, in the interest of safety, the City Engineer determines that a greater angle or distance is needed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0023, Amended, 05/25/1999; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

C. Two streets which intersect a third street on opposite sides of the third street shall be offset from each other at least one hundred fifty feet or no more than ten feet.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0023, Amended, 05/25/1999; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

D. A cul-de-sac may be permitted on local and sub-local streets only and shall be terminated by a circular turnaround of not less than ninety-six feet (96') in diameter from curb face to curb face. The City Engineer may approve other types of turnarounds on private streets only, provided the design and minimum dimensions comply with the requirements of Appendix D of the International Fire Code®. The right-of-way width for the cul-de-sac turnarounds will vary depending on the street type. A cul-de-sac shall not exceed six hundred fifty feet (650') in length in a residential zone. A cul-de-sac in any other zone may not exceed one thousand feet (1000') in length. A cul-de-sac length is measured from its intersection with another street to the radius point of the cul-de-sac turnaround.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0023, Amended, 05/25/1999; Ord. No. O-02-0001, Ren&Amd 01/08/2002; (Ord. No. O-04-0032, Amended, 08/24/2004)

E. The sublocal street design may be used for streets located in a residential zone that are either cul-de-sacs or through streets with a projected Average Daily Total (ADT) number of trips of eight hundred (800) or less. Sublocal streets shall conform to the standards and requirements shown in the cross-section in Appendix K.

The requirements of this Section (17-7-7) may be waived or modified by the City Engineer upon a finding that the waiver or modification would not be contrary to the purposes of this Chapter and would not have a negative impact on public safety.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0023, Amended, 05/25/1999; Ord. No. O-02-0001, Amended, 01/08/2002)

**17-7-8. Bridges.**

Except for bridges over the Murdock and North Union Canals, the developer shall pay all costs of designing and constructing or installing any bridge,

pipe, culvert or other structure required by the City for any ditch or canal within the subdivision; provided, however, that the developer may be partially reimbursed through the imposition of impact fees on other property owners pursuant to this Chapter.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

#### **17-7-9. Walkways.**

A. Walkways up to six feet (6') in width may be required within a subdivision where there is a strong public need for pedestrian access to public places such as churches, schools, parks, neighborhood shopping areas, etc.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

B. The developer shall install concrete surface the full width and length of a walkway.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

C. The developer shall install a chain link fence at least four feet in height on each side of the walkway for its full length. The fence shall be owned and maintained by the property owners adjacent to such walkway. The walkway shall be owned by the property owners with a public access easement in favor of the City.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

#### **17-7-10. Lots.**

A. Every parcel of land created by a subdivision shall comply with the minimum lot size requirements of the City Zoning Ordinance, and except as otherwise provided herein, shall be platted as part of a subdivision. It shall be unlawful to create or maintain a protection or nuisance strip.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

B. Where a major canal for which a fence is required is part of any lot in a subdivision, the area of the portion of the canal which is located on the lot shall not be included in the computation of total lot size nor side or rear yard setbacks for purposes of determining compliance with the Zoning Ordinance.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

C. All lots within a residential zone shall abut upon and have access to a dedicated street except as provided herein or in the Zoning Ordinance of the City. Any non-residentially zoned lot that does not abut upon a dedicated street must show access to a dedicated street by easements across other property.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

D. All lot corners, points of curvature, tangency, and bearing changes shall be marked with permanent metal stakes approved by the City. The front corners of the lot shall be marked in the sidewalk. It shall be unlawful for any person to remove any stake placed in the ground or mark made in the sidewalk pursuant to this subsection unless he does so as part of an official survey. It shall also be unlawful for any builder to commence construction on any lot without having all survey stakes in place.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

E. Lots in a subdivision may not be designed to have double frontage unless, in the opinion of the City, it is necessary to reduce traffic hazards, allow for unusual site conditions, or if a proposed subdivision and any area adjacent thereto will be aesthetically enhanced thereby. The rear portion of a double frontage lot adjacent to a street shall be enclosed with a sight-obscuring fence no greater than six feet (6') in height installed by the developer, which shall be treated with anti-graffiti sealant. However, the Planning Commission may prohibit the fence if the fence may cause an increase in safety hazards. The height of the fence shall be measured from the top elevation of the sidewalk, or in the case of uneven natural topography, the measurement may be taken from the natural grade at the base of the fence on the side of the property being enclosed. Fences placed on property line at the back of the sidewalk shall have a masonry ribbon curbing placed at the base of the fence to prevent weeds from growing and protruding under the fence into the public right-of-way. In those locations where the fence is located on the property line, the developer shall also install a six-foot (6') wide sidewalk. Vehicular access through the rear of a lot may be approved by the Planning Commission; however, the Planning Commission shall not approve any access to the rear or side yard if the rear or side yard is adjacent to 800 North Street or any other arterial street. The Planning Commission may approve a fence set back from the property line, provided the property line is not in common with a right-of-way line of an arterial street, and provided the property owner submits a landscape plan approved by the Planning Commission for that portion of the property between the fence and the sidewalk and provided a covenant to maintain the property according to the approved landscape plan is recorded on the subdivision plat and in a recorded agreement between the City and the property owner that runs with the land. In the event the fence is set back from the sidewalk on private property and said

landscape agreement is approved and recorded, the fence may be increased in height at a ratio based on a maximum height of eight feet (8') measured ten feet (10') from the back of the sidewalk. Berms or other artificially created landscape features may not be used to increase the height of the natural grade when determining fence height. The materials used for the sight-obscuring fence shall blend in with the design of the subdivision and adjacent properties, and shall be approved by the Planning Commission. The Planning Commission may waive or modify the fence requirement provided it finds the lot has unusual site conditions and the waiver or modification will not adversely affect the aesthetics, safety, and privacy of the lot and adjacent area. If a subdivision is to have a landscaped common area adjacent to the fence at the back lot line, a homeowners' association shall be formed to ensure the maintenance of the common area. The fence required by this paragraph shall be installed before a temporary or final occupancy permit is granted for any lot in the subdivision that borders the fence.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-92-019, Amended, 10/13/1992; Ord. No. O-93-0025, Amended 08/24/1993; Ord. No. O-98-0002 Amended, 01/06/1998; Ord. No. O-02-0001, Ren&Amd 01/08/2002; Ord. No. O-08-0003, Amended 01/08/2008)

F. The City may prohibit lots from fronting onto or from having direct vehicular access to any arterial, major collector or collector street in cases where the City deems it to be necessary to promote traffic safety and where access to another street is possible. In the alternative, the City may require lots which front onto any arterial, major collector or collector street to share an access. Where possible, any residential subdivision adjacent to 800 North Street or any other arterial street shall be designed in such a way as to prevent direct vehicular access from any lot directly on to 800 North Street or other such arterial street.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

G. The maximum grade between the back of the sidewalk and the floor of the garage or carport shall be 10%. This provision may be waived if:

1. The natural grade of the lot exceeds 10%, or the proposed grade is necessary to adequately drain the property, or the applicant presents another compelling reason for waiving the maximum grade; and

2. The City Engineer finds that the waiver of maximum grade provision is in the best interests of the public and will not substantially harm adjacent property owners.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

H. Driveways must rise at least six inches (6") between the back of the sidewalk and the floor of the garage or carport. Residential driveway drainage must be directed toward landscaped areas. Sidewalks that are not directly behind curbs shall drain into landscaped areas.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002; Ord. No. 2015-0027, Amended 08/25/2015)

**17-7-11. Easements.**

A. Each lot shall have the following perpetual public utility easements:

1. An easement ten feet (10') in width adjacent to all public streets, unless the street has buffered sidewalks, then the easement width shall be in accordance with Appendix K;

2. An easement five feet (5') in width along the rear property line; except that where the rear property line is contiguous with an outside boundary line of the subdivision, the easement shall be eight feet (8') in width;

3. An easement five feet (5') in width along one of the side lot lines. The side of the lot on which this easement is located shall be alternated from lot to lot so that the side easement for each lot abuts the side easement of the adjoining lot.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd, 01/08/2002; Ord. No. O-04-0032, Amended, 08/24/2004)

B. No above-ground utility structures shall be placed in the front property easement nor in the side easement for a distance of at least twenty feet (20') from the front property line. This requirement may be waived by the City Engineer for existing improvements or situations when underground utilities would be unnecessary or too costly.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

C. Easements for surface water runoff drainage, canals, irrigation ditches, waterways, public utilities, clear vision areas, sidewalks, and rights-of-way within the subdivision and across adjoining property may be required by the City when necessary to properly serve the subdivision or protect the citizens of the City.

(Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

D. Only the City and utility agencies which have a valid, current franchise agreement with the City may locate facilities within a public utility easement. In order to promote the orderly installation and maintenance of utilities, the City shall have the right to determine the location within the public utility easement where a public utility agency may locate its facilities.



(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0013, Amended, 02/22/2000; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

E. The Planning Commission may vacate a public utility easement upon finding that all applicable public utility agencies, including those responsible for natural gas, electric power, cable television, telephone, storm system, sewer, culinary water and other services deemed to be of a public-utility nature by the City, have provided written assurance to the City that the public utility easement proposed to be vacated is not currently being used for such utility and will not be needed for the future use of such utilities.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0013, Amended, 02/22/2000; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

F. The City Engineer may waive or modify the requirement for a public utility easement under this section if the easement has not been recorded and the City Engineer determines that the public utility easement is not needed for existing or future utilities.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0013, Amended, 02/22/2000; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

G. The developer shall be responsible for the installation of gas mains and service lines prior to street paving.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

H. All utilities that will serve the parcel being subdivided shall be buried beneath the surface of the ground and shall be located within the easements provided for such use or within the streets, which location shall be determined by the City.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

I. All utility structures shall be included as part of the construction drawings submitted with final plats.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

J. There shall be no above ground utility structure placed in a street or sidewalk.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

#### **17-7-12. Fencing Major Canals.**

A. The developer of any parcel being subdivided which is adjacent to or has within its boundaries the right of way of the Murdock, West Union, North Union, or the Lake Bottom canals shall provide and construct along such right of way a fence that effectively keeps people away from the canal area. The height of the fence shall be six feet (6') minimum and seven feet (7') maximum. Chain link fences shall be constructed in accordance with the City Construction Standards and

Specifications and shall have a wire stiffener at the bottom. All fences shall match the grade at the bottom of the fence so that there are no gaps between the fence and the ground. The developer shall install a concrete strip, if necessary, to eliminate gaps between the bottom of the fence and the ground. As an alternative to fencing the canal, and with the consent of the City Engineer, the developer may pipe the canal. If the canal is piped, the developer must obtain permission from the canal company and meet all the requirements of Section 17-7-15 of this Chapter.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-92-019, Amended, 10/13/1992; Ord. No. O-93-0025, Amended, 08/24/1993; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

B. All fences bordering canals which are shown on the construction drawings or any plat shall be installed as part of the improvements in the final plat. No occupancy permit, whether temporary or final, shall be granted until all required fencing is installed in the entire plat.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-92-019, Amended, 10/13/1992; Ord. No. O-93-0025, Amended, 08/24/1993; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-02-0001, Ren&Amd, 01/08/2002)

#### **17-7-13. Piping Ditches and Canals.**

Anytime a ditch or canal is piped, the developer shall obtain from the person or entity operating the ditch or canal and the City Engineer, approval regarding the design, construction size and type of pipes, cleanout boxes, diversion boxes, grates etc. to be used. The irrigation system shall then be constructed and installed in accordance with the approved design. If the ditch or canal is required to be abandoned, the developer shall obtain from the person or entity operating the ditch or canal a letter stating that they concur in the abandonment of the ditch.

(Ord. No. O-92-0019, Enacted, 10/13/1992; Ord. No. O-02-0001, Renumbered, 01/08/2002)

#### **17-7-14. Street Lighting.**

Street lighting conduits and streetlights shall be installed according to the City's Street Lighting Standards and Specifications.

(Ord. No. O-02-0002, Enacted, 01/08/2002; Ord. No. O-04-0032, Rep&ReEn, 8/24/2004)

**Article 17-8. Supplementary Design Standards**

- 17-8-1. Deep Lot (or Flag Lot) Development.**
- 17-8-2. Hillside Developments.**
- 17-8-3. Seismic Areas.**
- 17-8-4. Flood Plains.**
- 17-8-5. Alteration or Relocation of Natural Waterways.**
- 17-8-6. High Water Table Areas.**
- 17-8-7. Rural Subdivision Standards.**
- 17-8-8. Repealed.**

**17-8-1. Deep Lot (or Flag Lot) Development.**

A. **Purpose.** The purpose of this section is to establish development criteria for subdivisions of parcels that may not contain the minimum lot width as specified in Section 22-6-8 of the Orem City Code. Parcels of this nature generally have only a private driveway or right-of-way leading from a dedicated street to the buildable area of the lot. These parcels shall be referred to as "deep lots" or "flag lots" and subdivisions containing deep lots shall be referred to as "deep lot subdivisions." The City may approve deep lots only when it is impossible or impractical to develop property according to normal subdivision standards. (Ord. No. O-96-0002, Enacted, 01/02/1996; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-99-0005, Amended 01/26/1999; Ord. No. O-02-0001, Ren&Amd 01/08/2002; Ord. No. O-07-0018, Amended 03/13/2007)

B. **Area and Width Requirements.** The area of a deep lot in the R5, R6, R6.5, R7.5, R8 and R12 zones must be at least 125% of the required area of a lot within the zone in which it is located. The required width and/or area of a lot in a deep lot subdivision may include the area of the private driveway only if:

1. The private driveway is included in the lot;
2. No more than ten percent (10%) of the required area of the lot consists of the area of the private driveway;
3. That portion of the private driveway is located adjacent to the lot in which it is included and is not in the nature of a "flag stem" (as shown in Appendix P) with respect to the lot in which it is included; and
4. No lot area reduction has been applied to the lot pursuant to Section 22-6-8(C).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-99-0005, Amended 01/26/1999; Ord. No. O-02-0001, Ren&Amd 01/08/2002; Ord. No. O-02-0018, Amended, 06/11/2002; Ord. No. O-06-0025, Amended 10/24/06; Ord. No. O-07-0018, Amended 03/13/2007)

C. **Development Requirements.** A deep lot may be created and developed on a private drive or right-of-

way in any residential zone provided all the following conditions exist:

1. No property located within a recorded subdivision is used to create a deep lot.
2. No private drive accessing a deep lot is allowed from a cul-de-sac bulb.
3. The property cannot be subdivided with public streets and standard size lots, either at the time of the application or in the foreseeable future. An adjacent property owner's unwillingness to develop his/her property at the same time or in conjunction with a neighboring property owner does not require the City to approve a deep lot subdivision.
4. The deep lot has no frontage on a dedicated street except for the access, which may be a private drive or right-of-way. The access shall be no wider than twenty-six feet (26'). No part of a deep lot (except for the access) may be located within eighty (80) feet of any point of intersection between the access and the street from which it has access.
5. The private drive or right-of-way serving the property is paved with either concrete or asphalt at least twenty feet (20') in width if there are no more than two deep lots served by the drive and at least twenty-six feet (26') in width if more than two deep lots are served by the drive. The private drive or right-of-way shall be designated on the final plat as a right-of-way easement for the perpetual use of the lots within the proposed deep lot subdivision and as a public utility easement. Concrete curbs measuring six (6) inches by eighteen (18) inches shall be installed on both sides of a private drive or right-of-way.
6. A private drive or right-of-way shall not service more than four (4) deep lots and each deep lot shall have no more than one (1) single-family dwelling per lot.
7. A house on a deep lot in the R5, R6, R6.5, R7.5, and R8 zones shall not exceed one story above grade. However, a deep lot with a net area (excluding the area of any "flag stem") of at least 15,000 square feet shall not be restricted to a single-story provided all setbacks to adjacent property lines are at least twenty-five (25) feet.
8. The maximum height of a house on a deep lot in the R12, R20, ROS, and OS5 zones shall be twenty-seven (27) feet. However, a house on a deep lot in the R12, R20, ROS, and OS5 zones may be constructed to a height up to thirty-five (35) feet provided that all exterior setbacks (setbacks from adjacent parcels not a part of the deep lot subdivision) are equal to or greater than the height of the house.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-99-0005, Amended, 01/26/1999; Ord. No. O-01-0014, Amended, 2/13/2001; Ord. No. O-02-0001, Ren&Amd 01/08/2002; Ord. No. O-07-0018, Amended 03/13/2007; Ord. No. O-2014-0024, Amended 07/22/2014)

**D. Setbacks.** The minimum setbacks for the primary structure on a deep lot shall be as follows:

1. At least two (2) of the setbacks on all deep lots shall be at least twenty-five (25') feet.

2. All other setbacks for deep lots approved prior to March 13, 2007 shall conform to the side yard setback requirements outlined in Article 22-6.

3. For deep lots approved after March 13, 2007:

a. If the height of the primary structure is twenty-seven (27) feet or less, the setback from the deep lot subdivision's exterior lot boundary shall be a minimum of fifteen (15) feet. All other setbacks shall be at least twelve (12) feet (at least two of the setbacks shall be at least twenty-five feet as required by subsection (1)).

b. If the height of the primary structure exceeds twenty-seven (27) feet, all exterior setbacks (setbacks from adjacent parcels not a part of the deep lot subdivision) shall be equal to or greater than the height of the structure. All other setbacks shall be at least twelve (12) feet (at least two of the setbacks shall be at least twenty-five feet as required by subsection (1)).

4. All primary structures shall be set back at least five feet (5') from a private drive accessing a deep lot.

5. Garage doors and carport entries that face a deep lot access shall be set back at least eighteen (18) feet from the private drive accessing the deep lot.

(Ord. No. O-97-0005, Enacted, 01/28/1997; Ord. No. O-99-0005, Amended, 01/26/1999; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-07-0018, Amended 03/13/2007)

**E. Buildable Area.** The preliminary plat shall delineate the total buildable area on each deep lot according to the setback requirements specified above. A deep lot must have a rectangular buildable area with at least forty (40) feet on each side and an area of at least one thousand six hundred (1,600) square feet.

(Ord. No. O-97-0005, Enacted, 01/28/1997; Ord. No. O-99-0005, Amended, 01/26/1999; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-07-0018, Amended 03/13/2007)

**F. Uses.** Only single-family uses shall be permitted on a deep lot.

(Ord. No. O-97-0005, Enacted, 01/28/1997; Ord. No. O-99-0005, Amended, 01/26/1999; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-07-0018, Amended 03/13/2007)

## 17-8-2. Hillside Developments.

**A.** All property within a hillside area shall be subject to the provisions of this section. All references to grades or slopes shall mean the grade or slope in its natural state. Where the natural state of a slope cannot be definitively determined, the natural state of a slope shall be determined by reference to the City's 1978 aerial map.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2010-0015, Amended 05/25/2010)

**B.** No grading shall take place on a hillside area until a grading plan has been submitted to and approved by the City. All grading shall conform to the grading plan. This applies to both lots of record and subdivision lots.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2010-0015, Amended 05/25/2010)

**C.** Every lot intended for building construction shall have a minimum buildable area behind the front setback line of at least forty percent (40%) of the minimum lot area required by the zone in which the lot is located, prior to any grading.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

**D.** Any area on a lot or parcel that has an average slope of thirty-five percent (35%) or greater shall remain ungraded except as provided below. The City Engineer may allow grading on twenty-five percent (25%) of all such slope areas on a lot or parcel provided all of the following requirements are met:

1. The proposed slope area can be graded without the use of a retaining wall or other methods of retainage (such as gabions, fabrics, spray-on materials, etc.) and without negatively impacting the stability of any part of the thirty-five percent (35%) slope area or any other part of the lot or parcel, or an adjoining lot or parcel.

2. The proposed grading will not increase the slope of any part of the graded area above its natural slope.

3. The applicant submits a geo-technical report prepared by a qualified engineer showing that the above conditions are met.

4. No structure may be constructed in a natural slope area of thirty-five percent (35%) or greater unless:

a. No part of a thirty-five percent (35%) or greater slope located uphill from the structure on the same lot or parcel is graded.

b. There is a space of at least twenty feet between all points of the structure and any uphill slope of thirty-five percent (35%) or

greater and such setback space has a natural grade of ten percent or less.

c. There is a space of at least ten feet between all points of the structure and any downhill slope that has a natural grade of thirty-five percent (35%) or more and such ten-foot setback space has a grade of five percent or less. The ten-foot setback space may be graded.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2010-0015, Amended 05/25/2010)

E. Any area on a lot or parcel that has an average percent of slope between twenty percent (20%) and thirty-five percent (35%) may be graded, provided, however, the grading area shall be less than one half of the area of such slopes.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2010-0015, Amended 05/25/2010)

F. Any fill material shall be prepared and compacted as specified in Section 7010 of the Uniform Building Code.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

G. Cut slopes shall be no steeper than one and one-half feet horizontal to one foot vertical (1 1/2:1).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

H. Fill slopes shall be no steeper than two feet horizontal to one foot vertical (2:1).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

I. Tops or toes of slopes shall be set back from property boundaries a minimum distance of five feet (5').

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

J. Areas that have been graded shall be planted within one hundred twenty (120) days after the completion of final grading. If the City determines that the area is subject to erosion danger, then the developer shall plant actively growing sod. If final grading is completed between October 15 and March 15 of the next year, then organic cover material shall be placed on the graded area to eliminate erosion until such time that the soil can be permanently planted.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

K. Natural vegetation shall remain in areas where grading is not permitted, and additional vegetation may be required by the City in such areas. The City may also require additional landscaping in areas that were graded

in order to supplement the natural vegetation and to prevent erosion and slope failures.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

L. Surface water runoff drainage shall be designed and installed to prevent both on-site and off-site flooding and erosion. Such drainage design shall channel water runoff away from cut and fill slopes and away from all buildings. Sumps used for surface water runoff disposal shall not be permitted within two hundred feet (200') of any cut or fill area if such sump is located on an elevation above the cut or fill area.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

M. Any buildable area or portion of a buildable area shall be no closer than thirty feet (30') to any man-made or natural drainage channel.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

N. All drainage areas shall be kept free of debris and soil sedimentation during subdivision development and building construction.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

**17-8-3. Seismic Areas.**

A. Any subdivision on or adjacent to a seismic area shall comply with the provisions of this section as well as this Chapter.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

B. A subdivision lot shall be designed so that a building could be erected on the lot without being constructed in the zone of deformation. Such lot shall also be designed so that a building is clear of any area where slope failure due to seismic activity is obvious. Lots with potential seismic problems shall be identified on the final plat.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

C. A subdivision on or adjacent to an identified fault line or fault escarpment shall contain two or more access streets.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

**17-8-4. Flood Plains.**

A. Any subdivision in or adjacent to a flood plain identified by the Army Corps of Engineers or the Federal Emergency Management Agency shall comply with the provisions of this section, this Chapter, and

Chapter 10 of the City Code. In case of conflict, the more restrictive requirements shall apply.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

B. Any subdivision in or adjacent to an identified flood plain shall be designed and developed to provide each lot with a buildable area behind the front setback line of at least forty percent (40%) of the minimum lot area required by the zone in which the lot is located. Such buildable area shall have an elevation that would permit the lowest floor, including the basement, to be constructed above the one hundred (100) year flood elevation.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

C. Any subdivision in or adjacent to a flood plain shall be designed to minimize the effects of flooding and to facilitate the flow of surface water runoff.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

D. A developer of any subdivision in or adjacent to a flood plain shall submit the following base flood elevation data with the application for preliminary plat approval:

1. The elevation in relation to mean sea level of the lowest floor, including the basement, if any, of all new or substantially improved structures, and whether or not such structures have a basement.

2. If an existing structure has already been flood-proofed, the elevation in relation to mean sea level to which the structure was flood-proofed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

E. The City shall maintain a record of all the information required in Subsection (D) above.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

F. The developer shall install or replace, when required by the City, all sewer and water systems within an identified flood plain to eliminate or minimize possible damage to such systems, discharge from such systems into flood-water, or infiltration of floodwaters into such systems.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)

#### **17-8-5. Alteration or Relocation of Natural Waterways.**

A. Alteration or relocation of any natural waterway may be permitted provided the flow capacity and flow velocity is not changed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

B. A request for alteration or relocation of a natural waterway shall be accompanied by appropriate engineering approved by the City Engineer to ensure the following:

1. That the flow capacity and velocity of the waterway will not change with the proposed alteration or relocation.

2. That the soils conditions in the proposed location will not increase flooding potential.

3. That the proposed waterway can be adequately maintained.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

#### **17-8-6. High Water Table Areas.**

A. Any subdivision that has a high water table area shall comply with the provisions of this section as well as this Chapter. The City may prohibit basements in high water table areas.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

B. Any subdivision which has a high water table area shall be designed and developed to provide each lot with a buildable area behind the front setback line of at least forty percent (40%) of the minimum lot area required by the zone in which the lot is located.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

C. The developer shall install or replace, when required by the City, all sewer and water systems within a high water table area to eliminate or minimize possible damage to such systems, discharge from such systems into the water table, or infiltration of water table liquids into such systems.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

D. An underground drainage system designed to reduce or minimize water table hazards and the method of installation of such system shall be prepared by the developer's engineer and approved by the City Engineer prior to any construction. All construction shall be in accordance with such design.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

E. The bottom of building footings shall not be constructed within two feet (2') of the water table.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

#### **17-8-7. Rural Subdivision Standards.**

A. **Application.** Rural development standards may be applied to subdivisions in the R12, R20, and OS5 zones. Rural standards may also be applied to

subdivisions in any other zone when the dwelling unit density is below three (3.0) units per acre and the subdivision is designed so that each lot has a minimum frontage of one hundred (100) feet. Except as provided herein, the criteria and procedure to be used for approval of a rural subdivision shall be the same as that used for a Planned Residential Development in the City. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

**B. Size.** The minimum size of a rural subdivision shall be ten (10) acres except that a smaller individual project may be permitted where a preliminary plat is filed on property that collectively includes at least ten (10) acres. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

**C. Standards.** Except as specifically provided herein, all rural subdivisions shall meet all of the requirements of this Chapter. Subject to the discretion of the City Council, rural subdivisions may be approved which vary from normal standards in the following respects:

1. **Streets.** The required right-of-way shall be at least forty feet (40') wide, depending on the street design and anticipated traffic. All streets shall comply with the City's Construction Standards and Specifications. Sumps or piped drainage may be required where the grade of the street would warrant a curb to prevent erosion. The street paving width may vary to as little as twenty-eight feet (28'), depending on the street design and anticipated pedestrian and vehicular traffic, provided that the City designates the street as a no parking area.

2. **Sidewalks.** The standard requirements for location, size, and construction of sidewalks may be modified or waived if the City Engineer determines that such waiver or modification is in the best interests of the City and the project. If sidewalks are required, they shall be located on a publicly owned right-of-way.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Ren&Amd 01/08/2002)

**17-8-8. Repealed.**

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Repealed, 01/08/2002)