

## **CHAPTER 02-31 SUBDIVISIONS**

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### **02-31-001 GENERAL PURPOSE**

The purpose of this ordinance is:

To promote health, safety and general welfare of the residents of Naples City.

To promote the efficient and orderly growth of the City.

To provide standards for the physical development of subdivisions of land, construction of buildings and improvements within this municipality including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights-of-way, dedication of land and streets, granting easements or rights-of-ways and to establish fees and other charges for the authorizing of a subdivision.

### **02-31-002 DEFINITIONS**

See Chapter 02-02 Definitions

### **02-31-003 PROHIBITED ACTS**

Improved Lots Required: All buildings shall only be built on improved lots, except buildings which are bona fide agricultural buildings as to which there is no human occupancy.

Subdividing Land: It shall be unlawful for any person to subdivide for the purpose of transferring, selling, conveying or assigning any tract or parcel of land which is located wholly or in part in the municipality, except in compliance with this ordinance.

Subdivisions: It shall be unlawful for any person to sell or exchange or offer to sell or exchange any parcel of land which has been subdivided unless the subdivision has been approved by Naples City and meets the provisions of this ordinance and Utah state code.

**02-31-004 PENALTY**

Any persons, firm, or corporation, who shall subdivide land or who shall transfer or sell any lot or land in a subdivision, as defined in this code, which subdivision has not been approved by the Planning Commission, and except as provided for in this code, also approved by the City Council of Naples City, Utah, and recorded in the office of the County Recorder, shall be guilty of a misdemeanor for each lot or parcel of land so subdivided, transferred or sold, and the description of such lot or parcel of land by metes and bounds in the instrument of transfer, or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties, or from the remedies herein provided. The City may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction, or may recover a civil penalty by civil action in any court of competent jurisdiction, together with costs and attorney fees incurred in enforcing this chapter.

The civil penalty for illegal subdivision shall be \$1000 per lot or parcel.

Any person or entity violating any of the provisions of this chapter shall be guilty of a class B misdemeanor. Each separate criminal event or each day of violation shall constitute a separate offense.

**02-31-005 VALIDITY**

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

**02-31-006 SCOPE OF APPLICATION**

All lots, plots or tracts of land located within Naples City shall be subject to this ordinance whether the tract is owned by an Applicant or a subsequent purchaser, transferor or holder of the land.

**02-31-007 ENFORCEMENT AND PERMITS**

**Land Use and Building Official to enforce.**

The Land Use Administrator and the Building Official are hereby designated and authorized as the officers charged with the enforcement of this ordinance.

**Permits**

The Building Official shall not grant a permit nor shall any officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any Utah state law, rule or regulation or ordinance of Naples City until a subdivision/development plat has been approved and recorded pursuant to this ordinance, and all other requirements are met. Any license or permit issued in conflict with such provisions shall be null and void. It shall be the responsibility of the Applicant to show that the lot has been lawfully created.

**Inspections**

The Building Official, or designee, shall inspect or cause to be inspected all roads, buildings, fire hydrants and water supply, and sewage disposal systems or other infrastructure in the course of construction, installation or repair. The Applicant shall notify the Building Department of any work to be done, and the Building Official, or designee, shall inspect the work within 2 business days of said notification. Excavations and installed systems for fire hydrants, water and sewer mains and laterals, shall have been approved by the engineer or the Land Use Administrator. If any such installation is covered before being inspected and approved, it shall be uncovered at the expense of the Applicant after notice to uncover has been issued to the responsible person by the inspector.

**02-31-008 PLATS**

Prior to subdividing/developing any tract of land, the Applicant shall comply with the requirements of this chapter.

**A. Concept Plan Review**

The Applicant shall submit to the Planning Department the Concept Plan application and required fees. The Planning Department shall evaluate whether the application requirements have been met and the application fees have been paid. If possible, the evaluation shall be completed within 30 days after receipt of the application and required fees.

<sup>1</sup>If the proposed subdivision is within 100 feet of a canal's centerline, notice must be given to the canal owner or operator. The subdivision application shall wait to be approved or denied for at least twenty (20) days after the day on which the Land Use Administrator mails the notice to the canal owner or operator in order to

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<sup>1</sup> Added August 9, 2018

receive input from the canal owner or associated canal operator, including input regarding access to the canal; maintenance of the canal, canal protection, and canal safety.

Prior to submitting a preliminary plat, an Applicant shall submit an initial written “concept plan” to the Land Use Administrator including a sketch plan of the proposed subdivision in which the proposed subdivision is sufficiently described to enable the Land Use Administrator to determine whether the proposed subdivision complies with the municipality’s Land Use ordinances, capital growth and General Plans, street plans and services. The Land Use Administrator shall advise the Applicant of possible problems with the proposed subdivision within 30 days after it has received the initial application including sketch plans. Approval of the concept plan shall not constitute approval of the “Preliminary Plan”. This section is mandatory, and an Applicant may not submit a preliminary plat plan in lieu of the concept plan. If disapproved, the Planning Commission shall express its reasons in writing to the Applicant.

## **B. Submission of Preliminary Plat**

The Applicant shall submit to the Planning Department the Preliminary Plat application and required fees. The Planning Department shall diligently evaluate whether the application requirements have been met and the application fees have been paid. If possible, the evaluation shall be completed within 30 days after receipt of the application and required fees.

At least 10 days prior to the date of the Planning Commission meeting at which the preliminary subdivision plat is to be reviewed, the Applicant shall submit seven copies of the proposed Preliminary Plat to the Planning Commission office. The Planning Commission shall circulate for comment and review copies of the proposed preliminary plat to all affected departments and divisions of Naples City and to any affected entities which may be providing special services.

The Applicant shall provide a copy of the Preliminary Plat to Ashley Valley Water & Sewer for review and recommendations. A copy of their recommendations shall be provided for the Planning Commission meeting.

## **C. Planning Commission Approval**

### **1. Conditions of Planning Commission Approval**

All proposed developments that require recommendation from the Planning Commission and approval from the City Council must complete the following three steps: concept plan approval, preliminary plan approval, and final plan approval. Each step must be approved independently. The approval of each of the three steps expires after one year, unless the next step is approved within that time, or unless the

Applicant submits a request for extension (not more than 1 year for each extension) and is granted such extension by the Planning Commission (see 02-03-006 C.). Until a completed application for final plat approval that meets all of the requirements of city ordinances and regulations and State code, in effect at that time, has been submitted along with payment of all required fees, the proposed development must comply with any ordinance or statutory amendments or changes.

Preliminary Plans require a site plan created by a licensed engineer or surveyor (see 02-03-005 C.).

## **2. Soil Controls**

As part of the preliminary plat application, the Applicant shall provide to the Planning Commission complete information about any potential geologic problems within the development area including but not limited to expandable soils, potential slide of slough areas, high ground water, etc. If no geologic problems exist in the development area, the Applicant and their surveyor/engineer shall so certify to the Planning Commission.

The Planning Commission shall determine from the concept plan review or the Preliminary Plat application the possible need for environmental impact analysis, which would take into account the soil, slope, vegetation, drainage and other geological characteristics of the site. If the site requires substantial cutting, clearing, grading or other earthmoving operations in construction of structures or roads in the proposed development or if geologic conditions warrant, the Planning Commission and/or City Council shall require the applicant to provide soil erosion and sedimentation control plans or stabilization plans and specifications prepared by a registered civil engineer.

## **3. Approval or Disapproval of Preliminary Plat**

The Planning Commission shall, if possible, act within 45 days after the preliminary plat is filed with the Planning Commission by the Planning Department, recommend approval of the plat if it finds that the development complies with the requirements of the Naples City ordinances. The Planning Commission may conditionally approve the preliminary plat imposing such conditions as it may require in order to bring the plat into compliance with the requirements of Naples City ordinances. In the event the Planning Commission disapproves the preliminary plat, it shall state in writing to the Applicant each reason it has identified for the disapproval in a timely manner.

#### **D. Form and Contents of Preliminary Plat**

The Preliminary Plat shall contain all of the following information:

1. The Preliminary Plat shall be drawn to a scale not smaller than 100 feet to the inch and shall be on standard 24 inch by 36 inch paper.
2. Unless the Subdivision is a Minor Subdivision, then the proposed name of the subdivision shall be shown on the plat and must be a unique subdivision name within Uintah County. See U.C.A 10-9a-603 (a)
3. Sufficient information to locate accurately the property shall be shown on the plat.
4. Where the plat submitted covers only a part of the Applicant's tract, or is part of a larger vacant area, the plat shall show the locations of the subdivision as it forms part of the larger tract or parcel of land. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
5. The names and addresses of the Applicant, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided as shown in the records of the county recorder.
6. A contour map at appropriate intervals.
7. The boundary lines of the tract to be subdivided, showing all fences, ditches, canals, and existing structures within 100 feet of the boundary line.
8. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the municipality or held in common.
9. The location, principal dimension and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within 600 feet of the boundary thereof, whether recorded or claimed by usage; the location of and dimensions to the nearest existing benchmark or monuments, and section line; the location and principal dimensions for all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including exceptional topography, airports and air approaches to the airport.

10. The location of existing bridges, culverts, surface or subsurface drainage ways, irrigation lines, ditches, utilities, public buildings, pumping stations, within the subdivision or within 300 feet thereof.
11. Proposed offsite and onsite water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
12. A tentative plan by which the Applicant proposes to handle a 125% of a 2-hour, 100-year storm water drainage for the subdivision.
13. Each sheet of the preliminary plat shall contain the, sheet number, and North arrow.
14. Boundary lines of adjacent tracts of land, showing fences, ownership and property monuments.
15. All underground utilities and other utility facilities.
16. The homeowner's association name and information, if applicable.

**E. Fees**

The Applicant shall pay nonrefundable fees as required by the Naples City General Provision Fee Resolution for each step of the development process.

**F. Documents Required**

The Applicant shall provide to the Planning Commission not later than the time the plat is submitted for preliminary approval the following documents:

**Utilities**

Information showing availability or plans for providing utilities to the development.

**Zone Changes**

Proposed changes to existing Land Use zone boundaries or Land Use classifications, if any.

**Agreements with Adjacent Owners**

Copies of any agreements with adjacent property owners to the proposed subdivision.

**Soil Report**

A preliminary soil report prepared by a registered civil engineer, based upon adequate test boring or excavations (if required by this ordinance).

**Costs of Infrastructure**

Engineered estimates of required public infrastructure costs, broken down for improvement completion assurance purposes.

**Title of Land**

Evidence that the applicant is the record title owner of the land in the proposed subdivision or development.

**G. Final Plat****1. Final plat required after compliance with the provisions of this ordinance**

A Final Plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor not in the employ of the City in conformance with the design standards and submitted within one year from the date of preliminary plat approval, unless the time is, in writing, extended by the Planning Commission. Otherwise, preliminary approval shall be void.

The Applicant shall submit to the Planning Department the Final Plat application and required fees. The Planning Department shall diligently evaluate whether the application requirements have been met and the application fees have been paid. If possible, the evaluation shall be completed within 30 days after receipt of the application and required fees.

**2. Contents, procedure and form of Final Plat.**

The Final Plat shall be on a sheet of mylar approved by the Uintah County Recorder's office. The plat shall be so drawn that the top of the drawing faces either North or West, whichever better accommodates the drawing. All lines, dimensions and markings shall be made on the mylar with waterproof black ink. The plat shall be made to a scale large enough to clearly show all details; in any case not smaller than 100 feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable. The plat shall have signature blocks for by all persons required to sign the final plat in the approved form. The final plat shall contain the following information:

- a. The subdivision or development name and the general location of the subdivision or development in bold letters at the top of the sheet.
- b. A North point and scale of the drawing and the date.
- c. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.



- d. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys, irrigation lines, ditches and easements; also the boundaries, bearings and dimensions of all portions within the subdivision intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system. Each lot shall show the street address assigned thereto. In the case of corner lots, an address will be assigned for each part of the lot having street frontage. The description of the boundaries of the subdivision together with a certification by the Applicant's engineer stating that the lots described comply with the requirements of the municipality's Land Use ordinance.
- e. Homeowner's association name and information, if applicable.
- f. The registered land surveyor's "Certificate of Survey" in the form required by this Ordinance.
- g. The owner's Certificate of Dedication signed by all owners of any interest in the land within the development or subdivision.
- h. A notary public's acknowledgment of each owner's dedication in the approved form.
- i. The Land Use Administrator's approval.
- j. The City Attorneys' approval.
- k. The Council's approval shown by the signature of the Mayor and attested by the Recorder.
- l. Ashley Valley Water & Sewer's approval.

### **3. Authorization to Proceed**

Once the Preliminary Plat is approved by the Planning Commission in the public meeting, the Applicant has authorization to proceed with the preparation of plans and specifications for the improvements required in the final plat. Prior to the construction of any improvements required by this ordinance, the Applicant shall provide the Planning and Land Use office with all plans, information and data necessary to install and construct the improvements. This information shall be examined by the licensed engineer representing the City or the Land Use Administrator and shall be approved if he/she determines them to be in accordance with the requirements of the City's ordinances. Construction of buildings shall not begin until after the final plat has been approved, and recorded

with the County Recorder, and all bonding is in place. Approval of the preliminary plat does not constitute final approval of the project.

The Building Official shall ensure that development is in compliance with the final plan, and all other conditions required by the Planning Commission and City Council. After approval of the plan by the City Council, no alteration shall be made without first obtaining recommendation from the Planning Commission and approval from the City Council.

#### **4. Review and Recommendation by Planning Commission**

- a. The Final Plat shall be submitted by the Applicant to the Planning Commission and the Land Use Administrator for review and recommendation. The Land Use Administrator shall circulate for comment and review copies of the Final Plat to all affected municipal departments. The Applicant shall circulate for comment and review copies of the Final Plat to any special service districts. The City Surveyor or Land Use Administrator shall approve or disapprove the plat within 30 days after the plat is submitted to the Planning Commission. If he/she disapproves, he shall state to the Planning Commission the reasons for the disapproval. At the time of submission of the final plat, the Applicant shall furnish a complete set of construction plans and profiles, prepared by a licensed professional engineer, not employed by the municipality, of all existing and proposed streets within the subdivision.
- b. If the Planning Commission recommends against approval of the final plat, it shall so notify the Applicant in writing stating the reasons therefore based on the ordinances of the City or the laws of the State of Utah. The written notice shall be personally delivered or sent by certified mail to the Applicant within ten days after the action by the Planning Commission. If the Planning Commission recommends against approval of the final plat, the Applicant may still submit the final plat to the City Council for approval.
- c. The Planning Commission may recommend approval of a final plat subject to specified conditions.
- d. The Planning Commission may recommend approval of the final plat as submitted.

#### **5. Other Required Approvals**

- a. The engineer representing Naples City, or the Land Use Administrator shall approve the Final Plat and standards if he/she finds that the subdivision fully complies with the improvements required by the

ordinance, and that the easements are appropriately located and that the design of the development meets good engineering standards.

- b. Following approval by the Planning Commission and the engineer representing Naples City or the Land Use Administrator, the Applicant shall secure the approval of the City Attorney.

#### **6. Review and Approval by City Council**

- a. After all other required approvals or recommendations, the Applicant shall take the final plat before the City Council which shall approve the plat if it finds that all fees and assessments have been paid, and that the plat fully complies with the ordinances of the City, the laws of the State of Utah, and all other conditions required.
- b. The Final Plat, bearing all official approvals as above required, shall be recorded in the office of the Uintah County Recorder by the Applicant.

#### **H. Requirements of Language**

The form of the owner's dedication and other signature blocks shall be available at the planning office and shall be in a form approved by the City Attorney.

The City Attorney shall review the plat and determine:

- a. That all owners of land within the subdivision/development, as identified on a current title report from a Utah licensed title company, have signed the dedication.
- b. That the acceptable improvement completion assurance filed with Naples City is in appropriate form and signed by the necessary parties and is with a company legally doing business in Utah and in good standing and is sufficient to protect the interests of Naples City.
- c. That the Applicant has executed the subdivision/development agreement if applicable.
- d. That the subdivision/development plan complies with the ordinances of Naples City and the laws of the State of Utah.

#### **I. Fees prior to final approval.**

See General Provision Fee Resolution

**J. Approval for One (1) Year to Record Final Plat**

If the final plat has not been recorded with the County Recorder within 1 year of final approval, the final plat must be re-submitted for recommendation from the Planning Commission and approval from the City Council.

**K. Ongoing Development Approval and Expiration**

Each individual phase of a subdivision must have a recommendation from the Planning Commission and approval from the City Council for the final plat of that phase. Preliminary approval of an entire subdivision shall be voided if the final plat of a section or phase is not submitted for final approval within 24 months of the final approval of the most recently approved phase. Any change in the design of the subdivision that received preliminary approval will require resubmission of the plat for preliminary approval. One (1) extension may be granted of up to one (1) year by the discretion of the Planning Commission. If an extension is granted, the improvement completion assurance guarantee calculations for the costs of infrastructure may be subject to review and/or change.

If the improvements are not installed and completed within one (1) year from the final approval, the improvement completion assurance guarantee calculations for the costs of infrastructure may be subject to review and/or change.

**02-31-009 ACCEPTANCE OF DEDICATED STREETS AND PUBLIC IMPROVEMENTS**

**Dedication**

The Applicant shall dedicate the public streets, easements and other public improvements to Naples City at the time the Final Plat is approved. The dedication shall be deemed an offer by the Applicant which shall be irrevocable. Naples City shall accept the offer of public improvements only if it finds that the Applicant has constructed, installed and maintained the public improvements required by this ordinance and that the improvements comply with the minimum requirements of this ordinance at the time of acceptance.

**Time of Acceptance**

After the warranty assurance duration as outlined in 02-31-011-L4; the City Council shall accept or reject the public improvements in a public City Council meeting. In the event the City Council does not accept the public improvements, the Applicant shall be so advised in writing of the reason for the non-acceptance and shall be required to construct the improvements to City standards prior to the issuance of any building permit.

**02-31-010 IMPROVEMENT COMPLETION ASSURANCE**

**A. Required improvements.**

The improvements required by this ordinance apply to all developments and owners/developers and to all persons that have or receive any interest in any land which is located within a subdivision, development, proposed subdivision, or proposed development.

**B. Improvements made prior to recording final plat.**

The improvements required by this ordinance shall be constructed, installed and maintained by the Applicant and inspected and accepted by the City prior to recording the final plat, unless the construction, installation, and maintenance is guaranteed in the manner provided in this ordinance. Improvements shall not be installed or constructed until their location and specifications have been approved by the engineer representing Naples City or the Naples City Land Use Administrator.

Improvements made before the final plat is approved are done at the risk of the Applicant and does not guarantee final plat approval.

**C. Guarantee of performance.**

In lieu of completion and acceptance by the City Council of the improvements required by this ordinance before approval of the final plat by the City Council, the Applicant may provide funds to guarantee that the installation and construction of the required improvements shall be completed, inspected and approved by the City and that the improvements shall be maintained in a state of good repair free from defective material or workmanship during the warranty assurance duration by one or more of the following methods:

**1. Bond**

Applicant may file with the City Recorder a bond payable to the City with a corporate surety, licensed and in good standing in Utah and approved by the City Council and the City Attorney, in an amount equal to one hundred twenty percent (120%) of the cost of improvements not previously installed, as estimated by the engineer representing Naples City or the Land Use Administrator. The bond shall guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects during the warranty assurance duration.. The bond shall be irrevocable and shall provide for the payment of the funds therein to the City in the event of default or any failure by the

Applicant to install the improvements as required herein and in any development agreement.

## **2. Escrow Account**

Applicant may deposit in an escrow account payable to and controlled by the City with a bank, credit union or savings and loan institution doing business in Utah and licensed and in good standing with the Utah Department of Financial Institutions and insured by the applicable federal agency (FDIC, FSLIC etc) an amount of money equal to at least 120% of the cost of the improvements. The costs of the improvements shall be determined by the engineer representing Naples City or the Land Use Administrator. The escrow account agreement shall be approved by the City attorney and shall be signed by the Applicant, the City and the bank and shall provide for the payment of the funds therein to the City in the event of default or any failure by the Applicant to install the improvements as required herein and in any development agreement. The agreement shall also guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects during the warranty assurance duration.

## **3. Irrevocable letter of credit**

Applicant may deliver to Naples City an irrevocable dedicated letter of credit payable to the City from a bank, credit union or savings and loan institution doing business in Utah and licensed and in good standing with the Utah Department of Financial Institutions and insured by the applicable federal agency (FDIC, FSLIC etc) which letter shall in an amount of money equal to at least 120% of the cost of the improvements. The costs of the improvements shall be determined by the engineer representing Naples City or the Land Use Administrator. The letter of credit shall be approved by the City attorney and shall provide for the payment of the funds therein to the City in the event of default or any failure by the Applicant to install the improvements as required herein and/or in the development agreement. The letter of credit shall also guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects during the improvement warranty assurance duration.

## **4. Property Bond**

Applicant may file with the City Recorder a real property bond in a form adopted by the city and approved by the city attorney. The property bond shall consist of a Note in the amount of the required improvement

completion assurance at least <sup>2</sup>120% of the cost of uncompleted improvements in favor of the city secured by a first Deed of Trust (with the city as Beneficiary) on real property located in the State of Utah having an appraised value equal to at least 240% of the cost of improvements not previously installed as estimated by the engineer representing Naples City or the Land Use Administrator. The Applicant must submit proof from a Utah licensed title company that applicant is the owner or has authority to execute the documents and that the city is a first position lien holder on the real property. The City Attorney or designee shall be the Trustee. The city may require environmental clearance of the real property. All taxes must be paid current and must be paid when due through the term of the note and trust deed. If the valuation of the real property is based on any improvements located thereon the improvements must be fully insured during the term of the property bond, with evidence of insurance provided to City in a form acceptable to City. In the event of any loss or destruction of improvements on the real property or significant reduction in value of the real property during the term of the bond any insurance proceeds must be deposited in an escrow account as set forth in this ordinance and if necessary other assurance must be provided to satisfy the improvement completion assurance obligations of the applicant. The real property shall be appraised by a licensed appraiser approved by the City and hired and paid for by the Applicant. The complete appraisal must be provided to the City and must show a fair market value of at least 240% of the required improvement completion assurance amount. The real property bond documents shall guarantee that all improvements required by this ordinance shall be installed as required here in and that the improvements shall be maintained in a state of good repair free from material or workmanship defects during the improvement warranty assurance period. The bond documents shall provide that in the event of default or failure to perform as required, City, as beneficiary of the Deed of Trust may immediately commence foreclosure proceedings to sell the real property and apply the proceeds to the obligations of the Applicant. If the proceeds of the sale are insufficient to cover the obligations of the applicant City shall have the option to pursue deficiency judgment and to withhold any building permits or further approval until sufficient completion assurance is provided. Any excess proceeds shall be disbursed in accordance with Utah law.

- D.** No lot or portion of a subdivision may be approved, recorded, sold or conveyed until all required improvements have been completed or until City has accepted and received financial guarantees to assure adequate performance and completion.
- E.** The Applicant shall be and remain responsible for completion of the required improvements and for the quality of the materials and workmanship. In no event shall the City be responsible to pay any cost or bills incurred by Applicant. City

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<sup>2</sup> Amended 01/09/2020

shall have no responsibility to install improvements or expend any funds not paid for by the financial guarantees set forth herein. City funds shall not be used to install improvements.

- F. The City may require the Applicant to record notice on the development that until all required improvements have been installed and approved and accepted by City, no building permit shall be issued for any structure in the development and no person shall be allowed to occupy any structure therein.

**G. Default: Criminal penalty**

In the event the Applicant defaults in any performance required by this ordinance or the development agreement or the bond or escrow account documents, the City Council may declare the escrow account or bond funds forfeited, and the City may install, or cause to be installed, the required improvements using the funds thus obtained. This shall not relieve the Applicant from liability for the performance of all obligations required by this ordinance. Failure by the Applicant to complete the improvements required herein within the time established by this ordinance shall be a class B misdemeanor as to each lot sold or conveyed to a third party.

**H. Partial Releases of Funds**

Subject to the improvement assurance documents approved by the City and City Attorney, at such times as the City inspects and approves the improvements installed by the Applicant and upon written approval from the City, the obligation of the improvement assurance may be reduced in proportion to the costs of installation of the improvements that have been inspected and approved by the City. In no case shall more be released from the improvement assurance for the completion of each item of work shown on the detailed breakdown of costs than is attributed to that item of work. If it appears that completion of all the remaining uncompleted improvements may cost more than the amount which would be left in the improvement completion assurance bond/fund, if there was a partial release, the partial release may be denied or reduced in order to assure that sufficient assets remain in the improvements completion assurance funds to complete the improvements in the event of any failure or default by the applicant to do so.

- I. Approval of partial payment from an escrow account or reduction in other improvement assurance must be in writing and is conditioned upon the City receiving, on a form approved by the City, proof of completion of the work and, in the event of partial payments, a signed Utah Conditional Waiver and Release upon progress payment in the form approved by the City Attorney.



## **J. Final disposition and release**

The Applicant shall remain responsible for the quality of all materials and workmanship. At the completion of the work, the Applicant shall submit a sworn declaration that all improvements have been completed and installed in accordance with the ordinance, plans, plat, development agreement, etc. Upon receipt of the declaration, the engineer representing Naples City and/or City Official, shall make a preliminary inspection, of the improvements, and shall submit a report to the City Council, setting forth the conditions of such facilities. If all liens are paid, and other conditions thereof are found to be satisfactory, the City Council shall, during a public City Council meeting, release the remaining portion of the bond, escrow account, or letter of credit or other assurance, except that an amount equal to ten percent (10%) of the cost of the improvements as installed shall be retained as set forth herein as an improvement assurance guarantee to warranty the materials and workmanship. If the conditions of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability; or if any outstanding liens are not paid, the City Council may declare the Applicant in default.

## **K. Maintenance**

The Applicant shall, during the improvement assurance warranty period, maintain all of the improvements in the subdivision in good condition and free from defects in materials and workmanship. During the warranty period, the City may provide routine maintenance of public improvements such as snow removal and cleaning, which has been dedicated to and accepted by the City.

## **L. Warranty of Improvements**

1. The Applicant shall warrant and guarantee that the improvements provided hereunder, and every part thereof, will remain in good condition during the warranty assurance duration and agrees to make all repairs to and maintain the improvements and every part thereof in good condition during that time with no cost to the municipality.
2. The engineer or Land Use Administrator shall determine when repairs or maintenance are required for improvements which have not been accepted by the municipality. Unless unreasonable, arbitrary or capricious, the engineer's or Land Use Administrator's decision shall be binding on the Applicant. The improvements required hereby extend, but are not limited to, the street base, and all pipes, joints, valves, backfill and compaction as well as the working surface, curbs, gutters, sidewalks, and other accessories which are or may be affected by the construction operations. Whenever, in the judgment of the engineer or Land Use Administrator, the work needs repair, maintenance, or rebuilding, he shall cause a written notice to be served the Applicant and

thereupon the Applicant shall undertake and complete such repairs, maintenance or building. If the Applicant fails to do so within ten days from the date of the service of such notice, the engineer or Land Use Administrator shall have such repairs made and the costs of such repairs shall be charged to the Applicant with an additional 25% of the cost of the repairs levied in addition thereto for stipulated damages resulting from such failure on the part of the Applicant to make the repairs.

3. The Applicant shall be responsible for all of the repairs of the improvements during the improvement assurance warranty period and shall promptly, at its own expense, make all necessary repairs and correct all discovered defects. If, at the end of the warranty period, the improvements comply with the requirements of this ordinance and applicable City codes, the City Council shall give its final written approval and acceptance of the improvements during a public City Council meeting and shall fully release the improvement assurance warranty commitment. If at or prior to the end of the warranty period, the improvements fail to comply with this ordinance and the standards of construction of the City, the City shall notify the Applicant in writing of such defects. The Applicant shall have not more than sixty (60) days to correct the defects to the improvements. If the defects are not corrected to the satisfaction of Naples City within the sixty (60) day period, then the City shall be entitled to disbursement of the retained warranty assurance funds. The amount charged to the applicant shall not be limited to the 10% improvement warranty funds.

4. Warranty Assurance Duration

A period of no later than one year after the City Council's acceptance of the infrastructure, during a public City Council meeting, unless the City Council determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and has substantial evidence, on record of prior poor performance by the applicant; or that the area upon which the infrastructure will be constructed contains suspect soil. Prior to final release, the Applicant must provide evidence of final payment on the Utah Labor and Release form from all contractors, subcontractors, and materialmen providing work on the development.

5. Default on warranty

In the event the Applicant is in default, or fails or neglects to satisfactorily repair and maintain the required improvements during the warranty assurance duration, or to pay all liens or expenses in connection therewith, the City Council may declare the bond, or escrow or other assurance, forfeited, and the City may repair or cause the required improvements to be repaired, using the proceeds from the collection of the bond, escrow or other assurance, to defray the expense. City funds shall not be used to pay for the repairs.

## **N. Release**

After the warranty assurance duration, the City shall release, at the request of the Applicant, the remaining ten percent (10%) of the escrow, or other assurance, provided the required improvements do not show unusual depreciation and all improvements are installed as required and are operational and the Applicant and the development are in compliance with all requirements of the ordinance, development, plan, escrow account agreement, etc.

### **02-31-011 SINGLE LOT AND MINOR SUBDIVISIONS**

Objectives:

The purpose of this section is to streamline the process of approval for single-lot and minor subdivision proposals. Owners of property in any zone who make a proposal for a single-lot or minor subdivision shall make application through the Land Use Administrator's office.

Prior to subdivision or development of Land, the Applicant shall:

#### **1. Submission of Concept Plat**

Submit an application with a Concept Plan to the Land Use Administrator's office. The Land Use Administrator shall review application and Concept Plan plat and shall advise the Applicant of possible problems with the proposed single-lot subdivision within 30 days after receiving the initial application documents. The approval of the Concept Plan shall not constitute approval of the Preliminary Plat or Final plat. If disapproved, the Land Use Administrator shall express the reasons in writing to the Applicant in a timely manner.

#### **2. Submission of Preliminary Plat**

After approval of the Concept Plan, the Applicant shall submit five (5) copies of the proposed preliminary plat to the Land Use Administrator's office. The Land Use administrator shall circulate for comment and review copies of the proposed preliminary plat to all affected departments and divisions of the City government and the Applicant shall circulate for comment and review copies of the proposed preliminary plat to any districts which provide services.

#### **3. Land Use Administrator's Approval**

##### **a. Conditions of approval.**

The Land Use Administrator shall approve the Preliminary plat if it is found to be in accordance with the standards and criteria specified in this

ordinance and all other ordinances of the City including, but not limited to, the Land Use Ordinance, Master Street Plan, the General Plan, building codes and Master Park Plan.

- b. The Land Use Administrator shall determine from the review of the Concept Plan or the Preliminary Plat any possible need for environmental Impact analysis, which would take into account the soil, slope, soil erosion, sedimentation control, vegetation, waterways, drainage and other geological characteristics at the site. If the site requires substantial, clearing, grading earth moving to develop the site, the Administrator shall require the applicant to provide control plans and specifications prepared by a Utah Registered Civil Engineer.
- c. The Land Use Administrator shall within 30 days after the Preliminary Plat had been filed with the Land Use office either approve or disapprove the Preliminary Plat based on compliance with the municipal ordinances.
- d. Authorization to proceed with development and the Single-lot subdivision is permitted once one (1) copy of the approved final plat with the written conditions has been signed by the Land Use Administrator, City Attorney, Ashley Valley Water & Sewer, and licensed surveyor, and engineer representing Naples City if engineering work is required, and has been recorded and is stamped with the date and file number at the County Recorder's office, and has been filed with the Uintah County Surveyor's office. A recorded copy must be filed with the Naples Land Use Administration office. If the Final plat has not been recorded within a 12-month period, the Final plat must be re-submitted for approval to the Land Use Administrators office.
- e. **Fees**

See general provisions fee resolution. The Applicant shall pay a non-refundable plan check fee for each lot. The fee shall be paid on or before the date the Preliminary plat is submitted for Final approval.

**f. Final Plat Form**

The Final plat shall be prepared by a licensed surveyor hired by the Applicant. The form of the plat shall follow the Major Subdivision Plat provisions where applicable. See Standards for Final Plat. (02-31-008 G. 2.)

- g. All improvements necessary for the development of the subdivision lots shall be installed at the expense of the Applicant.

- h.** Notice to public not required unless determined to be necessary by the Land Use Administration Office.
- i.** Minor subdivisions are only permitted on existing roads. When the properties are subdivided, the portions of the properties that lie upon an existing public street shall not be required to be dedicated or deeded to the City.

**02-31-012 ORDERLY DEVELOPMENT REQUIRED**

An Applicant shall develop a subdivision/development in an orderly manner and in such a way that the required improvements will be continuous, and all of the improvements will be made available for the full, effective and practical use and enjoyment by the purchaser, grantee, assignee, transferor or lessee of any of the lands within the development.

**02-31-013 DESIGN STANDARDS, AREA AND ACCESS REQUIREMENTS**

**A. Minimum area of subdivision**

There shall be no minimum area for a subdivision, except as required to meet the minimum lot size requirements, as provided in the Land Use ordinance for the area in which the subdivision is located.

**B. Access**

It shall be the responsibility of the Applicant to provide the proper road access to the subdivision as required in this ordinance. The mere existence of a road or right-of-way to the proposed subdivision does not mean that adequate access exists. The Applicant shall follow the requirements of the International Fire Code – Appendix D: Fire Apparatus Access Roads.

**C. Relations to adjoining street systems**

Owners/Developers shall locate access streets within the subdivision so that the streets connect with existing public streets. Reasonable effort should be made to locate and design streets so that the adjoining land is not adversely impacted. Half streets on the boundary of a subdivision are prohibited.

**D. Angle of minor streets**

Minor streets shall approach the major or collector streets at an angle between 80 and 100 degrees.

**E. Streets to conform to Master Street Plan**

Master and collector streets shall conform to the width designated on the master street plan wherever a subdivision is in an area for which a major street plan has been adopted. For territory where such street plan has not been completed at the time the subdivision preliminary plan is submitted to the Planning Commission, major or collector streets shall be provided as required by the Planning Commission, with minimum easement widths of 80 feet for major streets and 66 feet for collector streets.

#### **F. Minimum street width**

Streets shall have a minimum width of 40 feet of asphalt. All streets and alleys must conform to the requirements detailed in the currently adopted edition of the International Fire Code, Appendix D – Fire Apparatus Access Roads. A reduction in the minimum width of asphalt of any street or portion thereof serving a residential property may be approved by the Land Use Administrator if the following apply and are addressed:

1. The reduction is justified by a special consideration such as topography;
2. The reduction has been specifically approved by the Fire Marshal;
3. The length of the street or portion thereof is less than 0.1 mile;
4. No parking is allowed on the reduced section and no parking signs shall be legally posted on the reduced section;
5. The asphalt width may not be reduced to less than 26 feet; and
6. The reduced roadway width shall not satisfy the required frontage for the lot.

#### **G. Alleys**

Alleys shall have a minimum width of 26 feet of asphalt and shall only be one direction. Alleys shall not be permitted in the following residential zones: R-1, R-2, RA-1, RA-2, and R-S. The maximum length of an alley shall only be 700 feet. A snow removal easement shall be engineered into the design of the alley. There shall be no parking within an alley.

#### **H. Cul-de-sacs**

Maximum cul-de-sac (dead end street) length shall be no more than 500 feet. Dead ends over 150 feet in length must be terminated by a turnaround not less than 100 feet in diameter. See the International Fire Code, Appendix D – Fire Apparatus Access Roads for examples of allowed turnarounds. If surface water drainage is into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary asphalted 110 foot diameter turning area shall be provided at the dead end thereof to remain and be available for public use so long as the dead end exists. A temporary cul-de-sac is only allowed for a period of 8 years.

**I. Easements**

The Applicant shall set aside easements of at least 10 feet in width for utilities access to each lot.

**J. Service roads**

Service roads paralleling major streets shall be required unless the Planning Commission approves double frontage lots which may back onto major highways or collector streets as designated on the major street plan. Where lots back onto a major highway or collector street, a buffer planting strip of trees or shrubs shall be provided at a width of ten feet or wider, but in no case less than ten feet.

**K. Protection strips prohibited**

Protection strips are prohibited. Plats shall not be approved where a proposed subdivision/development plat or any proposed or actual street to the subdivision/development cuts off access to the proposed or actual street by adjacent property owners.

**L. Blocks**

**1. Length and Walkways**

Blocks shall not be longer than 1,300 feet. Dedicated walkways five feet wide may be required in the middle of blocks. Where a walkway is required, the Applicant shall surface the full width of the walkway with concrete or asphalt and install a chain link fence at least four feet high on each side, the full length of the walkway. The chain link fence shall be owned and maintained by the property owner on whose property the fence is located.

**2. Width**

Blocks shall be at least two building lots wide

**M. Lots**

All lots shown on the subdivision plan shall conform to the minimum requirements of the Land Use ordinance for the zone in which the subdivision is located, and to the minimum requirements of the engineer representing Naples City or the Land Use Administrator and Ashley Valley Water and Sewer for sewage disposal. The minimum width for any residential building lot shall be as required by the Land Use ordinance.

1. All lots shall abut a dedicated street, a public street, or a street which has become public by right of use. Streets shall be at least 40 feet wide (asphalt). In the event a lot abuts a public right-of-way created by use, the owners/developers shall improve the right-of-way to the standards required by this ordinance.
  2. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
  3. All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain lot remnants.
4. Where the land in a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the county recorder.

#### **N. Future Roads**

Section lines and quarter section lines shall be reserved for public roads, unless otherwise designated on the master road plan, or unless such location is determined to be unnecessary for future road purposes by the Planning Commission. The minimum easement width of 66 feet total, and 33 feet on each side of section lines will be required. See Master Road Map for all road easements.

#### **O. Street Grades**

Minimum street grades of a .5 percent will be required, with the maximum grade being 7 percent for collector streets, and 10 percent for minor streets. Where the observance of this standard is unfeasible, the Planning Commission shall have the power to grant an exception, when special pavement surfaces and adequate leveling areas are installed, or, in the opinion of the Planning Commission, the best subdivision of the land is thereby secured.

#### **P. Street curves**

Where the street lines within a block deflect from each other at any one point more than ten (10) degrees, there should be a connecting curve. The radius of the curve for the inner line should not be less than three hundred fifty (350) feet for major streets, two hundred fifty (250) feet for an important neighborhood street, and one hundred fifty (150) feet for minor streets.



## **02-31-014 SUBDIVISION IMPROVEMENTS**

### **A. Scope**

This section defines the general requirements for improvements to be built by the Applicant. The improvements shall include all street improvements in front of all lots and along all dedicated streets to a connection with existing improvements of the same kind or to the boundary of the subdivision nearest existing improvements. Layout must provide for future extension to adjacent development and to be compatible with the contour of the ground for proper drainage. All water lines, sewer lines, appropriate utilities and any other buried conduit shall be installed to the boundary lines of the subdivision.

### **B. Construction Drawings**

Complete and detailed construction plans and drawings of improvements shall be submitted to the engineer or Land Use Administrator prior to commencing construction. Construction shall not be started until plans have been checked and approved by the engineer or the Naples City Land Use Administrator.

For the purpose of standardizing the preparation of drawings to obtain uniformity in appearance, clarity, size and style, the following is required:

1. The construction plans shall be submitted in triplicate. Two sets shall be retained by the engineer or the Naples City Land Use Administrator and one set shall be returned to the Applicant with approval mark of the engineer or the Naples City Land Use Administrator.
2. The approved set shall be available at the construction site.
3. These plans and designs shall meet the standards defined in the specifications and drawings hereinafter outlined. The minimum information required on drawings for improvements are as follows:
  - a. All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. Size of drawings shall be 22" x 34" (trim line) with one-half inch border on top, bottom and right sides, left side one and one-half inches.
  - b. North Arrow.
  - c. Scale and elevations referenced to U.S.G.S. datum.
  - d. Stationing and elevations for profiles.
  - e. Name of Municipality
  - f. Project Title (Subdivision, etc.)
  - g. Specific Type and Location of Work
  - h. Space for Approval Signature of Engineer and Date

- i. Name of Engineer or Firm Preparing Drawings with License Number
- j. Curb and gutter, drains and drainage structures, sidewalks and street surfacing shall show:
  - i. An appropriate scale of no more than 1":100'.
  - ii. A plan view, profile, and cross-section for the roadways.
- k. Drainage System Plans

**C. Time of construction**

The improvements required by this ordinance shall be installed, approved and accepted prior to recording the final plat, except as provided in this ordinance. Improvements shall not be installed until the location and specifications are approved by the engineer or Land Use Administrator. Water and sewer mains and laterals and fire hydrants shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters, and sidewalks.

**D. Streets on property of other public agencies or utility companies**

Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement, and maintenance of such streets shall be obtained from the public agency or utility company.

**E. Street improvements.**

All streets shall be constructed by the Applicant in accordance with the standards, rules, and regulations of this ordinance.

**F. Curbs, gutters, sidewalks, drain boxes, and grates**

Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the Applicant in all subdivisions except the rear of those lots which back on major streets and are not permitted access to such streets. After recommendation by the Planning Commission, the City Council may waive sidewalk requirements on streets which exceed an average grade of ten percent between intersections, and may do so in subdivisions where the average lot width exceeds 200 feet at the front building setback line and/or the average lot area exceeds 50,000 square feet.

The design for curb and gutter in Residential subdivisions shall be either high back or modified high back according to UDOT standards. Curb and gutter design in commercial zones shall be high back. The design for curb and gutter in Industrial zones shall be either high back or modified high back.

Drain boxes shall be designed to have a two (2) foot sump in the bottom of the box. The inside drain box measurement shall be four (4) feet by six (6) feet at the end of the drainage system with a man hole size of two (2) feet. All other drain boxes on the drainage system shall be four (4) feet by four (4) feet. ~~The pipe shall be sized large enough to hold 125% of the amount of storm water.~~ The design of the storm drain pipe shall be sized to convey the runoff flow based on the calculated time of concentration and runoff area tributary to the drainage pipe using the Rational Method and according to accepted engineering practices. The storm drain pipe shall be designed with a maximum capacity to not exceed 80% full with a minimum storm drain pipe size of 15 inches.

Drain boxes shall have a directional flow grate, that is bicycle safe, with a curb hood and shall be approved by the Road Superintendent. A trash baffle shall also be installed at the end of the drainage system. All storm water that goes through a drain box shall have an oil-water-debris separator before it reaches the retention system.

#### **G. Water supply**

A culinary water supply, which must be approved by Tri-county Health Department, shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of Ashley Valley Water and Sewer District. Where an approved public water supply is available, the Applicant shall install water mains and service lines or laterals from such mains to each lot within the subdivision prior to the installation of road base, surfacing, curbs and gutters, and sidewalks.

#### **H. Fire hydrants**

Fire hydrants shall be installed by the Applicant at locations determined by the engineer representing Naples City or the Land Use Administrator and the City of Naples Fire Department.

#### **I. Sewage disposal**

Individual sewer disposal systems or public disposal facilities shall be provided and must meet Ashley Valley Water and Sewer District and state codes and regulations for each lot in the subdivision. Where a public sanitary sewer is available within 300 feet of the subdivision at the time of recording the final plat, the Applicant shall connect with such sanitary sewer and provide sewer mains and extend laterals from the main sewer line to each lot in the subdivision prior to the installation of the road base, surfacing, curbs, gutters and sidewalks, unless waived by the council.

## J. Surface water

The Applicant shall design, construct and install a storm water drainage system within the subdivision which shall be constructed of materials and according to generally accepted engineering standards. The development storm water design shall consider and address floodplain and storm water drainage issues, that affect the proposed development, as outlined within the Ashley Valley Storm Water Master Plan. The storm water design is required to construct a retention system to retain 125% of the storm runoff from a 100-year 2-hour storm event (Naples City rainfall intensity (100-yr 1-hr) = 0.78 in/hr). An emergency overflow of the retention storage system shall be designed to safely convey the 100-year runoff flow to the historic drainage channel or existing public street side drainage system outside the development (i.e. curb and gutter, swale). A percolation test shall be performed, and the results and calculations provided to confirm that the retention system will naturally drain by percolation through the surrounding soils within 72 hours of the design storm event. If the soil does not percolate within the required 72 hours, the Applicant must get additional requirements for the retention system by the Planning Commission. The storm water conveyance system (i.e. pipes, inlets, catch basins, cleanout boxes, swales) shall be designed to convey the runoff from the 10-year storm event, except where storm water runoff from the development would overflow the conveyance structure to outside the development. The conveyance would then be required to convey the 100-year storm event to route into the retention storage system. A maximum gutter spread of 8 feet into the street is allowed under the 10-year storm event. Off-site drainage diversion or conveyance through the designed system should be considered in the development storm water system design. Each phase of a subdivision shall be connected during construction to a storm water retention system sufficient to retain storm water for that phase. The storm water retention system may consist of one or more storm water retention areas. Each phase of a subdivision must have its own storm water retention area, unless the storm water retention area of that phase is combined with the storm water retention area of another phase. If the storm water retention area is used for multiple phases, then the combined storm water retention area must be designed to retain storm water for all phases that use that storm water retention area. For residential subdivisions, the storm drainage system and area shall be provided by the owner/developer and maintained in one or more of the following ways:

1. Establish a homeowner's association with the proper documents and funding mechanism, including the articles of incorporation and bylaws and CC&Rs, to own and maintain the storm water retention area and system for storm water runoff control purposes. This requirement for owning and maintaining the storm water retention area and system is only the minimum requirement and reason for the homeowner's association to exist. The homeowner's association may have additional rules, regulations, and purposes.  
OR

2. If the storm water retention area and system is entirely on the surface and not underground, then the owner/developer shall, in lieu of an HOA, set aside an area approved by the City Council within the Subdivision engineered to retain the water as required by this ordinance, which may be privately owned. If not a common area, the retention pond/area shall be established by recorded easements and covenants and restrictions that run with the land and that require the owner of the land to maintain the area as designed and at its expense and to make any repairs or improvements as needed over the years to effectuate the purpose of the water retention facility. The owner shall be required to hold the City harmless from any damage or expense related to repairs or maintenance or from damage caused by failure of the system, in perpetuity. The area shall also be identified on the plat and the recorded documents shall be approved by the City Attorney as to form and effect. The following requirements must also be met for this option to be used:

- a. A solid, free-standing, permanent sign must be located on the property within 10 feet of the storm water retention area. The sign must be visible when viewed from the storm water retention area. The bottom of the sign must be between 3 feet from the ground level at the base of the sign. The sign must be 2 feet wide and 1 foot tall. The cap height, measured as the distance from the imaginary line upon which the letters in a font appear to rest to the top of the uppercase letters, must be at least 1 inch for all words on the sign. The sign must have the following language permanently written on it: “The storm water retention area located on this property shall be maintained by the owner(s) of the same property. For more information, see book \_\_\_ page \_\_\_ of the Uintah County Records. This sign may not be removed or altered under penalty of law.”
- b. The following language must be written on the recorded subdivision plat with a reference in the legend indicating the private property containing the storm water retention area: “The storm water retention area located on this property shall be maintained by the owner(s) of the same property.”

OR

3. In lieu of options #1 and #2, if the storm water retention area is built under a public road with drain boxes that are accessible for maintenance, then Naples City will be responsible for ongoing maintenance of the storm water retention area.

OR

4. A<sup>3</sup> parcel dedicated to Naples City as a common area to maintain the storm water runoff. The area can be either a retention pond (above ground) or a detention (underground) pond. The landscape design shall be approved by the Planning Commission in a public meeting. The Applicant shall maintain the common area for the warranty assurance duration. The parcel must be

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<sup>3</sup> Added Nov 12, 2020

completed within one (1) year of the final approval.

The storm water system must be engineered by a licensed engineer in the state of Utah.

Parcel area requirements:

- The maximum grade of the retention pond shall be 3:1.
- The minimum size of the parcel shall be 21,780 square feet.

Landscaping Requirements:

- The entire parcel shall be covered with grass.
- A landscape plan shall be submitted.
- An irrigation plan must be submitted, including line sizes, locations, valves and controllers.
- The water connection must be paid for and installed prior to warranty assurance duration.
- The irrigation system must be below ground and fully automatic. Use of a drip irrigation for trees and shrubs is encouraged. All back-flow devices must be screened from view. Over spray onto hard capped areas should be minimized.
- If providing power, it must be installed and approved prior to the warranty assurance duration.
- Fencing may be required for safety reasons per the Planning Commission's approval.
- The parcel must be reviewed and approved by the Land Use Administrator prior to completion.
- The Planning Commission and the Developer, at a public meeting, may mutually agree to different but equally restrictive landscaping requirements.

**K. Drainage system plans –**

- i. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area, but also where applicable the system shall be designed to route the runoff from those areas adjacent to and “upstream” from the development itself, as well as its effects on lands downstream.
- ii. All proposed surface drainage structures shall be indicated on the plans.
- iii. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
- iv. The storm drainage system must be engineered to retain on-site storm water for 125% of a 2-hour, 100-year storm over the impervious area. A percolation test shall also be completed

#### **L. Fences**

Fences shall be installed along the perimeter of a subdivision/development when the Planning Commission determines such fence is necessary to protect adjacent lands or the residents of the subdivision/development.

#### **M. Landscaping**

The Planning Commission and/or City Council may require an Applicant to provide ground cover where it determines that soil erosion may be a problem or that surface water may flood portions of the city or damage city property, or to prevent the growth of noxious weeds which may become a nuisance or fire hazard or endanger public health. It may specify the types of ground cover.

#### **N. Monuments**

Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by the engineer or Land Use Administrator. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner.

#### **O. Street signs**

The Applicant shall furnish and install all necessary street signs in accordance with city specifications and UDOT standards. (See 02-16 Sign Regulations)

#### **P. Street names**

New street names should not duplicate those already existing. Before the street is named, the proposed name must be submitted to and approved by the Planning Commission.

#### **Q. Private lanes, driveways, and accesses**

All private lanes, driveways, accesses, etc. that connect to a public street shall be paved starting from the public street to a line not less than 25 feet away from the public street. The entire width of the private lane, driveway, access, etc. must be paved.

#### **R. Street Lighting**

1. Street lights shall be installed at each intersection within or abutting the subdivision.
2. Street lights shall have a minimum and maximum distance apart as follows:

<b>Zoning</b>	<b>Minimum distance</b>	<b>Maximum Distance</b>
Residential	150 feet	350 feet
Commercial	100 feet	250 feet
Industrial	150 feet	400 feet

3. Street light poles shall have a minimum and maximum height as follows:

<b>Zoning</b>	<b>Minimum Height</b>	<b>Maximum Height</b>
Residential	20 feet	25 feet
Commercial	20 feet	35 feet
Industrial	30 feet	40 feet

4. Street light poles shall be steel or other material as approved by Naples City.
5. All street lighting shall be provided with underground circuitry as detailed by Naples City and the local electric utility company's specifications.
6. All street lighting installation must be completed before occupancy in the subdivision phase as allowed by Naples City.
7. All residential street lighting shall be type 2 distribution and full cut-off dark sky compliant.
8. Street lights located along public right-of-ways shall be dedicated to Naples City and metered under the ownership of Naples City.
9. Street lamps shall have maximum lumens as follows:

<b>Zoning</b>	<b>Maximum Lumens</b>
Residential	5,000
Commercial or Industrial	8,000

10. Street lamps shall only be LED or induction lighting.

**02-31-015 INSPECTION**

All construction work involving the installation of improvements in subdivisions and developments shall be subject to inspection by the City of Naples. Certain types of construction shall have continuous inspection while others may have only periodic inspections.

- A. Continuous inspection shall be required on the following types of work:
1. Laying of street surfacing.



2. Pouring of concrete for curb and gutter, sidewalks and other structures.
3. Laying of sewer pipe, drainage pipe, water pipe, valves, hydrants and testing.

**B. Periodic inspections shall be required on the following:**

1. Street grading and gravel base
2. Excavations for curb and gutter and sidewalks
3. Excavations for structures
4. Trenches for laying pipe
5. Forms for curb and gutter, sidewalks and structures

**C. On construction requiring continuous inspection, no work shall be done except in the presence of the inspector.**

**D. Requests for inspection**

Requests for inspections shall be made to the municipality by the person responsible for the construction. Requests for inspection on work requiring continuous inspection shall be made three days prior to the commencing of the work. Notice shall also be given one day in advance of the starting of work requiring periodic inspection.

**E. Construction completion inspection**

An inspection shall be made by the engineer representing Naples City or Naples City Building Official after all construction work is completed. Any faulty or defective work shall be corrected by the persons responsible for the work within a period of 30 days of the date of the inspection report of the engineer representing Naples City or Building Official defining the faulty or defective work.

**F. Inspection of Water and Sewer Improvements**

The Applicant shall arrange for the inspection of water and sewer improvements through Ashley Valley Water and Sewer Improvement District.

**G. Inspection of Materials**

The materials and structures used shall be inspected by the engineer representing Naples City or the Building Official to guarantee they are appropriate for construction and use. The required reports include, but are not limited to:

- Subbase gravel material

- Base gravel material
- Ashplalt mix design
- Subgrade compaction test results
- Subbase compaction test results
- Base compaction test results
- Asphalt compaction test results
- Any consultant’s inspection reports
- Asbuilt plan set
- Consultant’s letter of inspection and certification of constructed facilities
- Manufacturer’s reports for drop boxes, drains, pipes
- Weather report for day of installation
- Cement strength test

**02-31-067 DEVELOPMENT COSTS**

The cost of all improvements, which are required under the provisions of this ordinance, as well as the cost of improvements to existing city infrastructure necessitated by the development, shall be paid by the Applicant.

**02-31-017 SIGNATURE BLOCKS**

The following are the officially recognized signature blocks required on each plat (where applicable):

A. Owner’s Dedication:

“The undersigned owner(s) do hereby certify that they are all of the owners (or have legal authority, which is attached, to execute this instrument on behalf of the owners) of the foregoing described tracts of land, and do hereby set apart and subdivide the same into lots, blocks, and utility easements as shown on this plat, which is hereby made a part hereof, and assign to the lands included in said plat the name of \_\_\_\_\_ subdivision.

“The undersigned owner(s) further hereby dedicate, grant and convey to Naples City all those parts or portions of said tracts of land designated on this plat as right-of-ways and/or streets, the same to be used as public thoroughfares, forever and grant and dedicate a perpetual right and easement over and under the land designated on the plat as public utility easements, the same to be used for the installation, maintenance and operation of public utility service lines as may be authorized by Naples City.”

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature: \_\_\_\_\_  
Property Owner(s)

B. All owners of interests in the land must sign and the signatures must be acknowledged. Use one of the following signature blocks for the Notary Public, based on the type of owner:

1=Property Owner(s) 2=Corporation 3=Partnership 4=LLC 5=Family Trust

Notary Public's "Acknowledgment" (This should immediately follow the "Owner's Dedication")

1. (Complete only if APPLICANT is the Property Owner):

"State of \_\_\_\_\_  
County of \_\_\_\_\_, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, personally appeared before me \_\_\_\_\_ and \_\_\_\_\_, Signer(s) of the above instrument, who duly acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_  
Residing at: \_\_\_\_\_"

2. (Complete only if APPLICANT is a Corporation):

"State of \_\_\_\_\_  
County of \_\_\_\_\_, ss:  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, personally appeared before me, \_\_\_\_\_, who being by me duly sworn did say that he/she is the \_\_\_\_\_ of \_\_\_\_\_ Corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors/Bylaws, and he/she acknowledged to me that said corporation executed the same.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_  
Residing at: \_\_\_\_\_"

3. (Complete only if APPLICANT is a Partnership):

“State of \_\_\_\_\_  
County of \_\_\_\_\_, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, personally appeared before me, \_\_\_\_\_, the signer(s) of the foregoing instrument, on behalf of \_\_\_\_\_ partnership, and declared that the foregoing instrument was duly authorized by the partnership at a lawful meeting held or by authority of its partnership agreement and signed in behalf of said partnership.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_  
Residing at: \_\_\_\_\_”

4. (Complete only if APPLICANT is a LLC):

“State of \_\_\_\_\_  
County of \_\_\_\_\_, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, personally appeared before me, \_\_\_\_\_, who being by me duly sworn did say that he/she is/are the managing member of \_\_\_\_\_ LLC and that the foregoing instrument was duly authorized by the LLC at a lawful meeting held or by authority of its operating agreement and signed in behalf of said LLC.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_  
Residing at: \_\_\_\_\_”

5. (Complete only if APPLICANT is a Family Trust):

“State of \_\_\_\_\_  
County of \_\_\_\_\_, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, personally appeared before me, \_\_\_\_\_, who being by me duly sworn did say that he/she is the Trustee of \_\_\_\_\_ Trust dated \_\_\_\_\_, and that the foregoing instrument was signed in behalf of said Trust by authority of its Trust Agreement.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_  
Residing at: \_\_\_\_\_”

- C. "Certificate of Survey" of the Registered Professional Land Surveyor that creates the final plat as follows:

"I, \_\_\_\_\_, a registered professional land surveyor in the State of Utah, do hereby certify that the above described plat has been correctly drawn to the designated scale and is a true and correct representation of the foregoing description of lands included in said subdivision, based on data compiled from the records of the Uintah County Recorder's Office and of a survey made on the ground. I have read the current zone requirements. In my professional opinion the lots described hereon comply with the current zone, and all information required by ordinance or State law to be included on the plat is duly and accurately shown thereon and that all measurements have been verified and monuments placed as shown thereon.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Surveyor  
State License Number: \_\_\_\_\_"

- D. In case a Lien Holders Dedication pertains to the plat, the following shall be added (if applicable):

"The undersigned holders of a lien, easement or other non-possessory interest in the above and foregoing described tracts of land, hereby consent to and join in the foregoing plat and dedication thereof by the legal owners thereof and hereby release and quit claim to Naples City all of the right, title and interest of the under signed in the rights in said lands dedicated, granted and conveyed to said City by the owner's dedication aforesaid.

DATED the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.  
Signature: \_\_\_\_\_"

- E. Naples City Mayor's "Certificate of Approval" as follows:

"This is to certify that this plat and dedication of the \_\_\_\_\_  
Subdivision in Naples City were duly approved and accepted by the Mayor and  
City Council of Naples City on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_."

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Recorder"

F. Naples City Attorney’s “Certificate of Approval” as follows:  
“I have examined the proposed plat and in my opinion it conforms with the  
Naples City Ordinances applicable thereto and now in force and effect.  
DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City Attorney”

G. Ashley Valley Water & Sewer “Certificate of Approval” as follows:  
“I have examined the proposed plat and in my opinion they conform with Ashley  
Valley Water & Sewer standards applicable thereto and now in force and effect.  
Sewer & Water will be made available once conditions are met.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Ashley Valley Water & Sewer:  
\_\_\_\_\_”

H. Naples City Land Use Administrator’s “Certificate of Approval” as follows:  
“I have examined the proposed plat and in my opinion it conforms with the  
Naples City Ordinances applicable thereto and now in force and effect.  
DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Naples City Land Use Administrator”