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Revised 2017

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**SUBDIVISION ORDINANCE – CHARLESTON TOWN**

Revised 2017

AN ORDINANCE PROVIDING FOR THE SUBDIVISION, PLATTING AND IMPROVING OF REAL PROPERTY WITHIN CHARLESTON TOWN, UTAH, REPLACING ALL ORDINANCES WHICH ARE IN CONFLICT HEREWITH, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, an increase in the subdivision of land within Charleston Town, Utah, is imminent, and

WHEREAS, the Board of Trustees of Charleston Town, Utah, deems it necessary for the peace, health, safety, convenience, and general welfare of the people of Charleston Town, Utah, to further regulated the subdivision within the Town, now therefore,

THE BOARD OF TRUSTEES OF CHARLESTON TOWN, UTAH, ORDAINS AS FOLLOWS:

**10.03.0100 TITLE**

This Ordinance shall be entitled the “Subdivision Ordinance of Charleston Town, Utah, and may be so cited and pleaded.

**10.03.0101 Purpose and Intent**

The purpose of this Ordinance shall be:

- A. to promote the health, safety, convenience, and general welfare of the present and future inhabitants of Charleston Town, Utah
  - B. to facilitate the transfer of land having accurate legal descriptions
  - C. to bring about the development of a more wholesome environment within and about the Town
  - D. to establish the rights, duties, and responsibilities of subdividing with respect to land subdivision.
  - E. to facilitate the implementation of the general plan
- It is hereby declared to be public policy that these subdivision regulations be promulgated for the purpose of facilitation of the sale of building lots only.

**10.03.0150 REQUIREMENT OF ADEQUATE PUBLIC FACILITIES**

**10.03.0150.010 Adequate Public Facilities Required.**

Adequate public facilities are required to be available concurrent with subdivision approval.

From and after the effective date of this amendment to the Charleston Town Subdivision Ordinance, no application for subdivision approval shall be granted, approved, or issues unless the applicant has provided

sufficient information to establish that adequate public facilities in the area affected by the by the proposed development will have sufficient capacity available at the adopted level of service standards to accommodate the proposed development within a reasonable period of time following the issuance of final subdivision plat approval for the proposed development.

**10.03.0150.020 Essential Public Facilities:**

Essential public facilities to which this requirement will apply included the following:

- A. Culinary waterworks system, including quantity, quality, treatment, storage capacity, and transmission/distribution system capacity;
- B. Storm water drainage, including on-site flood control facilities;
- C. Street system, including streets, roads, highways, intersections, and related transportation facilities;
- D. Recreational facilities including parks

**10.03.0150.030 Procedures:**

A part of the material submitted in support of an application for subdivision approval, the applicant shall submit sufficient information in order to demonstrate that adequate public facilities will be available at specified levels of service within a reasonable period of time following the issuance of subdivision plat approval for the proposed development. Such a determination may include the timing, phasing, and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards as set forth herein as they may from time to time be amended. The City Engineer, the Planning Commission, and the Town Board may request additional information from the applicant to assess the adequacy and availability of the public facilities referenced above as part of the subdivision approval process.

**10.03.0150.040 Level of Service Standards:**

The level of service standards by which the adequate public facilities requirement referenced herein shall be measured for each of the essential public facilities are as follows:

- A. Culinary Water: 0.95 acre feet per dwelling unit, with fire flow at a minimum 700 gallons per minutes for a two-hour period with a residual pressure of 20 pounds per square inch.
- B. Parks: donation to improve existing park or possibly pay an impact fee toward recreational use, at the Town officials' discretion
- C. Roads: roads shall meet a minimum of a level of service standard "C"
- D. Storm Drainage: Development shall retain increase for a peak historical flow for a 25-year, 24-hour storm.

**10.03.0150.050 Adequate Public Facilities Not Available:**

If it is determined that adequate public facilities will not be available at specified levels of service within a reasonable period of time following the issuance of final subdivision plat approval, so as to assure that such services will be available at the time of occupancy of new development being proposed, the Town Board, in the exercise of its discretion, shall review, evaluate, and discuss with the applicant, the following alternatives and conditions in the order presented:

- A. Allow the developer to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet the applicable level of service standards by entering into an appropriate form of development agreement, which may include, as deemed appropriate, provisions for credits or reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development;
- B. Require timing, sequencing the phasing of the proposed development consistent with the available capacity of public facilities,
- C. Defer final plat approval and the issuance of building permits until all necessary public facilities are adequate and available, or,
- D. Deny subdivision plat approval at the present time and require the applicant to reapply when adequate public facilities are available at adopted level of service standards.

**10.03.0200 Land Shall be Subdivided Before Recording:**

From the effective date of this Ordinance no persons shall subdivide any tract of land which is located wholly or partly within the Town of Charleston, Utah, nor shall any person exchange, or offer for sale, or purchase or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land within the above described territory nor shall any person offer for recording any deed conveying a parcel of land or any interest therein, unless he shall first have or cause to have made a plat thereof, which plat must be approved by the Planning Commission and the Town Board and recorded in the office of the Wasatch County Recorder before such sale or exchange or purchase is effected. Approval of the final plat shall be obtained by complying with all of the requirements of this Ordinance, provided, however, that land may be subdivided and land may be sold without the necessity of recording a plat if all of the following conditions are met:

- A. The subdivision contains less than 10 lots.
- B. A plan has been submitted to and approved in writing by the Planning Commission and Board of Trustees.

- C. The subdivision is not traversed by the mapped lines of a proposed street shown on the General Plan of the Town of Charleston, Utah, and does not require the dedication of any land for street or other public purposes.
- D. Each lot in the subdivision meets the frontage, width, and area requirements of the Zoning Ordinance.
- E. Requirements under Section 10.030805 of this Ordinance are complied with.

Note: These exceptions are intended to apply to the division of land into a small number of lots (up to nine 9 inclusive) where all necessary streets have already been improved and deeded to the Town, and where the frontage, width, and area of the lots meet the requirements of the zone in which the subdivision is located.

**10.03.0300 Definitions:**

For the purpose of this Ordinance the following definitions shall apply:

**10.03.0301 Subdivision** – The term “subdivision” means the division of a tract or lot or parcel of land, or adjacent parcels under the same ownership into two or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development. A planned unit development which is divided into two or more separately-owned units and approved under the terms of the revised Zoning Ordinance of the Town of Charleston, Utah, shall also be deemed to be a subdivision under the terms of the Ordinance. Small subdivisions shall mean a subdivision containing less than ten (10) lots and conforming to all of the other conditions set forth in Paragraph 10.03.0200 of this Ordinance.

**10.03.0302 Metes and Bounds** – The description of a lot or parcel of land by courses and distances.

**10.03.0303 Sub-divider** – a “sub-divider” is any person or legal entity laying out or making a land-division for the purpose of sale, offering for sale, a gift, or selling for himself or others a subdivision or any part thereof.

**10.03.0304 Preliminary Plan** – A map or chart of a proposed land division

**10.03.0305 Final Plat** – A map or chart of the land-division which has been accurately surveyed, and such survey marked on the ground, so that streets, alleys, blocks, lots, and other divisions thereof can be identified.

**10.03.0306 Vicinity Plan** – A map or chart showing the relationship of streets and lands within a proposed subdivision to streets and lands within a proposed subdivision to streets and lands in the surrounding area.

**10.03.0307 Easement** – The quantity of land set aside or over which a liberty, privilege, or advantage existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

**10.03.0308 Arterial Street** – A street existing or proposed which serves or is intended to serve as a major traffic way and which is designated as an arterial street on the Charleston Town major street plan.

**10.03.0309 – Collector Street** – A street, existing or proposed, which is supplementary to an arterial street or which connects minor streets with significant traffic generators and which is shown as a collector street on Charleston Town’s major street plan.

**10.03.0310 Minor Street** – A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves, or is intended to serve, the local needs of a neighborhood.

**10.03.0311 On-Site Facilities** – facilities installed within or on the perimeter of the subdivision or development site.

**10.03.0312 Off-Site Facilities** - facilities designed or treated so as to serve other property outside of the boundaries of the subdivision --- usually lying between the development and existing facilities.

**10.03-0313 Over-Size Facilities** – Facilities with added capacity designed to serve other property, in addition to the land within the boundaries of the subdivisions or development site.

**10.03.0314 Large-Scale Development** – A tract of land which is planned, developed, and maintained as a single entity wherein the requirements applying to all buildings and improvements within the development are modified to conform to the approved plan.

**10.03.0400 Procedure for Obtaining Approval of a Subdivision -**

The following steps or procedures must be followed in order to obtain approval of a subdivision:

1. Sub-divider notifies the Planner of intent to subdivide and identifies area to be subdivided. Planner furnishes sub-divider with platting requirements affecting the land to be subdivided.
2. Sub-divider prepares vicinity plan, environmental impact statement (see 1.03.0501) and submits same to the Planner.
3. Planning Commission approves, disapproves, or requires modification of vicinity plan.
4. Sub-divider prepares preliminary plan and engineering drawings and submits the same to the Planner.

5. Planning Commission shall hold a public hearing on the proposed subdivision plat. Public hearing shall be noticed at least 10 days before the meeting. Neighbors within 1000 feet of the proposed subdivision shall be noticed by US mail at least 3 days prior to meeting.
6. Planning Commission reviews preliminary plan and recommends for or against plan or recommends plan with modifications.
7. Sub-divider prepares and submits final plat through Planner to Planning Commission.
8. The Planning Commission reviews final plans and approves final plat, approves it with modification, or disapproves it within forty-five (45) days of submission.
9. If approved or approved conditionally by the Planning commission, sub-divider submits final plat to the Town Board for approval, along with bond or other assurance guaranteeing required improvements.
10. Sub-divider records plat in office of County Recorder within thirty (30) days and before selling or conveying any lots within the subdivision. Final plats not recorded within thirty (30) days from approval by the Town Board shall be null and void.

**10.03.0500 Planning and Improvement Requirements:**

**10.03.0501 Planning:**

**A. Vicinity Plan-**

The Vicinity Plan shall show a simple sketch of the proposed layout of the streets, lots, and other features, in relation to the existing and planned streets within ¼ mile of the subdivision. The plan may be a pencil sketch, or may be made directly on an aerial photograph. The plan shall be prepared at a scale of not smaller than one (1) inch equals 500 feet

**B. Preliminary Plan –** The Preliminary Plan shall be drawn to a reasonable engineering scale and shall show:

1. The proposed name of the subdivision
2. The location of the subdivision. Where the plan submitted covers only a part of the subdivision's tract, the Planning Commission may require the sub-divider to prepare a preliminary plan covering all of the sub-divider's tract before giving consideration to a preliminary plan covering only part of the tract.
3. The names and addresses of the sub-divider, the engineer, or surveyors of the subdivision
4. A draft labeling all parcels, showing owners' names, within ¼ mile of land to be subdivided.
5. Information sufficient to locate accurately the property shown on the plan with reference to survey markers or monuments.
6. Contour map at intervals as required by the Planning Commission.
7. The boundary lines of the tract to be subdivided.
8. The location, width, and other dimensions of all existing or platted streets and other important features such as water courses,



- exceptional topography, and building within the tract and within two hundred (200) feet thereof.
9. Existing sanitary sewers, storm drains, water-supply mains, and bridges within the tract or within two hundred (200) feet thereof.
  10. The location, width, and other dimensions of proposed streets, alleys, easements, parks and other open spaces with proper labeling of spaces to be dedicated to the public or to the occupants or owners of lots within the subdivision.
  11. North point, scale, and date.
  12. Engineering drawings, including typical street cross-sections, road profiles, and plans meeting Town standards. regarding the width and type of proposed pavement, locations, size, and type of proposed off-site and on-site facilities and other proposed improvements, such as sidewalks, curbs and gutters, park, and fire hydrants.
  13. The environmental impact statement shall describe the impact which the development will likely hand on the natural features of the area within the development and immediate vicinity. Said statement shall also include a description of the measures that should be taken to lessen the occurrence of adverse conditions with respect to:
    - a. Control of erosion within the subdivided area
    - b. Reseeding of cuts and fills
    - c. Provision for potable water for the occupants of the subdivision
    - d. Disposition of any geologic hazards or sol conditions which may cause injury to persons or injury or damage to improvements which may be constructed on the subdivision, such as buildings, water and sewer lines and streets
    - e. Provision for the proper disposal of solid and liquid wastes that will likely come from the occupants of the subdivision when it is fully developed.
    - f. Prevention and control of fire and control of dust
    - g. Prevention of the accumulation of weeds and debris
    - h. Prevention of the destruction of vegetation or else the establishing of new vegetation.
    - i. Disposal of surface water and disposition of flood hazards.

C. Streets:

1. Street widths – arterial and collector streets shall conform to the width assigned on the major street plan wherever a subdivision falls in an area for which a major street plan has been adopted. For the territory where such street plans have not been completed at the time the preliminary plan of subdivision is submitted to the Planning Commission, street dedications shall be provided as required in the Street Standards Ordinance.

2. Cul-de-sac – Each publicly dedicated cul-de-sac shall have a minimum width of fifty (50) feet with a maximum length of 1,300 feet and must be terminated by a turn-around of not less than eighty (8) feet in diameter. Surface water must drain away from the turn-around, except that where surface water cannot be drained along the street away from the turn-around due to the grade, necessary catch basins and drainage easements shall be provided.
3. Easements – Where alleys are not provided, easements of not less than eight (8) feet on each side of all rear lot lines and side lines will be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of sewer mains or similar utilities.
4. Curves – Reverse curves shall have a tangent of at least one hundred (100) feet unless in the opinion of the Planning Commission such is not necessary. Two curves in the same direction shall be separated by a tangent of at least 200 feet except that the Planning Commission may authorize a tangent of less than 200 feet where it can be shown that no appreciable traffic hazard will result therefrom.
5. Street intersection – Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the arterial or collector streets at an angle of not less than eighty (80) degrees for a distance of at least one hundred (100) feet. Offsets across streets in street alignment between ten (10) feet and one hundred fifty (150) feet shall be prohibited.
6. Street Grades – Minimum street grades of 0.3 % will be required and a maximum grade of 10% will be allowed, except that the Planning Commission shall have the power to allow a steeper or lesser grade when in the opinion of the Planning Commission the best development of the land is thereby secured.
7. 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 continuing curve. The radius of the curve for the inner street line shall be not less than 350 feet for arterial streets, 250 feet for collector streets, and 100 feet for minor streets.
8. Curbs – When required, curbs at all intersections shall be rounded, with curves having a minimum radius of twenty (20) feet. Property lines at street intersections shall be rounded with a curve where necessary.
9. Street Names – New street names shall not duplicate those names already existing. A street obviously a continuation of another already in existence shall bear the same name. However, all streets shall be designated by number and may be named also. All designations and/or numbers shall be discernible from the street.
10. Street Dedications – All streets shall be dedicated for public use, except in large-scale developments. The dedication of half-streets in any subdivision is prohibited except on the borders of the subdivision and shall contain at least 20 feet of payment.

11. Bridges and Culverts – All bridges and culverts shall be constructed to support gross vehicle weight as designated by Town Engineer.
12. Relations to Adjoining Street Systems – The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) at the same or greater width unless variations are deemed necessary by the Planning Commission. Where the Planning Commission determines that it will be desirable to provide for street access to adjoining property in order to provide an orderly development of a street system, proposed streets shall be extended by dedication to the boundary of such property.
13. Cuts in Pavement – No cuts shall be made in street pavement for at least five (5) years after hard-surfacing. Curbs and gutters, sidewalks, and the treatment of drainage courses shall comply with standard specifications adopted by the Town and administered by the Zoning Administrator.

D. Blocks:

1. Length – the maximum length of blocks shall be thirteen hundred (1300) feet and minimum length of blocks shall be four hundred (400) feet.
2. Width – The width of blocks shall be sufficient to allow two (2) tiers of lots except along collector roads and/or state highways.

E. Lots :

1. Building Sites – The lot arrangement, design, and shape shall be such that plots will provide a compact body of land for building and be property related to topography and conform to requirements set forth herein. Lots shall not contain peculiarly-shaped elongations, solely to provide necessary square footage, which would be unusable for normal purposes.
2. Lot Sizes – All lots shown on the subdivision plat must conform to the minimum requirements of the Zoning Ordinance for the zone in which the subdivision is located.
3. Lots Must Abut on Public Streets – Each lot shall abut on a street dedicated by the subdivision plat or an existing publicly dedicated street that is fifty (50) feet wide or more.
4. Corner Lots – Corner Lots shall have dimensions sufficient for the maintenance of required building setback lines on both streets along with sufficient area to comply with area requirements of the Zoning Ordinance.
5. Parts of Lots – All remnants of lots below minimum size, left over after subdividing a larger tract must be attached to adjacent lots, rather than be allowed to remain as unusable parcels.

**10.03.0502 Improvement Requirements:**

The following improvements shall be installed in all subdivisions prior to the recording of the final plat. A sub-divider may post a bond or other assurance satisfactory to the Town Board that the required improvement will be installed within one (1) year from the date of the approval of the final plat. The purpose of the bond or other assurance is to

insure installation of the required improvements within one (1) year from the date of approval without cost to the Town. An extension may be granted by the Town Planner for cause. Said improvements shall include:

A. Water, Sewer, Solid Waste:

1. A potable water supply in amounts and manner as required under paragraph 10.03.0804 of this Ordinance in accordance with Utah State Board of Health standards.
2. The installation of water mains and water laterals to each lot property line shall be required in accordance with Town of Charleston standards as directed by the Planning Commission.
3. The installation of fire hydrants in accordance with Charleston Town, Utah, standards as directed by the Town Fire Marshall and Planning Commission
4. Solid Waste disposal facilities shall be provided in accordance with the Wasatch County Health Department requirements.

B. Streets:

1. The grading and graveling of all streets and the installation of all required culverts in accordance with Town standards as directed by the Town Engineer.
2. The hard-surfacing of all streets in accordance with Town standards as directed by the Town Engineer.
3. Curbs and gutters and sidewalks or trails as designated by the City Council, after a recommendation from the Planning Commission in accordance with Charleston Town standards whenever a subdivision contains one or more lots having a width of less than 150 feet.
4. Trails, as designated buy the City and/or County Trails master plan, along main streets and throughout the subdivision in to provide pedestrian circulation.

C. Utilities: All utility lines shall be located underground.

D. Survey Monuments: The installation of survey monuments in accordance with Charleston Town standards as directed by the Planning Administrator.

E. Environmental Hazards: Environmental hazards must be eliminated as required by the Planning Commission as follows:

1. Cut and fill slopes must be covered with topsoil and reseeded.
2. Location of streets and buildings on unstable soil shall be avoided.
3. Surface water shall be confined to the subdivision or shall be drained into natural channels in a manner that will prevent the soil within and outside of the subdivision from eroding.
4. Natural drainage channels shall be adequately taken into account in laying out the subdivision.

5. Other environmental hazards must also be eliminated or adequately handled as directed by the Planning Administrator.

**10.03.0503 Costs and Charges in Connection with the Development of Subdivisions**

Costs and Charges in connection with the planning and development of subdivisions in Charleston Town, Utah, shall be shared between the sub-divider and the Town according to the following schedule:

	<u>Plan or Facility</u>	<u>Sub-divider</u>	<u>Town</u>
1.	Vicinity Plan	100%	0%
2.	Environmental Impact Statement	100%	0%
	<u>Plan or Facility</u>	<u>Sub-divider</u>	<u>Town</u>
3.	Preliminary Plan and Engineer Drawings	100%	0%
4.	Final Plat	100%	0%
5.	Bridges and Culverts	100% for all minor and collector streets	100% of required work over cost, minor or collector streets
6.	Canal & Flood Channel	Negotiate with Town Board	
7.	Curb, Gutter, Curb Cuts	100%	0%
8.	Easements & Rights of Way, On or Off-site	100%	0%
9.	Electric Utilities	100%	0%
10.	Environmental Hazards Elimination	100%	0%
11.	Monuments	100%	0%
12.	Parks	0% except 100% for	100% except for

	Large-Scale Development	Large-Scale Development
13. Sewer Mains	100% for all sewer mains & laterals up to & including 8" diameter	Negotiate with Town Board for price difference between 8" and size required by law
14. Sidewalk/Trails	100%	0%
15. Streets On-Site Draining & Grading	100% for minor & collector streets	0%
16. Streets Off-Site	Negotiate with Town Board	
17. Street Lighting	100% for easements & rights-of-way & installation of facilities	100% for maintaining after installation
18. Street Paving	100% for all minor streets & collector & arterial streets up to 44'	All required width of paving over 44' for major streets as required by Town
19. Street Signs	100 %	0%
20. Water Mains	100% for all water mains & laterals up to & including 6" in diameter	Negotiate with Town Board for extra cost of over 8" lines as required by Town
21. Water Supply	0%	100% Water District
22. Open Space	100%	0%

**10.03.0504 Costs and Charges for Large-Scale Development:**

When a subdivision is in the form of a large-scale development, All costs and charges in connection therewith shall be the responsibility of the sub-divider and shall be made to comply with the requirements for large-scale developments as set forth in the Zoning Ordinance of Charleston Town, Utah.

**10.03.0600 Platting Requirements:**

**A. Plat Characteristics:**

1. Final Plat – A final plat shall be prepared for all subdivisions except as noted in Section 10.03.0200 of this Ordinance.
2. Material – the plat should be shown on mylar or linen materials and shall conform to the Charleston Town standards as directed by the Planning Commission. Details and workmanship shall be neat, clean-cut, and readable.
3. Scale – The actual map shall be made on a scale of one inch equal to 100 feet unless approved otherwise by the Planning Commission.
4. Prints – The sub-divider shall also furnish the Town Board with three (3) prints of the final plat when submitted the tracing.

**B. Contents** – The final drawings or plats shall contain the following information:

1. Subdivision name and general location.
2. A north point and scale on the drawing and the data
3. Accurately-drawn boundaries, showing the proper bearing and dimensions properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.
4. The names, widths, lengths, bearings, and curve data on center lines of proposed public streets, alley, or easements; also the boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public. Also, the lines, dimensions, bearings, and numbers of all lots; blocks and parks 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 an in conformity with the street naming and numbering system in Charleston Town, Utah
5. The location of existing watercourses
6. The location of all required monuments
7. The description and location of all, monuments set and established by the county or the U. S. Governments that are adjacent or near the proposed subdivision.
8. A description of land to be included in the subdivision
9. Name of registered professional engineer and/or land surveyor's "Certificate of Survey."
10. The owner's dedication
11. A notary public's acknowledgement
12. The Planning Commission's Certificate of Approval
13. The Town Board's Certificate of Acceptance of streets to be dedicated, attested by the Town Clerk.
14. A statement relieving Charleston Town, Utah of the responsibility of maintaining all travel easements and other ways not specifically dedicated to the use of the public.

15. A landscaping and maintenance plan for all areas receiving open space credit. Before recordation of the plat, a cash bond for the installation of the landscaping and maintenance for a period of five years shall be placed in an escrow account with the town mayor's signature being required for draws. The bond shall be in the amount of 125% of the applicant's engineer's estimate of the above costs, as approved by the Town Engineer.

**10.03.0700 Guarantee of Performance:**

**10.03.0701 Type and Amount of Guarantee:**

The type of guarantee shall be in the form of an irrevocable letter of credit, performance bond or cash bond equal to the cost of the required improvements, plus 25% as approved by the Town Engineer. The sub-divider shall furnish an estimate of the cost of constructing the required improvements. Said estimate shall be prepared by an engineer registered to practice in the State of Utah and approved by the Town Engineer.

**10.03.0702 Duration:**

The duration of the irrevocable letter of credit, performance bond or cash bond shall be for 2 years from the date of approval of the final plat of the subdivision by the Town Board.

An extension of time may be granted by the Town Board upon application by the sub-divider, provided such application is submitted at least sixty (60) days prior to the expiration of the bond, and provided the issuer of the bond is willing to extend the time of the assurance.

**10.03.0703 Default:**

In the event the sub-divider becomes in default or fails or neglects to satisfactorily install the required improvements within two (2) years from the date of approval of the final plat by the Town Board or to pay all liens in connection therewith, the Town Board may declare the bond or other assurance forfeited and the Town may install or cause the required improvements to be installed, using the proceeds from the sale of the bonds or other assurance to defray the expense thereof.

**10.03.0704 Inspection and Release:**

The sub-divider shall be responsible for the quality of all materials and workmanship. At the completion of the work or not less than ten (10) days prior to the release of the bond, the Town Engineer or authorized representative shall make a preliminary inspection of the improvements,. Reinspections shall be required until the project is found by the City Engineer to meet all applicable Town requirements. When, f all liens are paid, and other conditions thereof are found to be satisfactory, the City Engineer shall submit a report to the Town Board setting forth the conditions of such facilities. When the Town Board approves the City Engineer's report, a one year warranty period shall begin.



After the one-year warranty period, the City Engineer or authorized representative shall make a final inspection. The City Engineer shall submit a final report to the Town Board. If the condition of materials or workmanship show unusual depreciation or do not comply with the standards of the Town, or if any outstanding liens are not paid, the Town Board may declare the sub-divider in default and authorize the bond to be used to make corrections, otherwise, the Town Board shall release the bond to the bond holder.

**10.03.0800 General Requirements:**

**10.03.0801 School Sites, Other Public Spaces:**

In sub-dividing property, consideration should be given to sites for schools, parks, playgrounds, and other areas for public use, as shown on the general plan. Any provision for such open spaces shall be indicated on the preliminary plan in order that it may be determined in what manner such areas will be dedicated to or acquired by the appropriate agency.

**10.03.0802 Construction and Maintenance of Private Roads and Driveways by Town Prohibited.**

Charleston Town, Utah, shall not open, grade, pave, or perform any maintenance work on any private or undedicated street or alley, and the Town shall refrain from laying utility lines in any street which has not:

1. Been accepted by the Town as a public street or alley, or
2. Which has not received the approval of the Town Board as part of the final plat of a subdivision unless an easement is granted therefore.

The Town shall not accept nor maintain a street or other public way unless said street has been accepted by the Town Board as a public street and the street has been constructed in accordance with Town standards

**10.03.0803 Water Supply and Storage:**

All lots within the subdivision shall be served by an approved central water system. The sub-divider shall submit proof that the proposed water source is capable of providing at least 800 gallons per dwelling unit per day where water is to be used for lawn sprinkling, fire protection, and other outside uses as well as inside uses, and at least 400 gallons per dwelling unit per day where water is to be used inside dwellings only.

**10.03.0804 Small Subdivisions:**

Whenever a small subdivision, meeting the conditions set forth in Section 10.03.200 of this Ordinance, is proposed, a preliminary plan conforming to the requirements for preliminary plans as set forth in Section 10.03.0501-B of this Ordinance shall be prepared and submitted to the Planning Commission for approval. Before the Planning Commission shall approve any such plan, all

improvements required under paragraph 10.03.0502 shall have been installed or assurances given to the Town that the improvements will be installed without cost to the Town as set forth in Section 10.03.0700 of this Ordinance.

**10.03.0805 Work to be Done by Engineer or Surveyor:**

All engineering work or surveying of property must be done by or under the direction of a registered professional engineer or land surveyor registered in the State of Utah.

**10.03.0806 Continuity of Dead End Streets Protected:**

Whenever a proposed subdivision has a street which terminates against private property of an individual, other than the sub-divider, a strip of land at least one (1) foot wide across the entire end of the sub-divider's proposed street and on the sub-divider's property must be platted as a lot, and said lot shall be deeded to Charleston Town as a lot in the proposed subdivision for future street purposes. The developer shall install a sign stating that the street is temporality dead-ended and that the street will go through in the future. On dead ends streets over 150 feet in length from the center of the intersection to the end of the street a temporary turn around meeting fire code requirements for emergency vehicle turn around is required.

**10.03.0807 Scenic Features Protected:**

Where natural or scenic features and/or historic community assets exist, such features or community assets shall be safeguarded by dedication to a public or private agency.

**10.03.0808 Standards and Specifications:**

Whenever the provisions of this Ordinance require improvements to be installed in subdivisions in accordance with Charleston Town standards or specifications, said standards or specifications last adopted by resolution of the Town Board of Charleston Town, Utah, are to be used. Such standards and specifications are on file in the Town Clerk's office and may be examined anytime during office hours.

**10.03.0809 Variance:**

Where, because of topographical or other extreme physical conditions peculiar to the site, the strict adherence to the requirements contained herein or adopted pursuant to this Ordinance would cause unnecessary hardship, the Planning Commission may recommend, and the Town Board may grant, a variance from said requirements. Any variance shall be authorize by the Town Board only after receiving the recommendation of the Planning Commission and upon finding that such variance may be made without undermining the intent of these provisions. Variance granted under this section shall be limited to issues of design and layout only. No variance shall be authorized which would constitute a waiver of the improvement requirements for streets, water supply and facilities, sewage disposal, and solid waste disposal.

**10.03.0810 Amendments May Be Required:**

Before approving preliminary plans for a final plat of a subdivision, the Planning Commission may require amendments or modifications of the plan if it finds that:

1. The layout of the subdivision does not conform to acceptable standards of design as set forth in this Ordinance
2. The subdivision is not provided with adequate ingress or egress
3. The subdivision contains geologic, soil, water, or other hazards which could be detrimental to the subdivision, surrounding area, or to the Town.
4. The subdivision does not provide the required improvements or quality of improvements or does not comply with other requirements as set forth in this Ordinance

Such amendments or modifications shall be sufficient in all cases to correct the inadequacies so the subdivision will conform to the requirements of this Ordinance.

**10.03.0900 Penalty:**

Any person, firm, or corporation who shall transfer or sell any lot or land in a subdivision, as defined in this Ordinance, which subdivision has not been approved by the Planning Commission and by the Town Board of Charleston Town, and recorded in the office of the Wasatch County Recorder, shall be guilty of a class B misdemeanor for each lot or parcel so 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 Town may also enjoin such transfer or sale or agreement.

The Town Attorney may bring action before any competent court having jurisdiction to enjoin the continuation of any prohibited condition and impose a civil penalty of up to \$1,000 per day plus costs and reasonable attorney's fees.

Each day that a violation is permitted to exist may constitute a separate offense. The imposition of any sentence or fine shall not exempt the offender from compliance with the requirements of this Ordinance.

**10.03.1000 Conflict:**

All ordinances, regulations, and parts thereof which are in conflict with the provision of this Ordinance, to the extent of such conflict are hereby repealed.

**10.03.1100 Validity:**

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

**10.03.1200 Effective Date:**

In consideration of impending development, in the opinion of the Town Board, an emergency exists and that it is necessary for the health, safety, peace, and general welfare of the Town and the inhabitants thereof that this Ordinance take effect immediately. This Ordinance shall therefore be in full force and effect from and after its passage by the Town Board and posting as required by law.

Date passed \_\_\_\_\_

<u>Record of Vote:</u>	<u>Aye</u>	<u>Nay</u>
John Whiting, Mayor	_____	_____
Brenda Gemmell, Board Member	_____	_____
Scott McEuen, Board Member	_____	_____
Stacey Mitchell, Board Member	_____	_____
Alan Reddekopp, Board Member	_____	_____

Attest \_\_\_\_\_ Date \_\_\_\_\_  
Sheryl Lambert, Town Clerk

Certificate of Posting: I, the duly appointed and acting Town Clerk of Charleston Town, hereby certify that copies of the Ordinance or Summary of the Ordinance were posted on \_\_\_\_\_ at the Town Hall, Town Shop, and Town Park. It was also published in the Wasatch Wave newspaper on \_\_\_\_\_.

Attest \_\_\_\_\_, Town Clerk

Approved as to form \_\_\_\_\_, Attorney