

STERLING TOWN

LAND USE CODE

Town of Sterling Ordinance No. 04-18-2008

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Sterling Town Land Use Ordinance No. 04-18-2008

The provisions of this Ordinance shall be applicable to all divisions of land within the Town of Sterling. It is incumbent upon any person developing property therein to acquaint himself/herself with this Ordinance. It has been prepared to be a guide to the developer and a review aid to the governing bodies. Working together, the unique character of Sterling will not be diminished.

This Ordinance shall take effect immediately upon passage.

DATED this 18th day of April, 2008.

SIGNED:

/s/

GARRY T. BRINGHURST
Mayor

ATTEST:

/s/

MICHELLE C. RASMUSSEN
Recorder/Clerk

CERTIFICATE OF POSTING ORDINANCE

I, the duly appointed and acting Recorder/Clerk for the Town of Sterling, hereby certify that the following Sterling Town Land Use Ordinance No. 04-18-08, was posted to the Sterling Town Website www.sterlingutah.com on March 19, 2008, and Notice of the availability to the public was published along with the Notice of Public Hearing in the Sanpete Messenger on the 30th day of March, 2008; and posted at three public places within the municipality [Denton Oil, Thomas Grocery and Sterling Town Hall] on the day of March, 2008.

Dated this 18th day of April, 2008.

Michelle C. Rasmussen, Recorder/Clerk

Chapter 1-2 DEFINITIONS

Chapter 1-2. DEFINITIONS. For the purpose of this code, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

Accessory Buildings Large. An accessory building larger than 600 sq. ft. that is located on the same lot as a residence.

Accessory Building, Occupied. A building on the same lot as the principal building and that is:

- A. Clearly incidental to, and customarily found in connection with such principal building;
- B. Operated and maintained for the benefit of the principal use; and
- C. A dwelling unit or home office.

Accessory Building, Unoccupied. A Building on the same lot as the principal building and that is:

- A. Clearly incidental to, and customarily found in connection with such principal building;
- B. Operated and maintained for the benefit of the principal use; and
- C. Not a dwelling unit.

Accessory Living Quarters. Accessory dwelling incidental to a church or airport.

Accessory Use or Building. A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.

Affected Entity. A county, municipality, independent special district under Utah Title 17A, Chapter 2, Independent Special Districts, local district under Utah Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Utah Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if:

- (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- (c) the entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.

Agriculture. The tilling of soil, raising of crops, horticulture, gardening and other similar uses.

Agricultural Industry or Business. An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, or storage, including but not limited to food packaging or processing plants, and similar uses as determined by the planning commission with a conditional use permit. This definition does not include hog farms, commercial poultry businesses or rendering facility.

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Alley. A public thoroughfare less than 26 feet wide.

Alterations, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Apartment Hotel. Any building that contains dwelling units and also satisfies the definition of a hotel, as defined in this chapter.

Apartment House. A building that contains four or more dwelling units primarily for rent or lease or a building that contains an apartment or apartments and also contains other approved uses such as office or retail space.

Appeal Authority. A person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

Applicant. The owner of the property that is the subject of the application, or the owner's agent.

Application. A written request for development approval including, but not limited to an alteration or revision to an approved Master Planned Development, Conditional Use Permit, zoning or rezoning, Subdivision, or Annexation. The term "Application" shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.

Balcony. A platform that projects from the wall of a Building and is enclosed by a railing, parapet or balustrade.

Banking or Financial Service. A bank, credit union, savings and loan association, or other establishment with a primary purpose of receiving, lending, exchanging, or safeguarding money, or performing financial advisory service. This definition shall include outside drive-up facilities for service to customers in automobiles.

Basement. A story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than half of its floor-to-ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement and as a half-story for purposes of side-yard determination.

Board of Adjustment. A five (5) member board appointed by the Sterling Town Council as provided in this ordinance.

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Bond, Public Improvement. A one (1) year guarantee to the Town that all public improvements have been installed to Town specifications and will operate properly.

Building. Any structure, whether temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, possessions, or property of any kind.

Building Area. The portion of a lot that is within the envelope formed by the required yards or setbacks, within which a structure can be located.

Building Height. The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Building Inspector. Sterling Town official known as the zoning enforcement officer who is designated to inspect building under construction and upon completion.

Building, Main. A building within which the principal land use of the lot is conducted.

Business. Any activity carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real property, the manufacturing of goods or property and the rendering of personal services for others for consideration by persons engaged in any profession, trade, craft, occupation, non-profit organization or other calling.

Business Commercial, less intensive. A business that **does** not include automotive, heavy equipment or 24-hour uses. May be with or without a drive up window.

Canopy. A roof or awning constructed of fabric or other material and extending outward from a building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the canopy or cantilevered from the building.

Carport. A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all regulations prescribed for a private garage.

Cemetery, Columbarium, Crematory, Mausoleum. Land or buildings used for the cremation, burial, or interment of the human dead but not including facilities for embalming.

Chief Executive Officer. The Mayor of Sterling Town.

Clear Vision Area. An area outlined by the sight distance triangle where solid fencing or natural vegetation is restricted to a height of 4' and where all structures or other items that would obstruct vision are prohibited. See Sight Distance Triangle.

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Co-location. The location of a telecommunication facility on an existing structure, tower, or building in a manner that precludes the need for that telecommunications facility to be located on a freestanding structure of its own.

Complete Application. A submission, which includes all information requested on the appropriate form, and full payment of all applicable fees.

Conditional Use. A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas of a zone district, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Congregate Living Facility. A residence in which three or more persons unrelated to the owner or provider reside, including but not limited to youth homes, residential facilities for the disabled, residential facilities for the elderly.

Condominium. Any structure or parcel that has been submitted to fractionalize ownership under the provisions of the Utah Condominium Ownership Act.

Conservation Easement. An easement designed to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

Convenience Goods Sales and Services. Stores or shops intended for retail sales of convenience goods or performance of convenience services. Goods and services regarded as convenience are those generally needed for daily home consumption and for which locations near residential neighborhoods are considered desirable. This category includes grocery store, drug store, variety store, personal service, hardware store, dry cleaning pick-up, and uses considered similar and compatible.

Constitutional Taking. Final action by the Town to physically take or exact private real property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States, or Article I, Section 22, of the Utah Constitution.

Court. An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

Council. Members of the Town Council of Sterling.

County. The unincorporated area of Sanpete County.

Coverage. The percent of the total site area covered by structures or impervious paving other than those accepted in this ordinance.

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Cul-de-sac. A minor street having an open end and being terminated at the other end by a vehicle turnaround.

Culinary Water Authority. The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

Cultural, Civic Services. A building primarily used for the public, nonprofit display of art, historic or cultural artifacts, or other inanimate exhibits or a building primarily used as a lending library or reading room.

Development. The act, process or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property including grading, clearing, grubbing, mining, excavating or filling of such property. This definition includes construction activity.

Disability. means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

(b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

District. A portion of the area of Sterling Town, Utah shown on a zoning map (attached to this ordinance) and given a zone classification as set forth in this ordinance.

Dwelling. Any building, or portion thereof, which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, and tourist cabins.

Dwelling, Four-Family. A building arranged or designed to be occupied by four families, the structure having only four dwelling units.

Dwelling, Multiple-Family. A building arranged or designed to be occupied by more than four families.

Dwelling, Single-Family. A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling, Three-Family. A building arranged or designed to be occupied by three families, the structure having only three dwelling units.

Dwelling, Two-Family. A building arranged or designed to be occupied by two families, the structure having only two dwelling units.

Easement. A negotiated interest in the land of another which allows the easement holder specified uses or rights without actual ownership of the land.

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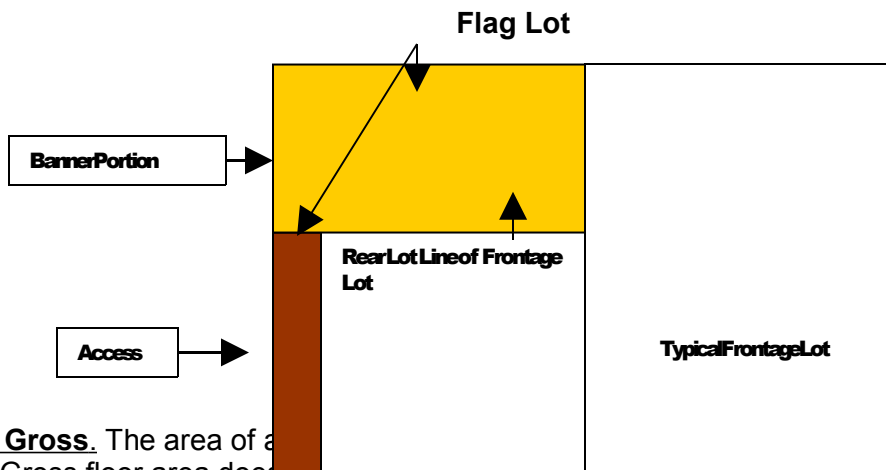
Escrow. A deposit of cash with the Town or an approved, alternate security in lieu of cash held to ensure a guarantee.

Fence. A physical barrier to delineate, contain, or designate an area designed for a specific use, such as an enclosure for a dwelling unit, an area of storage, etc.

Final Action. The latter of the final vote or the approved, written decision on a matter.

Final Plat. A recordable Subdivision or condominium map.

Flag Lot. The remaining lot created from the subdivision of one lot, with proper street frontage, into two Lots which consist of: 1) a frontage lot, with proper street frontage; and 2) a flag lot, with street access, but without street frontage. The flag lot consists of an access portion and a banner portion (diagram).



Floor Area, Gross. The area of a building for human occupation. Gross floor area does not include unenclosed porches, balconies, patios and decks, vent shafts, courtyards or garages, up to a maximum floor area of 600 square feet.

Floor Area, Net Leasable. Gross Floor area excluding common hallways, mechanical and storage areas, and restrooms.

Floor Area Ratio (FAR). The maximum allowed Gross Floor area divided by the area of the Lot or Parcel.

Frontage. The length of the property line of the lot fronting on one side of a street.

Gated Community. A subdivision or residential area where primary access is regulated through a gated entry point.

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Garage, Commercial. A building other than a private garage used for the temporary parking of automobiles with or without a fee.

Garage, Private (including Carport). A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

General Merchandise Sales and Related Services. Stores, department stores, or shops intended for sale of goods or merchandise, but not including convenience goods, liquor, motor vehicles, campers, trailers, or lumber.

General Plan. A document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality, as set forth in Sections 10-9-301 and 10-9-302 of the Utah Code.

Governing Body. The Town Council of Sterling Town.

Grade.

- a. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.
- b. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.
- c. For buildings having no wall adjoining the streets, the average level of the ground (finished surface) adjacent to the exterior walls of the buildings.

All walls approximately parallel to and not more than five feet from a street line are to be considered as adjoining a street.

Height, Building. The vertical distance from the existing grade to the highest point of the cornice of a flat roof or to the deck line of a mansard roof or to the midpoint of the highest gable of a pitch or hip roof

Home Occupation. An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display other than that provided in Sterling Town Ordinance with relation to signs, no stock in trade, no person employed other than members of the family residing on the premises, and no power tools used requiring a motor in excess of one horsepower.

Inaction. An application is inactive and subject to denial on the basis of inactivity if, through the act or omission solely of the applicant and not of the Town:

- A. More than six (6) months has passed since a request for additional information was made by the Town without a response from the applicant;

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- B. Upon notice the applicant is more than sixty (60) days in default of the payment of any fee assessed by resolution, or has not paid the fee under protest;
- C. The applicant has stated an intent to abandon the project; and
- D. The application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

Industrial (or Research) Park. A tract of land that is subdivided and developed according to a plan for the use of a community of industries and related uses and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

Industry, Light. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment entirely within an enclosed structure, with no outside storage, serviced by small (3/4 ton) trucks or vans, and imposing a nearly negligible impact upon the surrounding environment by noise, vibration, smoke, dust, or pollutants.

Industry, Medium. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment within an enclosed structure, or an open yard that is capable of being screened from neighboring properties, is serviced by trucks or other vehicles, and whose environmental impact is within the industrial performance standards as outlined in this ordinance.

Itinerant Merchant. Any person, firm or corporation, whether as owner, agent, consignee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. This also includes a person, firm or corporation associating temporarily with a local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant or auctioneer.

Intermittent Use. A temporary business of selling and delivering goods, wares and merchandise within the Town of Sterling.

Junk Yard. The use of any lot, portion of a lot, or tract of land for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles, other vehicles, or machinery or parts thereof; provided that this definition shall not be deemed to include such uses which are clearly accessory and incidental in the district.

Land Use Application. An application required by a municipality's land use ordinance.

Land Use Authority. A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

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Land Use Ordinance. A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.

Lattice Tower. A self-supporting multiple- sided, open steel frame structure used to support telecommunications antenna equipment.

Legislative Body. The Sterling Town Council.

Leasable, Gross. Total area including hallways, mechanical equipment room and common bathrooms.

Leasable, Net. Total area excluding hallways, mechanical equipment room and common bathrooms.

Local Jurisdiction. Sterling Town.

Lot. A parcel of land occupied or to be occupied by a main building or group of buildings (main and accessory), together with such yards, open spaces, lot width, and lot area as are required by this ordinance and having frontage upon a street. More than one dwelling structure may be built on a lot only in cases where the lot is of such size as to provide such required lot area, yards, and frontage for each dwelling structure as are required for the first dwelling structure on the lot.

Lot, Corner. A lot situated at the intersection of two (2) Streets, the interior angle of such intersection does not exceed one hundred thirty five degrees (135°). A corner lot fronts two streets.

Lot Depth. The horizontal distance between the front and rear lot lines measured in the main direction of the side lot line.

Lot Line. Property lines bounding the lot.

Lot, Width. The minimum distance between the side lot lines at the front yard or front building facade. For three (3)-sided lots, the minimum distance between the rear and side lot lines at the front yard or front building facade.

Lot Line, Front. The property line dividing a lot or parcel from the right-of-way of the street from which structure takes access.

Lot Line, Rear. The property line opposite the front lot line.

Lot Line, Side. Any lot or property line other than a front or rear lot line.

Manufactured Home. A multi-sectional mobile home not exceeding two (2) Stories in height that is designed to be installed on a permanent foundation system and was manufactured after June 15, 1976.

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Master Planned Development (MPD). A form of development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in each zone chapter of this code. The MPD generally includes a number of housing units; a mix of building types and land uses; clustered buildings designed to integrate one with another and to complement the surrounding land uses; significant open space; flexible in interior setbacks, heights, and density; and valued community amenities. .

Mixed Use, Commercial. Development which incorporates a mix of uses, including retail commercial, and/or offices and residential.

Mixed Use, Horizontal. Commercial and residential uses which are within close proximity to each other and designed in a “village” manner, but not necessarily within the same building structures.

Mixed Use, Vertical. Commercial and residential uses, which are within the same building structure.

Mobile Home. A detached single-family dwelling unit of not less than thirty feet in length, designed for long-term occupancy and to be transported on its own wheels or on a flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for connections to utilities and other work. Presectionalized, modular, or prefabricated houses not placed on permanent foundations, shall be regarded as mobile homes and only authorized in mobile home parks.

Mobile Home Lot. A designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures which complies with all relevant building codes and ordinances.

Mobile Home Pad. Part of the mobile home space which has been prepared and reserved for the placement of one mobile home.

Mobile Home Park. A residential development in which owners of mobile homes or manufactured housing may rent or lease a lot on which to place their home. Such developments may provide all of the amenities and improvements typical of subdivisions.

Mobile Home Park Plumbing System. The park sewer and water supply systems within the park property line.

Mobile Home Service Building. A building which is not a mobile home which houses separate toilet and bathing facilities for men and women and which may also have laundry facilities, flushing-rim sink, and other facilities as may be required by the ordinances of the Town of Sterling.

Mobile Home Park Sewage System. Any pipe or line not built into the mobile home which is used for the disposal of human waste.

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Model Home. A dwelling unit used initially for display or marketing purposes, with a certificate of occupancy, which typifies the units that will be constructed.

Modular Home. A permanent dwelling structure built of prefabricated units which are assembled and erected on the site, and which meets the IBC.

Municipal Facilities. Those improved properties owned by the municipality, or the public.

Natural Waterways. Those areas, varying in width, along streams, creeks, springs, gullies, or washes that are natural drainage channels as determined by the building inspector.

New Development. Any new construction activity.

Noncomplying Structure. A structure that legally existed before its current zoning designation and because of a zoning change does not conform to the zoning district's development standards.

Nonconforming Sign or Sign Structure. A sign or sign structure or portion thereof lawfully existing prior to May 31, 2005 which does not conform to all height, area, yard spacing, animation, lighting or other regulations prescribed in the zone in which it is located.

Nonconforming Use. A use of a lot or parcel that legally existed on the lot or parcel before its current zoning designation; has been maintained continuously for the preceding twelve months; and does not conform with the zoning regulations that now govern the land.

Official Streets Master Plan. As adopted by the Town Council, the designation of each existing and planned street and right-of-way, and those located on approved and filed plats, for the purpose of providing for the development of the streets, highways, roads, and rights-of-way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each street and right-of-way is based upon its location in the respective zoning district of the Town, its present and estimated future traffic volume and its relative importance and function.

Official Zoning Map. The map adopted by the Town Council pursuant to law showing the streets, zoning districts, and Town boundaries; and any amendments or additions thereto resulting from the approval of rezones, subdivision or annexation plats and the subsequent filing of such approved plats.

Open Space. Space reserved in parks, courts, playgrounds, golf courses, and other similar open areas and those areas reserved to meet the density requirements of planned unit development.

Ordinary High Water Mark. The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means, which consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

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Outdoor Recreation, Park or Playground (Public or Private). An area free of buildings except for rest rooms, dressing rooms, equipment storage and maintenance buildings, and open-air pavilions and used primarily for recreation activities not involving motor vehicles or overnight use.

Outdoor Recreational Uses. Recreational activities involving off highway vehicles and similar motorized vehicles for recreational use and horse arenas, equestrian parks and equine activity, including but not limited to equine shows, fairs, competitions, performances, racing or sales that involve any breed of equines and any equine disciplines; boarding or training equines and teaching persons equestrian skills. The Planning Commission may also determine other equine activities that are consistent with this section.

Owner. Any person, or group of persons, having record title to the property sought to be developed or subdivided and the owner's agent.

Parcel. An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

Parking Area. An un-enclosed area or lot other than a street used or designed for parking, (9'x18').

Parking Area, Private. An open area, other than a street, used for the parking of the automobiles of occupants of a dwelling, hotel, or apartment hotel.

Parking, Public. A parking area or parking facility to be used by the public for fee or otherwise.

Parking, Residential. A parking area or structure used exclusively for residential, non-commercial uses.

Parking, Shared. The development and use of parking areas on two (2) or more separate properties for joint use by the businesses or residents on those properties.

Parking Space, Automobile. A space within a building or a private or public parking area, exclusive of driveways, ramps, columns, and office and work areas, for the parking of one automobile.

Person. An individual, corporation, partnership, or incorporated association of individuals such as a club.

Planning Commission. The Sterling Town Planning Commission.

Plat. A map or other graphical representation of lands being laid out and prepared in accordance with Utah Code §10-9-804. See 6-12 Development Standards.

Preliminary Plat. The preliminary drawings of a proposed subdivision, specifying the layout, uses, and restrictions.

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Property. Any parcel, lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

Property Line. The boundary line of a parcel or lot.

Property Line, Front. That part of a parcel or lot, which abuts a street.

Public Hearing. A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public Meeting. A meeting that is required to be open to the public under Utah Title 52, Chapter 4, Open and Public Meetings.

Public Improvement. Any building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking lot, space or structure, lot improvement, or other facility for which the Town may ultimately assume responsibility, or which may effect a Town improvement.

Public Right of Way. An area of land that is legally described in a registered deed for the provision of public access.

Public Service. Uses, which may be housed in separate buildings, or which may occupy a space within a building, that are operated by a unit of government to serve public needs such as police (with jail), fire service, ambulance, post office, or judicial court, but not including public utility stations or maintenance facilities.

Public Street. A street, including the entire right of way, which has been dedicated to and accepted by the Town of Sterling or other governmental agency or which has been devoted to public use by legal mapping, use or other means.

Public Utility Stations. A structure or facility used by a public or quasi-public agency to store, distribute, generate, or chemically treat water, power, gas, sewage, equipment, or other service elements.

Reasonable Notice. The requirements of reasonable notice are met if notice of hearing or meeting is posted in at least three public places within the jurisdiction and/or notice of the hearing or meeting is published in a newspaper of general circulation in the jurisdiction or if actual legal notice of the hearing or meeting is given.

Record of Survey Map. A graphic illustration of a survey of land prepared in accordance with state laws.

Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects

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any right-of-way, or lot line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

Right-of-Way. A strip of land, dedicated to public use that is occupied, or reserved to be occupied, by a Street, crosswalk, trail, stairway, railroad, road, utilities, or for another special use.

Road Classification. The streets, highways, roads, and rights-of-way designated on the streets Master Plan.

Road, Right-of-Way Width. The distance between property lines measured at right angles to the centerline of the street.

Roof. The building element, which covers the top of the structure as the walls enclose the sides.

Sanitary Sewer Authority. The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

School, Private or Quasi-Public. A school operated by a private or quasi-public organization or individual, which has a program similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a profit-making or nonprofit organization. This definition shall not include commercial schools.

School, Public. An educational facility operated by a school district or other public agency of the State of Utah.

Screen or Screened. The act, process, or result of visually and/or audibly shielding or obscuring a Structure or use from adjacent property by fencing, walls, berms, densely planted vegetation or other features.

Secure treatment. 24-hour specialized residential treatment or care for persons whose current functioning is such that they cannot live independently or in a less restrictive environment. Secure treatment differs from residential treatment to the extent that it requires intensive supervision, locked doors, and other security measures which are imposed on residents with neither their consent nor control.

Setback. The required minimum distance between a Building or Structure and the closest of the following:

- Property Line;
- Platted Street; or
- Existing curb or edge of a street.

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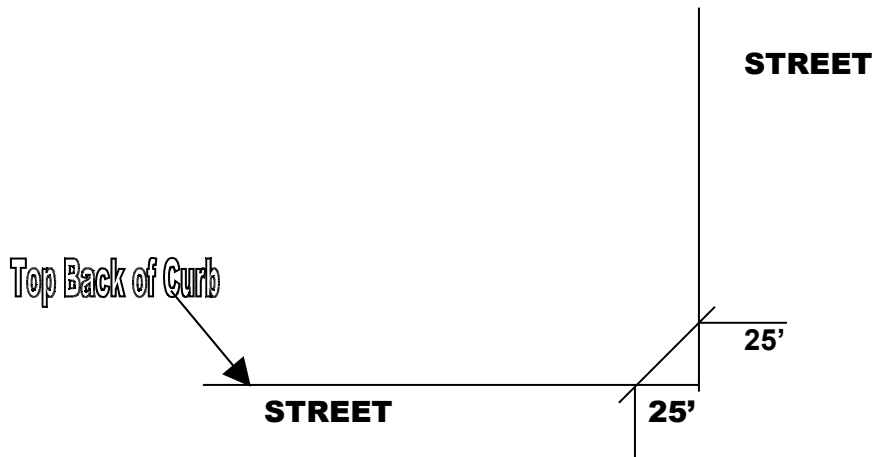
Significant Vegetation. Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an area fifty square feet (50 sq. ft.) or more measured at the drip line.

Sign. Any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trade marks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a commodity, or product which are visible from any public way. Sign shall also include the sign structure supports, lighting system and any attachments, ornaments or other features intended to draw the attention of observers

Site Development Standards. Regulations unique to each zone concerning standards for Development including, but not limited to lot areas, setbacks and building height.

Site Distance Triangle. A triangular area at the intersection of two (2) streets bounded by top back of curb and a line connecting them at points twenty-five (25') from the intersection of the two (2) curb lines.

Diagram - Typical Sight Triangle Area Guide



Sketch Plat. A sketch preparatory to the preliminary plat, or subdivision plat in the case of minor subdivisions, to enable the owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

Slope. The level of inclination of land from the horizontal plane determined by dividing the horizontal run, or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure to a percentage value.

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Special District. An entity established under the authority of Utah Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

Story. A habitable level within a building serving to define the building height. Basements that emerge less than 4 ft from grade or attics not exceeding 4 ft at the kick wall shall not constitute an additional story.

Story, Half. A story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

Stream. A naturally fed watercourse, that flows year-round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

Stream Corridor. The corridor defined by the stream's ordinary high water mark.

Street. A private or public right-of-way, highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easements, and other way.

Street, Access. A street that serves a small number of dwellings and usually does not allow through traffic. Usual ADT (average daily traffic) range is 0-250 vehicles.

Street, Arterial. A street which provides for through traffic movement between areas and across the town, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use and also provides access to highways. Arterials are not usually included in residential street plans. Maximum ADT is 3,000+ vehicles.

Street, Collector. A street that provides for a high volume of traffic movement between major arterials and local streets, and direct access to abutting property. Usual ADT range is 1,000-3,000 vehicles.

Street, Local. A street that provides for direct access to abutting land and for local traffic movements.

Street, Private. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more lots.

Street, Public. A street that has been dedicated to and accepted by the Town Council; that the Town has acquired and accepted by prescriptive right; or that the Town owns in fee. A public thoroughfare, which affords principal, means of access to abutting property and has a right-of-way that exceeds 26 feet in width. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Chapter 1-2 DEFINITIONS

Street, Subcollector. A street which conveys traffic to more dwellings and includes through traffic between access streets and collectors. Usual ADT range is 250-1,000 vehicles.

Streetscape. The distinguishing characteristics of a particular street including paving materials, adjacent space on both sides of the street, landscaping, retaining walls, sidewalks, building facades, lighting, medians, street furniture and signs.

Structure. Anything constructed, the use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".

Structure, Pre-existing. A structure, which was legally constructed prior to (date of adoption).

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more Lots, Parcels, Site, Units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or Development, either on the installment plan or upon any and all other residential and nonresidential zoned land, whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

1.2 "Subdivision" does not include:

- A. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;
- B. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - 1. No new lot is created; and
 - 2. The adjustment does not result in a violation of applicable zoning ordinances; or
 - 3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.
- C. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under State law as to the unsubdivided parcel of property or subject the unsubdivided parcel to the subdivision ordinance.

Subdivision, Major. All subdivisions of ten or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements, and

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not in conflict with any provision or portion of the General Plan, official zoning Map streets Master plan, or these regulations..

Subdivision, Minor. Any subdivision containing less than (10) lots that may require the recordation of a plat and all or part of the development requirement of a major subdivision, and not in conflict with any provision or portion of the General Plan, official zoning Map streets Master plan, or these regulations.

Subdivision Plat. The final map or drawing, on which the applicant's plan of subdivision is presented to the Town Council for approval and which, if approved, may be submitted to the County Recorder for filing.

Subdivision, Simple Lot. Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the General Plan, Official Land Use Map, Streets Master Plan, or these regulations. Subdivisions qualifying as a simple lot subdivision are exempt for the plat requirement.

Temporary Outdoor Use. A use, activity, vending cart, special event, or commercial use outside that is not permanent in nature and after a 72 hour time period ceases or is removed.

Temporary Use. A use, activity or special event that is not permanent in nature and after a designated time period ceases or is removed.

Town Attorney means the attorney the Town of Sterling or any individual or firm retained or designated by the Town of Sterling.

Town Board means the elected town officials consisting of board members and mayor. The term may be interchangeable with Town Council or Town Council. Three (3) voting members constitute a quorum.

Town Engineer means the engineer of the Town of Sterling or any individual or firm retained or designated by the Town of Sterling for the purpose of performing engineering duties.

Town Inspector means the inspector of the Town of Sterling or any individual or firm retained or designated by the Town of Sterling for the purpose of performing inspector duties.

Town Utility Board means the Water Master, Irrigation President, Fire Chief, & any other appointed by the Town Board.

Unincorporated. The area outside of the incorporated boundaries of cities and towns

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Use. The activities occurring on a lot or parcel of land for which land or a building is arranged, designed, or intended or for which land or a building is or may be occupied, including all accessory uses.

Use, Pre-existing. A use, which validly existed prior to May 31, 2005 and has not been abandoned for more than six (6) months.

Yard. An open space on a lot, unoccupied and unobstructed from the ground upward.

Yard, Front. An open, unoccupied space, in the same lot with a building, between the front line of the main building and the street line and extending for the full width of the lot.

Yard, Rear. A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line. On lots that are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of the main building directly to the rear lot line.

Yard, Side. An open, unoccupied space, except as otherwise provided in this ordinance, on the same lot with the building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard; or the shortest distance across said space from the main building to the side lot line.

Youth Home. A 24-hour group living environment for three (3) to five (5) persons under the age of 18, unrelated to an owner or operator that offers room, board or specialized services to residents. Youth Home may include facilities for the following: resource family home, child placement, or residential support as defined in Chapter 62A UCA. Youth Home shall not include facilities for the following: secure treatment, inpatient treatment, residential treatment, adult day care, day treatment, comprehensive mental health treatment, youth program, comprehensive substance abuse treatment, or domestic violence treatment as defined in 62A UCA.

Youth Program. A nonresidential program, designed to provide behavioral, substance abuse or mental health services to minors that:

- (i) serves either adjudicated or non-adjudicated youth;
- (ii) charges a fee for its services;
- (iii) may or may not provide host homes or other arrangements for overnight accommodation of the youth;
- (iv) may or may not provide all or part of its services in the outdoors;
- (v) may or may not limit or censor access to parents or guardians; and
- (vi) prohibits or restricts a minor's ability to leave the program at any time of his own free will.

(b) "Youth Program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

Zoning Administrator means the person appointed by the Town to perform the duties and responsibilities of Zoning Administrator relative to the Town Zoning Ordinance.

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Zoning map. A map, also known as a land use map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts

Chapter 1-5 SUBDIVISIONS

- 1.5.1 PURPOSE
- 1-5.2 PROCESS
- 1-5.3 SIMPLE LOT SUBDIVISIONS
- 1-5.4 MINOR SUBDIVISIONS
- 1-5.5 EXEMPTIONS FROM PLAT NECESSITY
- 1-5.6 SUBDIVISIONS (10 OR MORE LOTS)
- 1.5.7 LOT LINE ADJUSTMENTS
- 1-5.8 VACATION OR AMENDMENT OF PLATS
- 1.5.8 RECORD OF CONDOMINIUM PLAT

1.5.1 PURPOSE. The purpose of this chapter is to:

- 1) Protect and provide for the public health, safety, and general welfare of Sterling Town.
- 2) Guide the future growth and development of Sterling Town, in accordance with the General Plan.
- 3) Encourage the orderly and beneficial development of land within the municipality.
- 4) Protect the integrity of buildings, land and improvements, and to minimize the conflicts among the uses of land and buildings.
- 5) Provide a beneficial relationship between the uses of land, buildings, traffic circulation and the proper location and width of streets and building setbacks.
- 6) Establish reasonable standards of design and procedures for subdivisions, condominium plats, plat amendments, and lot line adjustments, in order to further the orderly layout and use of land; and to insure proper legal descriptions and recordation of subdivided land.
- 7) Insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- 8) Encourage the wise use and management of natural resources in order to preserve the integrity, stability and aesthetics of the community.
- 9) Continue the rural development and variety of structural design within residential zones.
- 10) Provide for open spaces through the most efficient design and layout of the land, while preserving the density of land as established in the Sterling Town Land Use Management & Development Code (LUMDC).

1-5.2 PROCESS. Chapter 1-5 adopts and incorporates the definitions of terms found in Chapter 1-2 and distinguishes between several processes of subdivision and land division including all subdivisions, condominium plats, plat amendments, plat vacations, and lot line adjustments. This process involves:

- 1) **TOWN COSTS.** All costs incurred by the Town in reviewing, approving and monitoring the subdivision process, including legal costs and engineering costs for reviewing and testing compliance, shall be assessed against the Subdivider, and approval may be conditioned upon deposit of sufficient sums to cover such costs.
- 2) **INITIAL CONTACT.** An applicant for a subdivision, condominium plat, plat amendment, lot line adjustment or plat vacation shall contact the Planning and Zoning Administrator to discuss the scope and purpose of the application and the requirements of this chapter.

Chapter 1-5 SUBDIVISIONS

- 3) **PRELIMINARY REVIEW.** The applicant shall provide the Planning and Zoning Administrator drawings in sufficient detail to allow review of the proposal for compliance with this section and to direct the applicant to the appropriate process.
- 4) **ADMINISTRATIVE REVIEW.** The Planning and Zoning Administrator shall review each complete proposal and may seek the advice and input of other city staff, municipal departments, and /or utility providers, and town engineer. The review shall include, but not be limited to the following:
 - a. Does the application meet the requirements of this code and the Sterling Town LUMDC?
 - b. Are all the lots suitable for building?
 - c. Are hazardous areas or conditions present, and if so, have the conditions been abated?
 - d. Do all lots border public streets?
 - e. Is the subdivision consistent with the General Plan?
 - f. Will the development enhance the character and aesthetics of the community?
- 5) **PLANNING COMMISSION PUBLIC HEARING.** The Planning Commission shall hold a public hearing on the application and recommend its approval, denial, or modification to the Town Council.

CITY COUNCIL PUBLIC MEETING. The Town Council shall hold a public meeting based on the Planning Commission recommendation on the application, and shall approve, deny or approve with conditions. *The town may impose an exaction or exactions on proposed land use development if:*

- (a) an essential nexus exists between a legitimate governmental interest and each exaction; and*
- (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.*

- 6) **DEFINITION OF PROPERTY LINES FOR UTILITY REQUIREMENTS.** For the purposes of Chapter 1-5 only, the following definitions shall apply:
 - a. The following definition shall apply for *Simple and Minor Subdivisions*. For purposes of water connections, the property line is defined as that property line of a lot or parcel of land that fronts on a dedicated street where water is existing in the street. Water will be considered at the property line in a simple and minor subdivision if they are within 120 feet of the property on either side of the street. -Connection fees will be collected when a building permit is issued to the property owner. Electricity continues to be required to be brought to the deeded property line of each lot or parcel by applicant. More than one lot or parcel can be serviced from one pole based on requirements as established by the electric contractor. A drop line must be at each lot, but a single line can feed more than one lot.
 - b. The following shall apply for *Subdivisions (6 or more lots)*. All town required utilities, to include electric and water, shall be required to be stubbed to each lot where meter placement would occur by the property owner. Connection fees will be collected at building permit issuance.

1-5.3 SIMPLE LOT SUBDIVISIONS. Subject to Chapter 1-5.5, an applicant may subdivide property by metes and bounds into *two or three lots or parcels*, provided that all proposed lots or parcels front a dedicated public street and comply with the applicable zone standards. This process should be completed in the following manner:

Chapter 1-5 SUBDIVISIONS

- 1) An applicant shall submit an application to the Planning & Zoning Administrator for a simple lot subdivision that includes at a minimum:
 - a. The name of applicant or authorized agent and contact information;
 - b. A property address and parcel number;
 - c. The address for the subdivision;
 - d. A surveyed plat is required by law
 - e. Any other information relating to the subdivision that may be requested by the Planning and Zoning Administrator.
 - f. The subdivision name.
- 2) Simple lot subdivisions shall not be approved until such time as the applicant provides utility hook-ups to each proposed lot or parcel.
- 3) Design standards set forth in Chapter 1-6 are not applicable to a simple lot subdivision unless specifically required by the Sterling Town Council.
- 4) The applicant needs approval from the Public Health Department on simple lot subdivisions if it is determined that the property is not serviced by the public sewer system.

1-5.4 MINOR SUBDIVISIONS. An applicant may subdivide property by metes & bounds into *less than 6 lots or parcels* in the following manner:

- 1) An applicant shall submit an application to the Planning & Zoning Administrator for a minor subdivision that includes at a minimum:
 - a. The name of applicant and/or authorized agent and contact information;
 - b. A property address and parcel number;
 - c. The address for the subdivision; and
 - d. The subdivision name.
 - e. Any other information relating to the subdivision that may be requested by the Planning and Zoning Administrator.
 - f. A surveyed plat is required by law.
- 2) The requirement for certain design standards set forth in Chapter 1-6 may be waived by the Sterling Town Council in a public meeting if all proposed lots front a dedicated public street;
- 3) The applicant shall meet with the Planning & Zoning Administrator and Town Utility Board to determine utility hook-ups to each proposed lot or parcel, and other infrastructure requirements for the minor subdivision. Minor subdivision will not be approved until such requirements are met.
- 4) The applicant needs approval from the Public Health Department on minor subdivisions if it is determined that the properties are not serviced by the public sewer system.

1-5.5 EXEMPTIONS FROM PLAT NECESSITY.

- 1) An applicant may submit to the Sanpete County Recorder's Office for recording a document that subdivides property by metes and bounds into less than six lots if,
 - a. The Planning Commission has given the Town Council its recommendation, whether favorable or not; and
 - b. The document contains a certificate or written approval from the Town Council.

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- 2) By indicating its approval on the document subdividing the property into less than six lots, the Town Council certifies that:
 - a. The Planning Commission has given its recommendation to the Town Council;
 - b. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and
 - c. If the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width and area requirements of the Sterling Town LUMDC or has been granted a variance from those requirements by the Appeal Authority.
- 3) Documents recorded in the Sanpete County Recorder's Office that divide property by metes and bounds description do not create a subdivision allowed hereunder unless the certificate of written approval required by Subsection 1, above, is attached to the document.
- 4) The absence of the certificate or written approval from the Town Council does not affect the validity of the recorded document.
- 5) A document which does not meet the requirements of this section may be corrected to comply with this section by recording an affidavit to which the required certificate or written approval is attached.
- 6) For purposes of this section:
 - a. "Document" includes, but is not limited to, a deed or other written conveyance that transfers the property creating a simple lot or minor subdivision;
 - b. "Certificate" or "written approval" means a stamp or other writing on or attached to the document indicating that the subdivision has been approved by the Town Council.
- 7) The certificate or written approval required herein is located in the appendix: "Sterling Town Subdivision Recordation Certificate"

1-5.6 MAJOR SUBDIVISIONS. The applicant for a major subdivision shall submit an application, located in appendix, to the Planning & Zoning Administrator. After Administrative review, the applicant shall submit a preliminary plat to the Planning Commission for its consideration. The applicant must comply with Chapter 1-6 for design standards and infrastructure requirements of a subdivision.

- 1) **PRELIMINARY PLAT REVIEW.** The applicant shall prepare and submit nine (9) copies of a preliminary plat of the proposed subdivision. The preliminary plat shall include:
 - a. A minimum scale of 1" =50';
 - b. The proposed streets, alleys, parks, open spaces and other offers of public dedications showing widths and pertinent dimensions of each;
 - c. Existing rights-of way and easement grants of record for streets, underground utilities and other public purposes;
 - d. A north arrow facing the top of right margin;
 - e. A date on each sheet;
 - f. The boundary dimensions and legal description of the subdivision;
 - g. The location, width, and other dimensions of all existing or platted streets and other important features such as utility lines, and exceptional topography and structures within the proposed subdivision and within a two hundred foot (200') perimeter of the subdivision;
 - h. The proposed subdivision name;
 - i. The name and address of the applicant, engineer or surveyor for the subdivision and the owners of the land to be subdivided.

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- 2) **NOTICE.** The applicant shall provide the town with two (2) sets of type written address labels, together with sufficient funds to cover related postage costs, to all property owners within three hundred (300) feet of the proposed subdivision. Such notice shall be mailed at least seven (7) days prior to the Planning Commission consideration of the preliminary plat. Notice of subdivisions for multi residential, commercial, or industrial development shall be provided to affected entities as required under this section.
- 3) **PLANNING COMMISSION PUBLIC HEARING.** The Planning Commission shall hold a public hearing on the preliminary plat by providing reasonable notice of the public hearing at least 14 days before the date of the public hearing. The hearing shall determine if the application meets the requirements of this code.
- 4) **PLANNING COMMISSION CONSIDERATION.** Upon review and consideration of the preliminary plat for compliance with this code, at a meeting called for such purpose, the Planning Commission shall recommend its approval, denial, or approval with conditions to the Town Council. Such decision shall be made within 45 days of said meeting.
- 5) **TOWN COUNCIL PUBLIC HEARING.** The Town Council may hold a public hearing within forty-five (45) days of the Planning Commissions recommendation and shall approve, deny or conditionally approve the preliminary plat.
- 6) **FAILURE TO RECORD.** Failure to record a final plat within one year of approval of the preliminary plat by the Sterling Town Council shall render the preliminary plat null and void. In such case, the applicant must commence the subdivision process anew.
- 7) **FINAL SUBDIVISION PLAT REVIEW.** Upon Planning Commission recommendation and Town Council approval of the preliminary plat, the applicant shall prepare and submit to the Planning Commission a final Mylar plat together with four (4) paper copies with dimensions of 24" x 36", and one (1) 8 ½" x 11" copy. The final plat shall include:
 - a. A minimum scale of 1" = 50';
 - b. The proposed streets, alleys, parks, open spaces and other offers of public dedications, showing widths and pertinent dimensions as well as points of intersection of each;
 - c. Existing rights-of-way and easement grants of record for streets, underground utilities and other public purposes;
 - d. A north arrow facing the top of right margin;
 - e. A date on each sheet;
 - f. The boundary dimensions and legal description of the subdivision and each lot therein which is within 0.010' with the point of beginning clearly labeled;
 - g. The acreage or square footage for all parcels or lots and the length and width of the blocks and lots intended for sale;
 - h. A legend of symbols;
 - i. All survey monuments and proposed hydrant locations;
 - j. The streets indicating numbers and/or names and lots numbered consecutively;
 - k. The location, width, centerline bearings and curve data (including delta angle, radius, length, tangent and the long cord on curves) and other dimensions of all existing, proposed or platted streets and easements;
 - l. A similar description of important features such as utility lines and exceptional topography and structures within the proposed subdivision and within a two hundred foot (200') perimeter of the subdivision. Utility features must appear on the plat;
 - m. The streets, lots, and properties within two hundred feet (200') surrounding the subdivision shown in ghost lines;
 - n. A proposed subdivision name;
 - o. The approved signatures for:
 - i. Owner's dedication and acknowledgment;
 - ii. Surveyor's stamped certificate with subdivision boundary legal description;

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- iii. Town Engineer's approval;
 - iv. Town Utilities Board;
 - v. Public Health Department approval if it is determined that the property is not served by the public sewer system;
 - vi. Planning Commission acceptance;
 - vii. Town Council approval as to form;
 - viii. County Recorder's certificate.
- p. The name and address of the applicant, engineer, or surveyor for the subdivision and owners of the land to be subdivided.
- 8) **ADOPTION OF FINAL SUBDIVISION PLAT.** Upon a determination that the proposed plat is consistent with the General Plan and upon receipt of the owners' tax clearance, and approval from the Town Utilities Board, the Town Council may approve a final subdivision plat as provided above.
- 9) **IMPROVEMENTS.** Subdivision improvements must be completed within one (1) year of recordation of the final subdivision plat, unless such time as extended by the Sterling Town Council.
- 10) **PUBLIC IMPROVEMENTS SECURITY.** A security arrangement shall be one of the following types as dictated by the Town:
- (a). A bond with a surety company licensed to do business in the State of Utah;
 - (b). An irrevocable letter of credit with a federally insured financial institution;
 - (c). A cashier's check made payable only to the Town;
 - (d). A trust or escrow account with a federally insured financial institution designating the Town as beneficiary.

Any interest accruing on escrowed funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer and not to the Town. The Town shall not be required to pay interest to the developer on any non-interest bearing escrow account for this purpose.

- 11) **INSPECTIONS.** The Town staff designee shall inspect the subdivision development during construction through its completion.
- 12) **OWNERS DUTY TO RECORD PLAT.** The owner(s) of an acknowledged, certified and approved plat shall record the plat in the Sanpete County Recorder's office. An applicant's failure to record a final plat within one year of Town Council approval shall render the plat void. In such case, the applicant must commence the subdivision process a new.

1-5.7 SUBDIVISION LOT LINE ADJUSTMENT. Applicants, as the owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat, may exchange title to portions of the parcels.

- 1) The Planning Commission may approve an exchange of title if the following conditions are met:
- a. No new dwelling lot or housing unit will result from the exchange of title;
 - b. The adjustment does not result in violations of applicable zoning requirements.
- 2) If an exchange of title is approved, a notice of approval shall be recorded in the office of the Sanpete County Recorder by the Planning and Zoning Administrator. This notice must:
- a. Be executed by each owner included in the exchange and the Planning Commission;

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- b. Contain an acknowledgement for each party executing the notice;
 - c. Recite the descriptions of both the original parcels and the parcels created by the exchange of title.
- 3) A notice of approval does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

1-5.8

1) VACATING OR CHANGING A SUBDIVISION PLAT.

- a. The Town Council by ordinance may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision at a public hearing.
- b. If a petition is filed, the Town Council shall hold the public hearing within 45 days after receipt of the planning commission's recommendation under Subsection (c) if:
 - i. the plat change includes the vacation of a public street or alley;
 - ii. any owner within the plat notifies the municipality of their objection in writing within ten days of mailed notification; or
 - iii. a public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- c.
 - i. Before the Town Council may consider a proposed vacation, alteration, or amendment under Subsection 1) a. or g., the Town Council shall refer the proposal to the Planning Commission for its recommendation.
 - ii. The Planning Commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it.
- d. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
- e. Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:
 - i. the name and address of all owners of record of the land contained in the entire plat;
 - ii. the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
 - iii. the signature of each of these owners who consents to the petition.
- f.
 - i. A petition that lacks the consent of all owners referred to in Subsection (e) may not be scheduled for consideration at a public hearing before the Town Council until the notice required by Subsection B below, is given.
 - ii. The petitioner shall pay the cost of the notice.
- g. Subject to Subsection (2), if the Town Council proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat,

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they shall consider the issue at a public hearing after giving the notice required by Subsection (2) below.

2) **NOTICE OF HEARING FOR PLAT CHANGE.**

- a. The Town Council shall give notice of the proposed plat change by mailing the notice to each owner of property located within 300 feet of the property that is the subject of the proposed plat change, addressed to the owner's mailing address appearing on the rolls of the Sanpete County Assessor.
- b. The Town Council shall ensure that the notice includes:
 - i. a statement that anyone objecting to the proposed plat change must file a written objection to the change within ten days of the date of the notice;
 - ii a statement that if no written objections are received by the Sterling Town Council within the time limit, no public hearing will be held; and
 - iii the date, place and time when a hearing will be held, if one is required, to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all land owners as required by Subsection 1) above.
- c. If the proposed change involves the vacation, alteration, or amendment of a street, the Sterling Town Council shall give notice of the date, place, and time of the hearing by:
 - i. mailing notice as required in Subsection 2) a. above; and
 - ii. publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the Sterling Town area.

3) **GROUND FOR VACATING OR CHANGING A PLAT.** Within 30 days after the public hearing, the Town Council shall consider the petition.

- a. The Town Council may approve a petition to vacate or change a plat if it finds:
 - i. Neither the public nor any person will be materially injured by the proposed vacation, alteration or amendment; and
 - ii. There is good cause for the vacation, alteration or amendment.
- b. The Town Council, by ordinance, may vacate, alter, or amend the plat, any portion of the plat, or any street or lot;
- c. The Town Council may approve the vacation, alteration, or amendment by ordinance, amended plat, administrative order, or deed containing a stamp or mark indicating approval by the Town Council;
- d. The Town Council shall ensure that the vacation, alteration, or amendment is recorded in the office of the Sanpete County Recorder;
- e. An aggrieved party may appeal the Town Council's decision to the District Court.

1-5.9 RECORD OF CONDOMINIUM PLAT. Each application for condominium shall comply with the provisions of the Condominium Act as set forth in U.C.A. 57-8-10 or any successor statute enacted in its place.

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1-6.1 GOVERNING PROVISIONS

- 1) The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Chapter. The current edition of the American Public Works Association (APWA) Manual of Standard Specifications will also govern construction of infrastructure in Sterling Town.

1-6.2. LOT STANDARDS

- 1) The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- 2) All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards hereinafter required. Private streets shall be permitted only as recommended by the Planning Commission. Land designated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and shall not be included in the area of such lots,
- 3) All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permit shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions, except where such lots are suitable and dedicated for a common open space, private utility or public purpose as determined by the Planning Commission.
- 4) The side lines of all lots, so far as possible, shall be at right angles to each street on which the lot faces, or approximately radial to the center of curvatures. Exceptions may be made to this requirement where considerations for solar orientation are involved.
- 5) Corner lots for residential use shall be planned wider than interior lots in order to permit conformance with the required front setback requirements of both streets.

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- 6) A Town boundary line shall not divide a lot. Each such boundary line shall be made on a lot line.
- 7) Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
- 8) Except as specifically authorized by this Chapter, not more than one dwelling unit shall occupy any one lot.
- 9) No area needed to meet the minimum width, yard area, parking or other requirements of this Chapter for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
- 10) No portion of a lot may be cut off from another portion of a lot that has been created through a subdivision action.

1-6.3 DEVELOPMENT DESIGN AND LAYOUT

- 1) The design of the development shall avoid or fully mitigate hazardous site conditions. (unstable slopes, geologic faults or flood potential, etc.).
- 2) Drainage from individual lots shall be coordinated with the general storm drainage pattern for the area and shall avoid conveying to adjacent lots runoff flows higher than historic patterns. Post development flows shall be based on a 10 year 24 hour design storm if water is to be detained on site and released at a rate not exceeding the historic flow.
- 3) Any recreation facilities should be located central to all residents of the development.
- 4) All lots should have reasonable access to open space, trails, park land or recreation facilities that are set aside for either development use or use by the general public.
- 5) Access to public trails and open space abutting the property shall be provided.
- 6) Utility extensions required for future development shall be provided. All utility extensions shall be designed in conformance with the applicable Town master plan. Extensions of utility systems that do not have a completed master plan shall be reviewed for size and capacity by the Town Engineer.
- 7) Maintenance of common facilities must be accomplished through either covenants and a homeowner's association, a separate maintenance agreement, or some other perpetual agreement.
- 8) The layout of lots should provide desirable settings for structures by making use of natural contours, maintaining views, affording privacy, and protection from wind, noise and vehicular traffic.
- 9) Development design should provide for efficiency in the installation and provision of all public and private utilities and services.
- 10) Common water and sanitation facilities should be located on separate lots commonly owned by the users.

1-6.4 CONSTRUCTION ON SLOPES EXCEEDING 25%

- 1) Lots or buildings proposed on slopes exceeding 25% warrant especially close review to assure that all grading, retaining wall, cut and fill and road and driveway grade standards will be met.

1-6.5 LANDSCAPING

- 1) The design of developments and placement of buildings should preserve the natural terrain, drainage, existing topsoil, tree groupings, large individual trees and large rocks.
- 2) Natural informal landscape design should be used in Sterling, rather than formal, geometric design.
- 3) Different types of adjacent uses both within and between developments should be buffered (separated or screened), by extensive tree planting.
- 4) Drought resistant plants and landscapes are encouraged.
- 5) Inorganic landscape features, such as mulch rock ground covers and boulders, should be limited to materials indigenous to the area or to materials similar in color and appearance to these materials. Irrigation systems should be designed so over-spray does not occur. Also, each Builder is responsible for landscaping around any above-the-ground appurtenance for

Chapter 1-6 GENERAL DESIGN STANDARDS FOR CONSTRUCTION AND DEVELOPMENT OF SUBDIVISIONS

cable television located on its lot or parcel (or in the right-of-way immediately adjacent thereto) so as to screen the appurtenance as much as possible without limiting access by a Utility Provider

1-6-6 OUTDOOR LIGHTING REQUIREMENTS

The purpose of this section is to identify appropriate lighting to preserve and enhance the natural environment and aesthetic quality of the town. To enhance the appearance, character and value of all properties. To promote compatibility and continuity between different land uses located in proximity to each other, and to prevent objectionable light sources and light pollution of the night sky.

1. To protect the night sky, all outside lighting shall be "DOWN LIGHTING" and no lighting shall be allowed to trespass, or spill onto any adjoining properties.
2. All exterior lighting should provide for the illumination of buildings and grounds for safety purposes, but in an esthetically pleasing manner.
3. Warm lighting colors are encouraged. Blue white colors of fluorescent and mercury vapor lamps are prohibited.
4. All exterior lighting shall be reduced to the minimum levels necessary for safety and security purposes. The use of motion sensors and timers is encouraged, and may be required.
5. All walkway lighting should be provided below eye level to direct light downward onto the walkway surface.
6. No indoor lighting shall be provided or constructed to provide lighting for any outdoor areas.

1-6.7 FIRE FLOW AND LINE SIZE STANDARDS

- A. All fire flow and line size standards shall conform to the international fire code.
- B. In all cases, the water source, water storage and water delivery system shall be engineered and installed to provide the required fire flow during times of peak water usage as if all development within the proposed subdivision were complete, and as may be required by formulas adopted by the state board of environmental quality in connection with the state's approval system. Verification will be at the developer's expense and certified by a licensed engineer.
- C. Water distribution lines in all subdivisions shall be a minimum of eight (8) inches in diameter. The water lines shall be larger if needed to provide for the required fire flow.
- D. Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than one block out of service during repairs, subject to a maximum of one thousand (1,000) feet.
- E. Previously approved subdivisions

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1. All new water storage, new water lines and new fire hydrants that are installed to develop a new phase of a previously approved subdivision shall conform to the current requirements.
2. Any water lines that are intended to be used as future feeder lines to platted phases of a previously approved subdivision shall be engineered and installed to provide adequate fire flow to the anticipated phase in accordance with the current flow standards.

F. Fire Hydrants specifications:

1. All fire hydrants shall have one 4.5 inch and two (2) 2.5 inch outlets with NH threads.
2. A six-inch (6) inch gate valve shall be installed on each fire hydrant to be shut off in case of damage or need of repairs. This gage valve shall be accessible by standard square key from the street or ground level.
3. All fire hydrants shall be properly thrust blocked with poured in place concrete against undisturbed or compacted soil. Rocks and other materials are not acceptable as thrust blocking. Banding and other forms of mechanical restraint may be used only if approved by the town board.
4. All hydrants shall be five (5) feet from the back of the curb. In all cases hydrants shall have a five (5) foot elliptical radius of unobstructed clearance to adjacent obstacles.
5. The lowest hydrant water outlet shall not be less than eighteen (18) inches nor more than thirty (30) inches above the final ground level.

G. Fire hydrant spacing and location:

1. Fire hydrant spacing and location shall be as defined in the international fire code, but not to exceed two hundred and fifty feet (250) from any subdivided lot.
2. Fire hydrants shall be installed on dedicated easements or public right-of-ways and will be owned and maintained by the town.
3. Dead end streets should be avoided in the water system. If they cannot be avoided, a hydrant or flushing valve shall be installed at the end of each such dead end street.
4. In the event it is necessary to extend a water main so that the same fronts each parcel or to access fire hydrants within 250 feet of each parcel, then the cost of the water mains and hydrants shall be borne by the landowner who effectuates the subdivision of his/her property.

1-6.8 BUILDINGS

1) Fire Standpipes

Standpipes complying with IBC shall be required for ALL commercial and multi-residential buildings, regardless of the number of stories.

Fire hydrants shall be installed in accordance with Sterling Town regulations.

2) Provisions for Handicapped

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Provisions for physically handicapped persons shall be provided in all new buildings as required by the Americans with Disabilities Act (ADA).

3) Construction Debris Removal

Any building construction on sites shall provide debris removal sufficient to facilitate the regular clean up and removal of construction debris from the site. Each site shall be cleaned and all construction debris removed on a weekly basis. Failure to comply with this Ordinance, by allowing debris to accumulate on the premises, may result in the suspension of building permits, fines or such other appropriate penalties as the Town Council shall direct.

1-6.9 ROADS

1. Road Layout And Geometry. The Sterling Town Public Works Policy on Streets and Roads are made part of this Chapter by reference. The design and arrangement and construction of all roads, public and private, shall be in conformance with the Road Standards, the provisions of this Chapter, and any Town Design Guidelines as adopted.

- 1) The arrangement of roads shall provide for the continuation of major roads between adjacent properties when the continuation is necessary for the convenient movement of traffic, emergency or maintenance vehicles, or the efficient provision of utilities.
- 2) Proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect.
- 3) Roads shall be designed to provide emergency access and egress for residents, occupants and emergency equipment providing width, curve radii and strength for emergency and maintenance vehicles used by or available to the Town.
- 4) Where the potential traffic impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning topography or neat layout, or at the request of the Town, the subdivider may be required to prepare a detailed engineering traffic study of the road system.
- 5) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. 'T intersections rather than "cross" intersections shall be used wherever possible for local streets.
- 6) Where a road does not extend to the boundary of the development and its continuation is not required, its terminus should be no closer than 50 feet from the boundary.
- 7) Strips of land reserved to control or restrict access to perimeter or stubbed roads shall be utilized only where the reserve strip is deeded to and accepted by the Town.
- 8) Lawful right of vehicular access must be demonstrated before the Town will issue a building permit.
 - a) The installation of curbs, gutters, and sidewalks shall be constructed according to the APWA standards and as designated in each zoning district, and may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks may be required as conditions of building or use permit approval.
 - b) Every permanent dead-end street shall comply with the following requirements:
 - i. Not to exceed 650 feet in total length.
 - ii. End at a turnaround area having a radius no less than 50 feet and an asphalt surface.

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iii. Temporary dead-end streets, intended as access to future development parcels, shall be a minimum of one lot depth in length (or as determined by the Planning Commission) and shall meet all of the other requirements for permanent dead-end streets set forth above.

iv. Driveways, mailboxes, fire hydrants and all other obstructions at such turnaround areas shall be designed in such a way as to provide an area for piling snow.

1-6.10 ROAD GRADES

- 1) Intersections, switchbacks shall not exceed a 10% grade.
- 2) No public or private roadway or street shall exceed a 10% grade, except that grades up to 12% for public or private roadways and streets may be allowed by the Planning Commission upon review and finding that all of the following conditions are met:
 - i. No more than 10 residential units are served by the over 10% section or the lots have separate, emergency access that does not exceed 10%.
 - ii. For roadways of 10% or greater grade, the applicant shall stake the centerline and both edges in the field for the inspection of the Town Engineer to assure full compliance with this section.
 - iii. Roadways and streets exceeding a 12% grade shall not be permitted.

1-6.11 PRIVATE ROAD MAINTENANCE

- 1) A means of perpetual maintenance must be demonstrated to the satisfaction of the Planning Commission before a private road may be approved.

1-6.12 STREET NAMES

- 1) Each street that is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street it shall be surveyed, opened, widened or improved and given the same name.
- 2) The names of newly created streets shall not duplicate or nearly duplicate the names of any streets in the Town or in adjacent areas of Sanpete County.
- 3) Any named street shall also have the proper compass direction coordinate as approved by the Town Board and/or Town Engineer.
- 4) Subdividers are encouraged to do an investigation of local history regarding the names and references to geological and historical figures located in the subdivision and wherever possible incorporate the historical names and references into the names and designations of streets.

1-6.13 DRIVEWAYS

- 1) No driveway shall exceed 150 feet in length and/or 15% in grade.
- 2) Driveways serving single residential dwellings shall be a minimum of 12 feet wide. Driveways serving two residential dwellings shall be a minimum of 15 feet wide. No driveway shall serve more than two residences.

1-6.14 CUTS, FILLS AND RETAINING WALLS

- 1) Because of the dramatic visual impact of cuts, fills and retaining walls in a desert environment such as Sterling and the public safety factors that may arise with significant cuts and fills in unsuitable soils, design plans for cuts, fills and retaining walls shall conform to the following criteria and other applicable sections of this Chapter.
- 2) No cuts or fills will be allowed on slopes with grades exceeding 40%.

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- 3) Unretained cuts that exceed 2; 1 slope shall not exceed 3 feet in height.
- 4) Unretained fills may not exceed 12 feet in height pursuant to Section 16-12.13 (Measuring Cut/Fill Heights)
- 5) No single retaining wall or retaining system may exceed 12 feet in height and/or 40 feet in length; retaining systems less than 12 feet may exceed 40 feet.
- 6) Up to three terraced cuts may be created under a terraced cuts retaining system, so long as each wall is separated by a minimum 6 foot setback (measured from face to face) for visual relief and re-vegetation. The total maximum height for cuts retained under a terraced retaining system shall not exceed 18 feet.

1-6.15 MEASURING CUT AND FILL HEIGHTS

- 1) Cuts and/or fills shall be measured vertically from the natural grade at the lowest point of disturbance to natural grade at the highest point of disturbance.

1-6.16 MAXIMUM SLOPE GRADES

- 1) Un-retained cut end fill slopes shall be no steeper than 2 feet horizontal to 1 foot vertical, except that cuts in bedrock materials, the stability of which is verified by a geologist and/or soils engineer with demonstrated expertise, may be steeper as approved by the Town Engineer.

1-6.17 RETAINING WALLS

- 1) All retaining walls and/or approved retaining systems shall be constructed of decorative materials (i.e.: textured surfaces, colored or tinted materials) and should be designed to blend into and enhance the natural desert environment and must be approved by the Building Department before excavation permits shall be granted.

1-6.18 ENGINEERING/GEOLOGIC ANALYSIS

- 1) An engineering geological report shall be prepared by a registered geologist or engineer at the preliminary plan stage of the Subdivision Ordinance to demonstrate that the hillside above any proposed cut will remain stable after the proposed cut/fill and retaining system if any, has been completed.

1-6.19 RE-VEGETATION

- 1) All un-retained cut and fill slopes must be naturalized and re-vegetated within 1 year after the start of construction.
- 2) Unretained cuts and fills should be naturalized by rounding edges, placing boulders in natural fashion and planting native plants, including trees, brush, and ground cover, to match surrounding areas. A landscape/re-vegetation plan shall be submitted to the Planning Commission for review with the cut/fill design plans.
- 3) All retaining systems shall incorporate planter spaces and shall require native revegetation.

1-6.20 BUILDING SETBACKS FROM WATER WAYS AND FLOOD HAZARD AREAS

- 1) No building, either residential or commercial, shall be permitted within six (6) vertical feet and one hundred and twenty-five (125) horizontal feet, whichever is greater, of the existing flow line of any river, creek, stream; or other waterway, measured at right angles to the center line of the drainage course or within any discernable floodplain, except upon the granting of a conditional use permit for such development. The vertical calculation specified herein shall be applied to the elevation of the top of a building's foundation wall.

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- 2) Show the location of the 100 year flood plain as designated by the Federal Emergency Management Agency (FEMA).

1-6.21 UTILITIES

1) Construction.

All utility connections and lines shall be installed underground. Utility service available in other parts of the Town including electricity, telephone, and natural gas shall be developed in provided easements and shall extend to the property line of every lot within the subdivision. Before any installations are covered, material and service must be inspected and approved by the County Building Inspector. During the construction period, temporary power poles and lines shall be allowed within the boundaries of the construction project; however, such poles and lines must be taken down within thirty (30) days after the final certificate of occupancy for the project is granted.

2) Easements.

All utilities shall be placed within public road right-of-ways or specific right-of-ways or easements free of legal encumbrances. Multiple use on given easements is encouraged. The final plat shall note all easements.

3) Water

As a condition for single home or subdivision approval, the builder or subdivider shall install or cause to be installed the following improvements:

- a. A water main in front of each parcel in size, location and with appropriate valves etc., as approved by the Town Board after review and recommendation of the planning Commission;
- b. Fire hydrants at intervals of not greater than 500 feet with each parcel not more than 250 feet from the nearest hydrant.

c. All trenches and disturbed areas under streets or proposed streets must be filled and compacted to the standards employed by the Utah Department of Transportation.

d. As a condition of subdivision approval under this subsection, the Subdivider shall be obliged to dedicate or furnish to the Town a water right sufficient in flow and transferability to off-set the increased demand on the Town's water supply arising from the subdivision:

I. If the area to be subdivided is currently served by an irrigation system, then the Subdivider shall be obliged to transfer or dedicate to the Town a water right sufficient only to meet the in-house domestic needs, it being presumed that the irrigation water, or portion thereof, will continue to be applied to the property outside the dwelling and may not be transferred there from.

II. In the event the subdivided land, or any portion thereof, is not served by an existing irrigation system, then the Subdivider shall be obliged to furnish or dedicate to the Town a water supply to furnish water for in-house domestic use, and also for outside use for lawns gardens, etc.

III. Unless specific approval is given by the Town Board after review and recommendation of the Planning Commission, the Town's culinary water system shall not be employed to irrigate or otherwise maintain lawn, gardens or vegetation on an amount of land in excess of one-quarter acre for each subdivided lot without regard to the size of such lot.

IV. The requirement to furnish water may be satisfied by the transfer to the Town of well rights, spring rights or stock in an approved irrigation company, directly usable, or transferable into an existing or new well or otherwise capable of increasing the Town's ability to furnish water to an expanded number of homes and residents.

V. In those instances where irrigation water will continue to serve the area outside a dwelling, the Town will accept a partial transfer of the water rights attributable to that land in order that the Town receive only that which is required to address the in-house domestic use.

VI. Upon finding that transfer of water right is not feasible, the town may, but need not, approve a cash payment in an amount consistent with the value of the required water right. This provision shall not apply where any water is proposed to be transferred from the ground to be used elsewhere: but is designed to recognize limitations on splitting irrigation stock below a certain fraction, and also the possibility of the inclusion of land not historically irrigated. Any cash payments received in lieu of water shall be held for the purpose of purchasing additional water rights if and when they become available or are needed for the culinary system.

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e. It shall be the responsibility of the Subdivider to supply and maintain a meter and valve for each lot with only one connection off the main irrigation line per lot. The Subdivider shall be billed for the seasons meter reading. No structure shall be within 15 feet of any main culinary or irrigation lines.

1-6.22 COMPLETION OF ON AND OFF-SITE IMPROVEMENTS PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY

1) Policy

In order to protect buyers of condominiums, subdivision projects, and other property in the Town of Sterling against purchasing property on which the site improvement work is incomplete and may not be completed, and to protect the public at large from dangerous and undesirable conditions that result from unfinished site improvements such as erosion, flooding, and blowing dust it is the policy of the Town of Sterling that no plat will be approved (when a plat is required) and that no certificate of occupancy will be issued (when plats are not required) on any building project within the Town limits unless and until the site improvement work is completed or the developer of the property has provided adequate security to assure timely completion of the improvements when weather permits.

2) Detailed Site Plans

A detailed site plan showing the location and nature of drainage work, grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways shall be submitted to the building inspector prior to issuance of an occupancy permit. Site improvements shall be completed pursuant to this Chapter and as shown in the detailed site plan

3) Construction According To Approved Plans

No plat will be approved and no certificate of occupancy will be issued unless that project and all required site improvements have been constructed in accordance with the plans approved by the building inspector and on which the building permit is issued, except as specified in section 6-12-21 (security for completion).

1-6.23 SECURITY FOR COMPLETION

- 1) In the event that buildings on the property are completed before other required on-site improvements are completed, and the site improvements cannot be completed simultaneously with the completion of the building due to weather or other conditions beyond the control of the developer (excluding financial inability to perform); or as it relates to subdivisions, in order to record a final plat prior to completion of off-site improvements, the Town may grant final plat approval or issue the certificate of occupancy for all or part of the project prior to the completion of site improvements provided that all of the following conditions are met:
 - a. The building or buildings, or portions thereof, on the property to be platted or occupied have been constructed in accordance with the approved plans for those buildings, and are in full compliance with applicable building and fire codes, and are completed to the extent that only exterior site improvement work remains unfinished and the building inspector determines that occupancy of the buildings, or portions thereof, prior to completion of required on- and off-site improvements, is safe, and that access for emergency vehicles is adequate with the site improvements unfinished.
 - b. In regard to subdivisions, the building inspector approves all final construction plans, a development agreement has been approved by the Town Attorney and executed by the owner/developer and; The developer posts adequate security for the benefit of the Town of Sterling and the public to insure completion of the site improvements in full compliance with the approved plans within two years from the date of plat approval (if required) or one year from the date of issuance of the certificate of occupancy, whichever occurs first.

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1-6.24 AMOUNT OF SECURITY

- 1) The amount of the security to be posted by the developer s be determined by the Town Council and shall be equal to one hundred (100%) of the amount reasonably estimated by the Town Engineer as being necessary to complete remaining on- and-off site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the Town Engineer, the developer may prove lower construction cost by providing binding contracts between the developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. A full performance bond, insuring performance by the subcontractor or contractor, must support these contracts. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be one hundred per cent (100%) of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing work not covered by the contacts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract. The amount of security required for single-family homes shall be the reasonable estimated cost of construction of any retainage and drainage and the estimated cost of landscaping to the extent necessary to hold soil in place.

1-6.25 TERM OF SECURITY/PROOF OF LICENSING

- 1) All public improvements required under this Chapter shall be installed by a contractor or subcontractors licensed by the State of Utah. Such license is for the work to be performed, and the contractor and sub-contractors must provide copies of their licenses.

1-6.26 FORM OF SECURITY

- 1) Such security arrangement shall be one of the following types as dictated by the Town:
 - a. A bond with a surety company licensed to do business in the State of Utah.
 - b. An irrevocable letter of credit with a federally insured financial institution.
 - c. A cashier's check made payable only to the Town.
 - d. A trust or escrow account with a federally insured financial institution designating the Town as beneficiary.

1-6.27 PAYMENT OF INTEREST

- 1) Any interest accruing on escrowed funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer and not to the Town. The Town shall not be required to pay interest to the developer on any escrow for this purpose.

1-6.28 RELEASE OF FUNDS

- 1) The Town of Sterling shall relinquish funds held or security posted for the purpose of paying for site improvement work performed according to the plans as that work is completed. The Town shall release funds equal to the actual cost of performing the work as the work progresses minus 10% percent. Upon satisfactory completion of all required site improvement work as determined by the Town Engineer, all funds shall be immediately released to the developer.

1-6.29 MODIFICATION OF PLANS

- 1) A developer may request modifications to plans covering site improvement work by submitting revised plans to the Town for review and action and final action. If the modification of the plans increases the cost of required site improvements, the developer, to cover the increased costs, must provide additional security.

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1-6.30 PHASED PROJECTS

- 1) Site improvements applicable to each phase of a phased project or development shall be completed or security for completion provided as each phase is constructed and either plated or occupied. Site improvements or other phases of the project shall be completed or security offered as those phases are completed.

APPENDIX

1- Subdivision Application

2- Subdivision Recordation Certificate

APPENDIX

**Sterling Town
Subdivision Recordation Certificate**

**Applicant
Name**_____

**Subdivision
Name**_____

**Subdivision
Address**_____

The Sterling Town Council hereby represents and acknowledges that the property described herein is part of a simple lot/minor subdivision, consisting of less than six lots. The Sterling Town Council certifies that the subdivision is not traversed by the mapped lines of a proposed street as shown in the General Plan, and does not require the dedication of any land for streets or other public purposes: and that each lot in the subdivision meets the frontage, width and area requirement of the Sterling Town LUMDC or has been granted a variance from those requirements by the Appeal Authority.

Date

Sterling Town Mayor

Attest:_____

Seal

