

ORDINANCE 20-10
Cornish Town Subdivision Ordinance

AN ORDINANCE ESTABLISHING PROCEDURES AND STANDARDS FOR THE PHYSICAL DEVELOPMENT OF SUBDIVISIONS OF LAND AND CONSTRUCTION OF BUILDINGS AND IMPROVEMENTS THEREON WITHIN CORNISH TOWN:

WHEREAS, the Cornish Town Council wishes to regulate future growth and development within the town in accordance with the general plan and provide for the efficient and orderly growth of the town; and

WHEREAS, the Town Council will coordinate development of the town and assure sites suitable for building purposes and human habitation as well as provide for the health, safety, and welfare of the present and future inhabitants of Cornish Town; and

WHEREAS, the Town Council wishes to prevent overburdening of the land and undue congestion of population; and

WHEREAS, a public hearing concerning the proposed Subdivision Ordinance was held before the Town Council, after proper notice, on September 16, 2020;

NOW, THEREFORE, be it resolved that the Town Council of Cornish, Utah, hereby adopts and passes the following:

CHAPTER 1 - GENERAL PROVISIONS

11-1-1: TITLE AND PURPOSE

This title shall be known as the subdivision ordinance for Cornish Town, and may also be so cited and pleaded. This subdivision ordinance shall be referred to herein as "this title," and the chapters and sections hereinafter referred to shall be chapters and sections of this title, unless the context clearly indicates otherwise.

This chapter establishes the purpose of this title, identifies the enabling statute pursuant to which it is adopted, requires approvals for all land divisions, land development, and construction activities within the incorporated area of Cornish, Utah. It also establishes application and review procedures, an appeal procedure, and other procedures needed for the review of applications and the administration of this title.

Authority:

This title is adopted pursuant to the authority granted by the Municipal Land Use, Development, and Management Act (Utah Code Annotated 1953). This title establishes regulations for approval of development applications pursuant to the subdivision or use of land for development purposes.

- A. No person shall subdivide any land, nor shall any building permit, other required development approval, or any other license or permit be issued for any lot or parcel of land which is located wholly, or in part, within the incorporated area of Cornish Town, except in compliance with this title, and all other applicable local, State and Federal laws.
- B. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit, as required by section 10-9a-611 et seq., Utah Code Annotated, 1953, as amended.
- C. Any owner, or agent of the owner, of any land located in a subdivision, as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved, and recorded, in the Office of the Cache County Recorder, consistent with the requirements of this title, and applicable local, State and Federal requirements is guilty of a violation of this title, and section 10-9a-611 et seq., Utah Code Annotated, 1953, as amended, for each lot or parcel transferred or sold.

Purpose:

The purposes of this title include:

- A. To provide for the health, safety, and welfare of the present and future inhabitants of Cornish Town.
- B. To regulate future growth and development within the town in accordance with the general plan and to provide for the efficient and orderly growth of the town.
- C. To provide procedures and standards for the physical development of subdivisions of land, and construction of buildings and improvements thereon within the town including but not limited to: the construction and installation of roads, streets, curbs, gutters, sidewalks, drainage systems, design standards for public facilities and utilities, access to public rights-of-way, and dedication of land and streets, where applicable.
- D. To provide for adequate safety from fire, flood, or other dangers, and to prevent overburdening of the land and undue congestion of population.
- E. Coordinate development of the town and to assure sites suitable for building purposes and human habitation.

11-1-2: SEVERABILITY (EFFECT):

If any provision of this title is held to be invalid by a court, then the remainder shall continue to be in effect.

11-1-3: GENERAL RESPONSIBILITIES:

The following general responsibilities apply to Town Council, Planning and Zoning Commission, Consultants or other individuals or agencies responsible for the review and processing of development applications:

- A. All applicants seeking to subdivide or develop real property shall prepare a plat or other application materials as indicated in this title and consistent with the standards contained herein this title and other titles of the Cornish Town Municipal Code. Applicant shall pay for the design, construction, and inspection of the public improvements required. The Town shall process all development applications in accordance with the regulations set forth herein. No developer, subdivider, or property owner shall commence construction or development activities until they obtain the necessary permits and approvals as outlined in this title.
- B. Following a determination of a complete subdivision application by the Planning and Zoning Commission, the subdivision application shall be scheduled for consideration by the Planning and Zoning Commission at a regular meeting.
 - 1. Notice of the meeting shall be provided as required by the Open and Public Meetings provisions of Utah Code Annotated (1953, as amended) title 52, chapter 4, and within section 10-9a, part 2, Utah Code Annotated (1953, as amended).
 - 2. Additional notice shall be provided by U.S. mail to all owners of record of real property adjacent to the subdivision site.
- C. The applicant shall provide the Planning and Zoning Commission with “will serve” letters received from pertinent utility companies. The Planning and Zoning Commission shall advise the subdivider as to which utilities are needed for the subdivision.
- D. The Planning and Zoning Commission shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and policies, and for the inspection and approval of all construction of public improvements.
- E. The Planning and Zoning Commission is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the Town General Plan, land use ordinance, and other pertinent documents. The Planning and Zoning Commission is further charged to approve, approve with conditions, or deny the preliminary and final plats.
- F. The Planning and Zoning Commission shall approve the form of the final plat, that the subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.
- G. The Planning and Zoning Commission has final jurisdiction in the approval of subdivision plats; the establishment of requirements for and design standards of public improvements; and the acceptance of lands and public improvements that may be proposed for dedication.

11-1-4: COMPLIANCE REQUIRED

The following general requirements and standards apply to the development of property with the boundaries of Cornish Town:

- A. No excavation, grading or regrading, or removal of vegetation for a proposed subdivision site shall take place and no building permits shall be issued, until a proposed subdivision has received approval from the Planning and Zoning Commission, and the subdivision has been recorded in the Office of the Cache County Recorder.
- B. It shall be unlawful for any person to subdivide any tract or parcel of land that is located wholly or in part in the town except in compliance with this title. No plat of any subdivision shall be recorded until it has been submitted, reviewed and approved as provided herein
- C. Land to be subdivided shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat has been recorded in accordance with this title and the provisions of any applicable state statutes, and until the improvements required in connection with the development have been guaranteed as provided herein. No building dependent on public utilities or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.
- D. All lots, plots, or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the subdivider, or a subsequent purchaser, transferee or contract purchaser of the tract or any other person.

11-1-5: INCOMPLETE APPLICATION:

The lack of any information required by this title, or improper information supplied by the applicant, shall be cause for the Town Planning and Zoning Commission to find the subdivision application incomplete. An incomplete subdivision application shall be prohibited from being scheduled on a Planning and Zoning Commission meeting agenda. The Planning and Zoning Commission shall not consider any material, items or other information related to the proposed subdivision if the application is incomplete. If the Town Planning and Zoning Commission determines that the subdivision application lacks any information as required by this title, the Planning and Zoning Commission shall notify the applicant of the information lacking from the subdivision application. The Planning and Zoning Commission shall allow sixty (60) days from the date of notification of an incomplete subdivision application for the applicant to provide the required information and provide a complete subdivision application to the Planning and Zoning Commission. If the application for a subdivision approval remains incomplete after sixty (60) days from the date of notification of an incomplete subdivision application, the Planning and Zoning Commission shall return the entire incomplete subdivision application to the applicant, accompanied by all subdivision application fees paid less any administrative expenses incurred by the Town to process the application.

11-1-6: EFFECTIVE PERIOD OF A SUBDIVISION PLAT:

The approval of a preliminary or final subdivision plat shall be effective for a period of one year from the date the plat is approved by the Planning and Zoning Commission. If the approved plat is not recorded within one year from the date of approval the plat and approval shall be void, and the applicant shall be required to submit a new application for review and approval subject

to the existing provisions of this title and all other applicable local, State, and Federal requirements in effect at the time of the submission of the application.

CHAPTER 2 - TYPE AND PROCESS

11-2-1: STANDARDS AND LOT SIZE:

All subdivisions must meet the minimum lot and development standards as outlined in each zone of the Cornish Town zoning ordinance and within this title.

11-2-2: SUBDIVISION:

A subdivision is a division of one parcel of land into two (2) or more parcels. All subdivisions shall conform to the approval process and plat requirements of this title.

11-2-3: SUBDIVISION APPROVAL PROCESS:

Subdivisions are to be approved utilizing the following process (any alterations in this process shall be approved by the Planning and Zoning Commission):

- A. Concept Plan: Upon completing a concept plan, applicants may request that the Planning Commission review all applicable codes and identify any preliminary issues which are likely to be of concern in evaluating the subdivision.
- B. Preliminary Plat: Applicants shall submit to the Planning and Zoning Commission a completed subdivision application, a preliminary plat, and any other associated materials deemed necessary by this Code. This information shall be reviewed by the Planning Commission and a recommendation for action shall be entertained by the Planning Commission.
- C. Final Plat: The Planning Commission shall review the application, proposed plat, and any recommendations by the Planning Commission. The Commission may approve, approve with stipulations or alterations, or deny any subdivision plat.
- D. Final Plat Recordation: The final step in the review and approval process is the recordation of the final plat of the proposed subdivision in the Office of the Cache County Recorder. It shall be the responsibility of the Planning and Zoning Commission to ensure that all stipulations or alterations have been completed and that the plat meets all applicable codes prior to recordation.

11-2-4: CRITERIA TO BE CONSIDERED:

All subdivisions shall meet the following criteria:

The property proposed to be subdivided shall be incorporated to meet the intent of the Town General Plan and comply with all development standards and requirements in this title and zoning title of the Cornish Town.

11-2-5: PLAT AMENDMENT:

- A. Changes To Plat: The Planning and Zoning Commission may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat based upon the recommendation of the Planning and Zoning Commission in compliance with section 10-9a-608, Utah Code Annotated, 1953, as amended. Any fee owner, as shown on the last County assessment rolls, of land within the subdivision may, in writing, petition the Planning and Zoning Commission to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.
- B. Minor Amendment: With the written approval of all owners of interest in a proposed subdivision that are directly affected by an amendment or alteration, an unrecorded subdivision may have minor modifications made to the final plat so long as the modifications are not substantial, as determined by the Planning and Zoning Commission. The final plat must then contain all necessary signatures and be recorded in compliance with this title.

11-2-6: BOUNDARY LINE ADJUSTMENTS:

Boundary line adjustments must be conducted in compliance with section 10-9a-523, Utah Code Annotated, 1953, as amended.

CHAPTER 3 - REQUIREMENTS

11-3-1: APPLICATION:

The Planning and Zoning Commission shall establish guidelines for all subdivision applications in conformance with this title. The application shall include all of the information required by Staff and the Planning Commission to make a decision on the proposed subdivision.

11-3-2: CONCEPT PLAN REQUIREMENTS:

- A. The concept plan is an informal discussion document only designed to allow the identification of policies, procedures, standards and other items that may be considered in the subdivision review and approval processes of Cornish Town once a subdivision application is received. To achieve these objectives and to promote the identification of all items necessary for consideration, the applicant should provide at a minimum, a map, plat, and/or other scale drawing of the area. The following applicable information may also be submitted to provide further information regarding the nature and intent of the subdivision:
 - 1. The configuration, size and number of lots in the proposed development;

2. Potential locations of hazards and sensitive lands or other features which may impose peculiar construction requirements;
 3. Potential open space;
 4. The way in which the proposed development will fit into the context of the surrounding area;
 5. The present and planned surrounding roads and utilities;
 6. Access points and limiting of access, if required;
 7. Existing and proposed trail system;
 8. The anticipated time schedule for the development;
 9. Plans and needs for water, sewer, roads, and sanitation disposal;
 10. The development method that will be used, the total acreage involved, the number of allowable lots and the number of planned lots;
 11. Any planned phasing or future development of adjacent land;
 12. Any other information available or pertinent to the proposed subdivision or as required by the Planning and Zoning Commission.
- B. A concept plan does not constitute an application for subdivision approval, as provided by this title, and is in no way binding on the Town or the applicant. Any discussion that occurs at a concept plan review meeting shall not be considered any indication of subdivision approval or disapproval, either actual or implied.

11-3-3: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS:

The following information is required for all applications for the subdivision of land within Cornish Town. The applicant may be required to provide other information required by the Planning and Zoning Commission necessary to evaluate the merits of the proposed subdivision and compliance with this title.

- A. A subdivision application, provided by the Planning and Zoning Commission, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided.
- B. A preliminary subdivision plat prepared by a licensed land surveyor in pen and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such a size as is acceptable for recordation in the Office of the Cache County Recorder. A minimum of five (5) paper copies shall be presented to the Planning and Zoning Commission. The commission may request additional copies if required. One (1) 24" x 36" copy of the subdivision plat shall be presented to the Planning and Zoning Commission.
- C. The preliminary subdivision plat shall show the following:
 1. The layout or configuration of the proposed subdivision at a scale of no more than 1 inch (1") = 100 feet (100'), or as recommended by the Planning and Zoning Commission;
 2. Located at the top and center of the subdivision plat the proposed name of the subdivision and the section, township, range, principal median and County of its location;
 3. A title block placed on the lower right hand corner of the plat showing:
 - a. Name and address of owner(s) of record;

- b. A surveyor's certificate showing the name and registration number of the licensed land surveyor responsible for making the plat or survey and certifying to the accuracy of such plat; and
 - c. Date of preparation of the plat and any revision dates;
4. Signature blocks prepared, as required and provided by the Town, for the dated signature of a Planning and Zoning Commission Member;
 5. North arrow, graphic and written scale, basis of bearings used;
 6. Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot;
 7. A vicinity map of the site at a minimum scale of 1" = 2,000 feet;
 8. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, giving the location of and ties to the nearest existing two (2) government control monuments. This information shall provide data sufficient to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. The names of all adjoining property owners of record shall be shown;
 9. The legal description of the entire subdivision site boundary;
 10. The entire subdivision boundary shall include the entire parcel from which any lot is proposed to be subdivided. A sketch of the prospective street system of the platted subdivision shall be submitted. The street system of the plat submitted shall be considered in light of the existing Town General Plan.
 11. Identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of 100-year floods, all water bodies, flood ways and drainage ways, slopes exceeding thirty percent (30%), and any other natural features as required by the Planning and Zoning Commission or Town Council for the entire subdivision site, including a tabulation of the acres in each;
 12. Identification of known man-made features including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site;
 13. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted. The legend for metal monuments shall indicate the kind of metal, the diameter, and length of the monuments;
 14. The location with name and parcel number and dimensions of all existing buildings, existing property lines, and fence lines;
 15. The location of any existing platted lots within or contiguous to the subdivision site;
 16. All lots, rights-of-way, and easements created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose shall be given. The addresses of all lots shall be shown;
 17. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe size, grades, manholes, and exact location;

18. A note on the plat stating the minimum required setbacks are for primary building;
 19. Location and size of existing and proposed culinary water and sewer lines and/or the location of all wells proposed, active and abandoned, and springs used for culinary water and the location of all septic systems and drain fields, as applicable;
 20. Layout of proposed power lines, including the source and connection to the existing power supply;
 21. As required by the Planning and Zoning Commission located on the subdivision plat or separate map, the identification of the minimum building setback lines for each lot shall be shown;
 22. An indication of the use for all proposed lots including required notes identifying agricultural protection areas and other proposed or required protective and restrictive covenants;
 23. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes and easements imposed on the property;
 24. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in a subdivision, including, but not limited to, sites to be reserved or dedicated for parks, playgrounds, schools or other public uses;
 25. For all subdivisions located in the Agricultural Zone a note on the subdivision plat provided by Cornish Town stating that all owners are aware that they shall be subject to the sights, sounds, and smells associated with agricultural activities, such activities being uses allowed in the Agricultural Zone;
 26. Typical street cross section between curb and gutter and sidewalk and tentative street grades;
 27. A tentative plan or method by which the subdivider proposes to handle stormwater drainage for the subdivision;
 28. When necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission;
 29. Sites, if any, for multi-family dwellings, shopping centers, community facilities, industry or other uses exclusive of the single-family dwelling;
 30. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use;
 31. Environmental impact assessment if required by the Planning Commission;
 32. Other applicable subdivision notes, as required by the Planning and Zoning Commission.
- D. The subdivider's detailed plan for protecting future residents of the development from such hazards as open ditches, canals or waterways, non-access streets, open reservoirs or bodies of water, railroad rights-of-way and other such features of a potentially hazardous nature located on, crossing, contiguous or near to the property being subdivided. The subdivider's plan need not cover those features which the Planning Commission determines would not be a hazard to life and/or where the conforming structure designed to protect the future residents would itself create a hazard to safety of the public. The foregoing does not relieve the subdivider of the duty to investigate all possible means of protecting future residents from a potential hazard before a

determination is made that the only conceivable means of protection is potentially more hazardous than the hazard itself.

- E. A title report for the property proposed to be subdivided provided by a title company within thirty (30) days of the date of subdivision application.
- F. A tax clearance from the Cache County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
- G. Addresses of all owners of record of real property adjacent to the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases.
- H. Payment of the non-refundable application processing fee, as established by resolution by the Town Council.

11-3-4: FINAL SUBDIVISION PLAT REQUIREMENTS:

The following information is required for all final subdivision applications:

- A. A subdivision application, as provided by the Planning and Zoning Commission, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided and possessing a valid preliminary subdivision application approval.
- B. A final subdivision plat shall be prepared by a licensed land surveyor, conforming to current surveying practices and in a form acceptable to the Cornish Planning and Zoning Commission for recordation. The final subdivision plat shall be presented in ink on a 24-inch by 36-inch reproducible Mylar at the same scale and contain the same information, except for any changes, additions or revisions required by the Planning and Zoning Commission, as shown on the approved preliminary subdivision plat. All revision dates must be shown as well as the following:
 - 1. Notation of any self-imposed restrictions, or other restrictions, if required by the Planning and Zoning Commission in accordance with this title;
 - 2. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes and easements imposed on the property;
 - 3. The owner's certificate of consent including a legal description of the subdivision's boundaries and the dedication of public ways or spaces, as required. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording;
 - 4. For subdivisions located in the Agricultural Zone, a note on the final subdivision plat, stating that all owners are aware that they shall be subject to the sights, sounds, and smells associated with agriculture activities, such activities being uses allowed in the Agricultural Zone;
 - 5. Subdivisions containing a parcel for agricultural production shall label the parcel "Agricultural Parcel" on the recorded subdivision plat; and
 - 6. Other final subdivision plat notes, as required by the Planning and Zoning Commission.

7. All of the required signature blocks shall be signed prior to the recordation of the final plat.

CHAPTER 4 - REQUIREMENTS FOR ALL SUBDIVISIONS

11-4-1: SUBDIVISION LAYOUT:

- A. The subdivision layout shall conform to the Town General Plan, this title, and the requirements of the base zoning district as described in Cornish Town policy.
- B. Where trees, groves, waterways, scenic points, historic spots or other Town assets and landmarks, as determined by the Planning and Zoning Commission, and/or the Town Council, are located within a proposed subdivision, every practical means shall be provided to preserve these features. The Planning and Zoning Commission may request recommendations from qualified organizations to aid in the determination of these features.
- C. Whenever a tract to be subdivided adjoins or embraces any part of an existing or proposed street so designated on the transportation element of the Town General Plan, such part of the public way shall be platted and dedicated, and may be required to be improved by the subdivider in the location and at the width specified.

11-4-2: DEVELOPMENT IN PHASES:

A developer desiring to develop in phases shall gain concept plan and preliminary plat approvals of the entire subdivision showing clearly the individual phases. The preliminary plat must contain sufficient detail for the engineering review to ascertain that the public improvements for each phase will perform as required for each phase as well as the full subdivision. Final plat approval may be gained for each phase independently.

11-4-3: LOCAL MINIMUM STANDARDS AND SPECIFICATIONS:

Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, fire hydrants, storm drainage, flood control facilities, water distribution and sewage disposal facilities shall be prepared by the Town Council or designee. All subdividers shall comply with the standards established by such departments and agencies of the Town, County and State, in addition to the general standards contained in this title.

11-4-4: LOTS:

- A. All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions.

- B. All lots or parcels created by the subdivision shall have access to a dedicated street improved to standards hereinafter required.
- C. The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinance of Cornish for the zoning district in which the subdivision is located.
- D. The side lines of all lots, so far as possible, shall be at approximate right angles to the street which the lot faces, or approximately radial to the center of curvatures, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces. The Planning and Zoning Commission may allow exceptions to this requirement.
- E. A lot shall not be divided by an incorporated Town or County limit line. Each such boundary line shall be made a lot line through whatever process deemed necessary by Cornish Town and the other affected entity.
- F. Remnants of property shall not be left in the subdivision which does not conform to lot requirements unless it is designated as a conservation easement, open space, private utility, or other public purpose and/or meets the minimum lot size requirements for agricultural use under Utah Code Annotated title 59, chapter 2, part 5, Farmland Assessment Act.
- G. 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.
- H. Lots that have been created without the approval of either the Planning and Zoning Commission or of the Town Council, as required by Cornish Town or State Code at the time of the division, shall be deemed restricted, and shall not be eligible for conditional use permits, further subdivision, building permits, or business licenses until the illegal subdivision has been resolved.

11-4-5: STREETS:

- A. Grades: Grades of streets shall not be in excess of ten percent (10%).
- B. Pavement: All streets within the Town shall be improved with pavement.
- C. Standards Of Construction: Pavements shall be constructed in accordance with the requirements of the standards, rules and regulations adopted by the Town Council.
- D. Urban Streets; Curbs And Gutters: Curbs and gutters on all urban streets shall be concrete of the standard high-back type, not less than two feet (2') in overall width, and not less than seven inches (7") thick where the curb abuts the street pavement. Minimum grades for curb and gutter shall not be less than one-half percent (1/2%).
- E. Stormwater Inlets, Catch Basins: Stormwater inlets and catch basins shall be provided within the roadway improvements at points specified by the subdivider and approved by the Town Engineer.
- F. Curb Corners: All curb corners shall have a radius of not less than twenty five feet (25'). Where streets meet at acute angles, the radii shall be increased.
- G. Arrangement Of Streets: The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission.

- H. Connection With Existing Streets: New streets must connect with existing public streets.
- I. Angle Of Approach: All streets shall approach other streets at an angle of not less than eighty degrees (80°).
- J. Curb, Gutter And Sidewalk Installation: The subdivider shall install curbs, gutters and sidewalks on existing and proposed streets in major subdivisions and where curb and gutter are existing in the surrounding neighborhood.
- K. Street Number Signs: Street number signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the Town, shall be provided by the developer at all street intersections. Installation shall be made by Town departments, to ensure uniformity, at the expense of the developer.
- L. Cul-De-Sacs: Cul-de-sacs (dead end streets designed to be permanently closed to through traffic) shall not be longer than four hundred feet (400') to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred twenty feet (120') in diameter, measured to the property lines. If surface water drainage is toward the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided. In cul-de-sacs, curb and gutter and street grades shall be a minimum of five percent (5%).
- M. Level Of Grade: Streets shall be leveled, when possible, to a grade of less than four percent (4%) for a distance of at least one hundred feet (100') approaching all intersections and at the intersection a grade of three percent (3%) shall be maximum.
- N. Changes In Grade: All changes in street grade shall be connected by vertical curves of a minimum length equivalent to fifteen (15) times the algebraic difference in the rate of the grade for major streets and secondary streets and one-half (1/2) of this minimum for all local streets. Vertical curves are not required where the difference in grade change is less than one percent (1%).
- O. Curvature On Centerline: Minimum radii of curvature on the centerline shall be as follows: major streets, five hundred feet (500'); secondary streets, three hundred feet (300'); local streets, one hundred feet (100') (or as approved by the Town Engineer).
- P. Half Streets; Alleys: Wherever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted; however, in most cases, half streets shall be prohibited.
- Q. Width Of Streets Or Roads: The total width of a street or road right-of-way within any subdivision shall be a minimum of sixty six feet (66'), with a minimum of twenty four feet (24') of paved asphalt. The twenty four foot (24') width of paved asphalt may be increased based on a determination from the Town Engineer. The balance of the street width is to be used for curb, gutter, sidewalk and a parking strip, or drainage swale, all as required herein, subject to such modification or amendment, including the requirement of a wider street or road, when determined to be necessary by the Planning Commission. Nothing contained herein shall be interpreted as limiting the power of the Planning Commission to also require wider streets or roads outside a subdivision.

11-4-6: UTILITIES AND EASEMENTS:

- A. All utilities, private or publicly owned, shall be placed underground unless otherwise approved or specified by the Town. This will include, but not be limited to, telephone,

gas, electric power, water, sewer, storm drains, etc. These underground utilities shall be installed before the surfacing of the streets and installation of road base, curb and gutter, sidewalks, etc.

- B. All utilities shall conform to the rules and regulations adopted by the respective company.
- C. Utility easements shall be provided within the subdivision as required for public utility purposes. Easements shall be dedicated along all front, rear, and side setbacks as deemed necessary by the Planning and Zoning Commission and utility providers.

11-4-7: STORM DRAINAGE REQUIREMENTS:

All subdivisions shall present a stormwater drainage plan that is deemed to be in accordance with the Cornish Town Storm Drains & Sewer Policy by the Planning Commission.

11-4-8: WATER SYSTEM:

- A. The design of all water systems, including fire hydrants, shall be reviewed and approved by the Planning and Zoning Commission.
- B. The entire system shall be designed and constructed in accordance with Town standards, Utah State Health Department standards, and the current adopted Fire Code. If there is a conflict between the standards, the most stringent shall rule. Final approval of the proposed water system shall be subject to approval by the Planning and Zoning Commission.

11-4-9: SEWER SYSTEM:

- A. The sewer or septic system design and layout shall meet all standards and specifications of Utah State Department of Health in addition to Town standards.
- B. Subdivision applications proposing individual onsite wastewater disposal systems shall include feasibility reports, meeting the requirements of the Bear River Health Department or Utah Department of Environmental Quality, as applicable, for each new parcel or lot proposed.

11-4-10: DESIGN STANDARDS:

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the Planning Commission. All proposed roads shall be consistent with the current grid/block pattern of north-south and east-west oriented roads established in Cornish. An exception may only be granted if the grid pattern cannot be maintained due to steep slopes, waterways, wetlands, or other natural features. Design standards shall be approved by the Planning and Zoning Commission and shall include provisions as follows:

- A. Blocks shall not exceed one thousand six hundred fifty feet (1,650') in length from centerline to centerline of roads.

- B. Blocks shall be wide enough to adequately accommodate two (2) tiers of lots.
- C. Dedicated walkways through the block may be required where access is necessary to a point designated by the Planning Commission. Such walkways shall be a minimum of six feet (6') in width, but may be required to be wider where determined necessary by the Planning Commission. The subdivider shall surface the full width of the walkway with a concrete surface, install a chain link fence or its equal at least four feet (4') high on each side and the full length of each walkway and provide, in accordance with the standards, rules and regulations, barriers at each walkway entrance to prevent the use of the walkway by any motor vehicle or by any other non-motorized vehicle wider than four feet (4').
- D. Blocks intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off street parking and delivery facilities.
- E. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and the existing requirements.
- F. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning title for the zone or proposed zone in which the subdivision is located and to the minimum requirements of the Bear River Health Department or other applicable agencies if not connected to Town sewer and/or water systems.
- G. Each lot shall abut on a publicly dedicated street shown on the subdivision plat or on an existing publicly dedicated street, which is more than twenty six feet (26') wide. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.
- H. Side lines of lots shall be approximately at right angles, or radial to the street lines.
- I. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.
- J. Protection strips are prohibited.
- K. Subdivisions for non-agricultural purposes in the Agricultural Zone may only be created on publicly dedicated roads existing at the time the subdivision is proposed.

11-4-11: COMPLETION OF SUBDIVISION IMPROVEMENTS:

No subdivision final plat map or deed shall be recorded until all of the stipulations for approval have been met and all required improvements have been completed to the standards and specifications established by the Town or other codes, laws, or regulations. In addition the following minimum requirements apply and may be added to by the Planning and Zoning Commission, or Town Council:

- A. Construction within the subdivision shall conform to all Federal and State regulations.
- B. Construction drawings and construction within the subdivision shall conform to the Cornish Town standards and specifications. This information can be received from the Planning and Zoning Commission.
- C. Permits must be obtained for construction of the infrastructure facilities within the subdivision.

- D. There shall be a schedule of fees for all services required for the review of infrastructure in the Office of the Planning and Zoning Commission. All fees within the schedule of fees shall be passed by a resolution of the Town Council.
- E. Any work which begins prior to the issuance of a permit may be assessed an administrative penalty equal to two hundred percent (200%) of the cost of any fees and permits plus one thousand dollars (\$1,000.00).
- F. A preconstruction conference with the Planning and Zoning Commission or designee may be required not less than forty eight (48) hours prior to the commencement of construction activities.
- G. The contractor shall notify the Planning and Zoning Commission not less than forty eight (48) hours prior to the commencement of construction.
- H. Within thirty (30) days of the completion of improvements, the subdivider shall submit "as built" drawings of subdivision improvements prepared by or under the supervision of a professional licensed to prepare such work in the State of Utah. Failure to submit such drawings shall result in a hold being placed on issuance of any building permits.

11-4-12: IMPROVEMENT SECURITY:

When in the judgment of the Planning and Zoning Commission, it is not feasible to complete requirements or conditions imposed by statute or ordinance prior to the issuance of a permit, use, or occupancy, the improvement security may be accepted pursuant to this section to guarantee completion of the requirements or conditions.

- A. Acceptance Of Security: Improvement security may be accepted by the Town in relation to the following requirements or conditions:
 - 1. Landscaping, parking, parking lot lighting, signage, structural amenities;
 - 2. Right-of-way improvements, street improvements, curb, gutter, sidewalk, improvements related to driveways;
 - 3. Electrical power;
 - 4. Sewer, water, utilities; or
 - 5. All other improvements or deferrals.
- B. Types Of Security: With the exception of improvements required under provisions of the Town zoning ordinance, the following types of surety may be accepted:
 - 1. Certificate of deposit, cash, cashier's check, or savings account in favor of Cornish Town in the amount of not less than one hundred twenty five percent (125%) of the estimated cost of improvements;
 - 2. Irrevocable letter of credit issued by a Federally insured financial institution with the necessary period of time as determined by staff in the amount of not less than one hundred twenty five percent (125%) of the estimated cost of improvements;
 - 3. Escrow, drawdown, or performance account to which the County is a signatory and the escrow agent guarantees payment in the amount of not less than one hundred twenty five percent (125%) of the estimated cost of improvements;
 - 4. Performance bond issued by a financial institution, insurance company, or surety company with a Moody's or Standard & Poor's investment grade bond rating in the

amount of not less than one hundred twenty five percent (125%) of the estimated costs of improvements.

C. Estimating The Cost Of Improvements:

1. The permit holder shall present the Town with a firm construction bid for the improvements that shall be valid for a reasonable period of time from the date of the bid.
2. The bid shall be reviewed by the Planning and Zoning Commission prior to acceptance of the estimated cost.
3. If the Town accepts the bid amount, the permit holder may use that amount for securing and delivering surety to the Town. If the Town does not accept the bid amount, the permit holder shall obtain three (3) firm bids for the work to be secured with prices valid for at least six (6) months. The Town shall accept the average of the three (3) bids as the base amount for improvement security.

11-4-13: COORDINATION WITH SERVICE PROVIDERS:

The following information is required to be presented as part of a subdivision application, necessary to promote coordination with other service providers:

- A. Cornish Town fully supports access management along all State roads and shall work with all applicants of subdivisions through the Cache Access Management Policy to work with the Utah Department of Transportation to coordinate access, capacity, and safety issues.
- B. If the proposed subdivision is located within the boundaries of an irrigation company or canal company, or easements of any canals or irrigation ditches exist on the proposed subdivision site, a letter from the governing board of the applicable canal or irrigation company shall be obtained acknowledging the proposed subdivision. This letter may identify any potential impacts resulting from the proposed subdivision.

THIS ORDINANCE SHALL TAKE EFFECT NOVEMBER 5, 2020.

ADOPTED AND PASSED by the Cornish Town Council this 4TH day of November, 2020

CORNISH TOWN

Mayor

ATTEST:

Clerk/Recorder