

TOWN OF BICKNELL ORDINANCE NO. 11-24
AN ORDINANCE ESTABLISHING SUBDIVISION REQUIREMENTS,
PROCEDURES AND STANDARDS

WHEREAS, the Town of Bicknell wishes to protect and provide for the public health, safety, and general welfare of the Town of Bicknell;

WHEREAS, the Town of Bicknell wishes to guide and regulate the future growth and development of subdivisions within the Town of Bicknell, in accordance with the General Plan; provide for the efficient and orderly growth of the Town and ensure necessary improvements are constructed in a manner that furthers the health, safety, and welfare of Bicknell Town;

WHEREAS, the Town of Bicknell wishes to protect the integrity of buildings, land and improvements, and to minimize the conflicts among the uses of land and buildings;

WHEREAS, the Town of Bicknell wishes to provide a beneficial relationship between the uses of land, buildings, traffic circulation and the proper location and width of streets and building setbacks;

WHEREAS, the Town of Bicknell wishes to establish reasonable standards of design and procedures for subdivisions, 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;

WHEREAS, the Town of Bicknell wishes to insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision;

WHEREAS, the Town of Bicknell wishes to provide for open spaces through the most efficient design and layout of the land, while preserving the density of development as established in the Land Use and Subdivision Ordinances of the Town of Bicknell.

WHEREAS, the Town Council determined that it is appropriate to amend Subdivision Ordinance No. 1996-2, and such amendment will further the health, safety, and welfare of Bicknell Town.

WHEREAS, the Town of Bicknell wishes to remain in compliance with Utah State Code and implement the mandates by the 2023 and 2024 Legislative sessions, specifically Senate Bill 174 and House Bill 476.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BICKNELL, AS FOLLOWS;

Section 1 - PURPOSE

The purpose of this ordinance is to promote the health, safety, and general welfare of the inhabitants of Bicknell Town in the matter of subdivision of land and related matters affected by such subdivision and to guide the future growth and development of the Town, in accordance with the general plan. It is the intent that the provisions of this title ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

Section 2 - SCOPE AND APPLICABILITY

1. No person shall subdivide any tract of land which is located wholly or in part within the incorporated limits of Bicknell Town except in compliance with this ordinance.
2. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, not offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this ordinance.
3. This ordinance applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
4. This section does not apply to land use regulations adopted, approved, or agreed upon by the Town Council exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
5. The review cycle restrictions and requirements of this section do not apply to the review of single-family dwellings, two-family dwellings, or townhomes subdivision applications affecting property identified geological hazard areas under the Town Code.

Section 3 - DEFINITIONS For the purpose of this ordinance, the following definitions shall apply:

1. **ADMINISTRATIVE LAND USE AUTHORITY:** The Planning Commission shall act as the approval authority for the Preliminary Plat. A two member panel selected from the Planning Commission shall act as the approval authority for the Final plat.
2. **ALLEY:** A public way which affords a secondary means of access to abutting property.
3. **ANNEXATION:** To annex land to the Town is to absorb by legal incorporation or to bring previously unincorporated land into the municipal incorporation (the Town limits).

4. **BUILDABLE AREA:** That portion of a lot which will fit the construction of a structure under the provision of the Uniform Building Code and this ordinance, either without grading and excavation, or, with grading and excavation as specified in this ordinance.
5. **COLLECTOR STREET:** A street which carries traffic from minor streets to the major street system, including the principal entrance streets of residence development and the primary circulating streets within such a development.
6. **CONDITIONAL USE:** Conditional use (permit) is a zoning exception which allows the property owner use of his land in a way not otherwise permitted within the zoning district.
7. **CRITICAL LANDS:** Areas which are generally unsuitable or unsafe for development. Areas such as floodplains, hillsides, or other sensitive and hazardous land areas that could be unsuitable and unsafe for homes are considered critical lands.
8. **CUL-DE-SAC:** A minor street having one open end and being terminated at the other by a vehicular turnabout.
9. **DETACHED STRUCTURE:** Any structure being secondary to the primary use of the parcel. (i.e.; a garage, storage sheds, barns, coops, etc.)
10. **DEVELOPMENT:** Any plat of land which is improved to such an extent as to require building permits or other judicial approval, such as building roads, streets, buildings, structures, installing utilities, or any other like action. There are a number of laws and ordinances governing most developments and permits, as well as due process which are required.
11. **EASEMENT:** The quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.
12. **FINAL PLAT:** The official plat plan including all drawings, documents, and maps indicating any and all proposed changes, proposed developments, dedications, affidavits, approvals, and all other legal documents prepared and presented to the planning and zoning commission for final approval before the project is recorded in the county recorder's office and building permit is issued.
13. **HALF STREETS:** These are proposed streets with half the required right-of-way width for its functional classification, located on the bounding edge of a parcel proposed for development, in any subdivision.
14. **IMPACT FEES:** A charge levied against new development in order to generate revenue for funding capital improvements made necessary by that development.

Impact fees are generally levied at the time a permit is issued. The amount and conditions of impact fees shall be set by the Town council.

15. LOT: A parcel of real property with a separate and distinct number or other designation shown on a plat or a parcel of real property delineated on an approved map as filed in the office of the county recorder and intended as a unit for building development or transfer of ownership.
16. LOT LINE ADJUSTMENT: The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.
17. MINOR SUBDIVISION: Not more than 3 lots.
18. MORATORIUM: A temporary freeze on a legitimate action giving time to solve or remedy a situation or problem usually through legislative action. A good faith effort to study and resolve the issue must be sought to support a moratorium or the extension of the same.
19. OPEN SPACE: Common usable open space shall be defined as planned common outdoor improved landscaped areas suitable for relaxation and recreation. Open space does not include roads, driveways, parking areas or linear sidewalk adjacent to vehicular access roads.
20. PLANNING COMMISSION: The term "planning commission" means the Bicknell Town Planning and Zoning Commission.
21. PLAT: A map or other graphical representation of lands being laid out and prepared in accordance with this ordinance.
22. REVIEW CYCLE: The process for review of a complete subdivision application. There may be multiple thirty (30) business day reviews for the preliminary plat review cycle. There shall be no more than four (4) total review cycles of forty (40) business days for a final plat when accompanied by improvements plans.
 - a. A single review cycle shall be considered complete when:
 - i. Complete application is submitted to the Administrative Land Use Authority;
 - ii. The Administrative Land Use Authority Review is complete;
 - iii. The Applicant Response to Review is complete; and
 - iv. The Administrative Land Use Authority provides a written statement to the applicant stating completion of the review cycle and next required steps for approval
 - b. Review Cycle exceptions as follows:
 - i. Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public

health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.

- ii. Additional Time for Review. If the Applicant does not submit a revised plat within twenty (20) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) days to respond.

23. SUBDIVIDER: The word "subdivider" means an individual or entity having record title in any tract, lot, or parcel of land to be subdivided; or an agent or such individual or entity when such individual or entity has provided written consent and acknowledgement for such agent to act in behalf of the owner and has outlined the scope of agent authority.

24. SUBDIVISION: The word "subdivision" as used in this ordinance is defined as the division of property into two or more parts for the purpose, whether immediate or future, of sale or of building development; provided, that if any one person within one calendar year divides any property into two or more parts, such land shall be deemed a subdivision within the meaning of this ordinance. Provided, however, that this definition of a subdivision shall not include a bona fide division or partition of agricultural land in parcels of more than one acre for other than developmental purposes, if such division or petition meets the requirements of Utah Code Ann. 10-9a-605(2), as amended.

25. SUBDIVISION IMPROVEMENT PLANS: The civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

26. SUBDIVISION ORDINANCE REVIEW: A review by Bicknell Town Planning Commission to verify that a subdivision land use application meets the criteria of the Town's subdivision ordinances.

27. SUBDIVISION PLAN REVIEW: A review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

Section 4 - DESIGNATION OF A SINGLE ADMINISTRATIVE LAND USE AUTHORITY FOR REVIEW AND APPROVAL OF PRELIMINARY AND FINAL SUBDIVISION APPLICATIONS.

1. Preliminary Subdivision Applications.
 - a. Bicknell Town hereby designates the Planning Commission to review and approve preliminary subdivision applications.
2. Final Subdivision Applications.
 - a. Bicknell Town hereby designates a two person panel selected from the Planning Commission to review and approve final subdivision applications.

Section 5 - AUTHORITY TO IMPOSE CONDITIONS

This ordinance is designed to inform the subdivider and the public of the requirements for obtaining subdivision plat approval. Because each parcel of real property is unique and has its own set of circumstances, and because there are some aspects of subdivision development that cannot easily be articulated, it is not possible to cover every possible condition. Therefore, the Planning Commission has the authority to impose exactions upon a subdivider in addition to the standards and requirements contained herein, including but not limited to exactions regarding water, road improvements and open spaces.

Section 6 - CONSIDERATIONS

1. The Bicknell General Plan and the Bicknell Building and Zoning Ordinance shall guide the use of all land within the boundaries of the Town. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities in any subdivision shall conform to the greatest extent possible to the land uses shown and the objectives established in the General Plan.
2. The subdivider shall make application as provided herein and prepare a plat consistent with the standards and requirements contained herein and any other standards adopted by the Town and shall pay for the design, construction, and inspection of the required public improvements. The Town shall process the plat in accordance with the regulations set forth herein. The subdivider shall not alter or remove any vegetation from the proposed subdivision site or engage in any site development until they have obtained the necessary approvals contained in this ordinance. In cases where standards contained herein conflict with any other standards adopted by the Town the stricter standard shall apply.

Section 7 - SPECIAL PROVISION FOR MINOR SUBDIVISION

Under the conditions listed below, a non-plat subdivision may be approved in writing by the Town and shall be authorization for the subdivider to sell lots within the subdivision. A subdivider must submit an application, pay the application fee, and the subdivision must meet the following conditions:

1. The subdivision consists of not more than 3 lots.
2. The subdivision does not require the dedication or improvement of any land for street or other public purposes.
3. The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened as shown on the master street plan.
4. Each of the lots in the subdivision meets the frontage, width and area requirements of the zoning ordinance.
5. A site plan is submitted with the signatures of each record property owner to be subdivided as well as representatives of public utilities and/or facilities located within such subdivisions.
6. The parcel being subdivided has not been previously subdivided in the past year.

Section 8 - PROCESS FOR A PRE-APPLICATION MEETING PRIOR TO APPLICATION SUBMISSION.

1. If an applicant requests a pre-application meeting, the Bicknell Planning Commission shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
2. At the pre-application meeting, the staff shall provide or have available on the Town website the following:
 - (i) copies of applicable land use regulations;
 - (ii) a complete list of standards required for the project;
 - (iii) preliminary and final application checklists; and
 - (iv) feedback on the concept plan.

Section 9. PROCESS AND APPLICATION FOR PRELIMINARY SUBDIVISION APPLICATION

1. Preliminary Subdivision Application. The application for preliminary subdivision and materials can be found on the Town's website and at the Town Office. These materials include provisions for:
 - (i) the owner's affidavit;
 - (ii) an electronic copy of all plans in PDF format;
 - (iii) Subdivision Improvement Plan;
 - (iv) the preliminary subdivision plat drawings; and
 - (v) a breakdown of fees due upon application.
2. Review Process and Timing

- A. The administrative land use authority shall complete a preliminary subdivision application review in a public meeting.
- B. The administrative land use authority may hold no more than one public hearing.
- C. The municipality shall complete a review of the applicant's preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, including subdivision improvement plans:
 - (i) no later than 15 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or
 - (ii) no later than 30 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.
- D. In reviewing the preliminary subdivision land use application, the Town may require:
 - (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
 - (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
- E. The Towns request for additional information or modifications to plans under Subsection (D) (i) or (ii) shall be specific and include citations to all ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index or requested modifications or additions.

Section 10 - PRELIMINARY PLAT

1. The subdivider shall prepare a preliminary plat of such proposed subdivision and shall submit one digital pdf copy to Bicknell Town and prepare five physical copies thereof to the planning commission so that it may determine whether or not the proposed subdivision complies with all regulations and requirements. The planning commission shall act as the administrative land use authority for the review of preliminary applications to subdivide land.
2. The preliminary plat shall be drawn to a scale not smaller than Fifty (50) feet to the inch, and shall show:

- A. A legal description of the subdivision which shall be located in a title block in the lower right corner of the plat and shall include the unique subdivision name and the location including the section, township and range, and a legend of symbols should be included;
 - B. Its location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's ownership. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted; and the street system of the subdivision submitted shall be considered in the light of adjustments and connections with the future street system of the larger area;
 - C. The names and addresses of the subdivider, the engineer and surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided;
 - D. Contour map at appropriate intervals when required by the planning commission;
 - E. Building setback lines and sequential lot numbering and lot sizes expressed in acres;
 - F. Public utility easements;
 - G. The location, widths and other dimensions of all existing or platted streets including names or numbering and other important features such as water courses, utility lines, exceptional topography and structures within the proposed subdivision and within a two-hundred-foot (200') perimeter of the subdivision. All survey monuments must be shown;
 - H. Existing storm drains, water supply mains, and culverts within the tract and immediately adjacent thereto;
 - I. The location, widths, centerline bearings and curve data and other dimensions of all existing and proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the public;
 - J. North point, scale and date on each sheet;
 - K. Plans or written statements regarding the width and type of proposed pavement, location, size and type of proposed sanitary septic disposal facilities, proposed water mains and hydrants and other proposed utilities, proposed stormwater drainage facilities and other proposed improvements, planting and parks, and any grading of individual lots;
 - L. Every existing right-of-way and easement grants of record for streets, underground utilities and other public purposes;
 - M. The lot or unit reference, block or building reference, street or site address, street name or coordinate address for all parcels, units or lots intended for sale;
 - N. Verification of culinary water availability;
 - O. Verification and location of irrigation water if it is available;
 - P. Vicinity map.
3. In all cases where the subdivider includes more than one individual or entity, the preliminary plat, when presented to Bicknell Town, shall be accompanied by a

notarized statement, bearing the signatures of all owners of record of the property to be subdivided consenting to the proposed subdivision. Such statement may designate a single individual who has consent to act for and on behalf of the group in all appearances before public bodies, agencies, or representatives, necessary to execute the purpose of subdividing the property.

4. The planning commission may then approve or reject the preliminary plat, or grant approval with conditions stated. Approval of the preliminary plat by the planning commission shall not constitute final acceptance of the subdivision by the planning commission. One copy of the approved preliminary plat, signed by the chairman of the planning commission, shall be retained by the planning commission. One signed copy shall be authorization for the subdivider to proceed with the preparation of the final plat, construction plans and specifications for the required improvements.

Section 11. PROCESS AND APPLICATION FOR FINAL SUBDIVISION APPLICATION.

1. Final Subdivision Application.

The final subdivision application and materials can be found on the Town's website and at the Town Office.

2. Review Process and Timing

- A. A municipality shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

- (a) within 20 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or

- (b) within 40 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.

- B. In reviewing the final subdivision land use application, the Town may require:

- (i) Additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and

- (ii) Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

- C. The Towns request for additional information or modifications to plans under Subsection (2)(B)(i) or (ii) shall be specific and include citations to all ordinances, standards, or specifications that require the modifications to plans, and shall be recorded.

Section 12 - FINAL PLAT

1. Upon the planning commission's approval of the preliminary plat, the subdivider shall prepare and submit to the planning commission a final plat, together with one (1) digital pdf copy, five (5) paper copies with dimensions of twenty-four inches by thirty-six inches (24" x 36"), and one (1) eight and one-half inches by eleven inches (8 1/2" x 11") copy. The final plat shall include:
 - A. Subdivision name, approved by the planning commission at the top of the sheet in bold letters and the general location of the subdivision;
 - B. A north point and scale of the drawing and the date on each sheet;
 - C. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines;
 - D. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also, the boundaries, bearings and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the public; the lines, dimensions, area (in acres), bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots, blocks and streets are to be numbered consecutively under a system approved by the Town. All proposed streets shall be named or numbered in accordance with and conform to the adopted street naming and numbering system of the Town;
 - E. True angles and distances to the nearest established street lines or official monuments which shall be accurately described in the plat and shown by appropriate symbol. Basis of bearings shall be clearly stated.
 - F. Total dimensions of all lines including lengths, bearings, radii, chords, internal angles and location of points of curvaton.
 - G. The dedication to the public of all streets included in the subdivision. Street monuments shall be installed by the surveyor as designated on the plat and as required by Wayne County.
 - H. Vicinity map.

- I. The location, names and existing widths of adjacent streets.
 - J. The names and numbers of adjacent subdivisions, and the names of owners of adjacent unplatted land.
 - K. The boundaries of areas subject to flooding or storm water overflow as determined by the Town approved civil engineer.
 - L. Location and size of septic tanks/drain fields, water mains and any other private or public utility.
 - M. Indication of needed storm drain facilities with location, size and outlets of the drainage system, if applicable.
 - N. The standard forms approved by the planning commission for all subdivision plats lettered for the following:
 - a. Description of land to be included in subdivision,
 - b. Registered professional engineer and/or land surveyor's "certificate of survey,"
 - c. Owner's dedication which shall warrant and defend and save the Town harmless against any easements or other encumbrances on the dedicated streets which will interfere with the Town's use, maintenance, and operation of the streets,
 - d. Notary public's acknowledgment,
 - O. A three-inch-by-three-inch space in the lower right-hand corner of the drawing for recording information shall be provided.
- 2. The subdivider shall furnish a complete set of profiles of all streets existing and proposed within the subdivision to the planning commission at the time of submission of the final plat.
 - 3. The subdivider shall be required to install such street improvements as the Town shall require to meet standards adopted by the Town and to conform with surrounding areas, including but not limited to street grading and surfacing, as well as street drainage and drainage structures, water mains, monuments, street name signs, and fire hydrants, including hydrant and valve boxes, all such improvements must comply with American Public Works Association (APWA) standards, or adopted Bicknell Town construction standards, whichever is more stringent, and be under supervision of the Town water superintendent or Town engineer, inclusive of street area.
 - 4. The planning commission shall submit the plat for approval to the Town engineer who shall review the engineering requirements. Bicknell Town will also submit the plat for review to designated representatives of public utilities and/or facilities for review and verification of proposed utility locations and impacts to existing utility

facilities. After the engineer and utility representatives provide approval, the planning commission will approve and sign the final plat if they find it meets the requirements of this ordinance. After approval and signature by the planning commission and Town engineer, the plat shall be submitted to the Town attorney for approval as to form. The subdivider shall record the plat in the office of the Wayne County Recorder. If the subdivider does not record the plat within one year it will be rendered void.

Section 13. Review Cycle Process for Review of Preliminary and Final applications.

- A. Bicknell Town shall require 2 preliminary and 2 final application reviews.
- B. (i) Subject to Subsection (B)(ii), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a Bicknell Town's plan review is waived.
(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
- C. If an applicant makes a material change to a plan set, the Town has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantially affects.
- D. If an applicant does not submit a revised plan within:
 - 1. 20 business days after the municipality requires a modification or correction, –if the municipality has a population over 5,000; or
 - 2. 40 business days after the municipality requires a modification or correction, if the municipality has a population of 5,000 or less.

If an applicant does not submit a revised subdivision improvement plan within the time specified in Section 13, a municipality has an additional 20 business days after the time specified in Section 11, (2) (A) to respond to a revised subdivision improvement plan .

- E. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the

municipality's previous review cycle, Bicknell Town may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(i) In addition to revised plans, an applicant shall provide a written explanation in response to the Town review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(ii) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(iii) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle by Bicknell Town may not begin until all comments are addressed.

F. 1. If, on the fourth or final review, the Town fails to respond within 20 business days, the Town shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) For a dispute arising from the subdivision improvement Plans, assemble an appeal panel in accordance with Utah Code Subsection 10-9a-508(5)(d) et seq. to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the municipality, the panel shall consist of the following three experts:

a. one licensed engineer, designated by the Town;

b. one licensed engineer, designated by the land use applicant; and

c. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in subsection (i) a and b.

(ii) A member of the panel assembled by the Town under Subsection

(i) may not have an interest in the application that is the subject of the appeal.

(iii) The land use applicant shall pay:

- a. 50% of the total cost of the panel; and
- b. the Town's published appeal fee.;

(iv) The Town shall pay:

- a. 50% of the total cost of the panel

2. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Section 14 - STREET REQUIREMENTS

1. The alignment and width of all extended through streets shall be preserved unless unusual topographical conditions make a modification advisable.
2. Where a large subdivision abuts upon a major thoroughfare, the Planning Commission may require access streets, which are streets that are parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic, to be included in the street plan.
3. Street width is to be measured from lot line to lot line. The minimum width of streets, unless otherwise expressly permitted by the Planning Commission, so measured, shall be for all streets, 85.8 feet. The requirement for pavement shall be at least 24 feet.
4. All dead-end streets must, unless otherwise expressly permitted by the Planning Commission, provide at their terminus a turnaround with a radius of at least fifty (50) feet, and shall provide adequate means of drainage.
5. Between reverse curves a tangent of at least one hundred (100) feet shall be required unless in the opinion of the Town engineer such is not necessary.
6. Streets shall intersect each other as near as possible at right angles.
7. Minimum street grades of 0.3 percent will be required with the maximum grade being seven (7) percent for secondary and major streets and ten (10) percent for all streets. Where the observance of this standard is impossible, the Planning Commission shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed or, in the opinion of the Planning Commission, the best subdivision of the land is thereby secured.
8. Where street lines within a block deflect from each other at any one point more than ten (10) degrees, there shall be a connecting curve. The radius of the curve for the inner street line should be not less than three hundred fifty (350) feet for all streets.
9. New street names shall not duplicate those already existing. A street that is obviously a continuation of another already in existence and named should bear the same name. Before the street is named, the proposed name must be submitted to and approved by the Planning Commission.

10. All streets within the Town limits will be required to be dedicated for public use. No subdivision shall have private streets.

Section 15 - UTILITY IMPROVEMENT REQUIREMENTS

1. The subdivider shall be required to install such street and utility improvements as the Planning Commission shall require to conform with surrounding area, including street grading and surfacing, as well as street drainage and drainage structures, water mains, monuments, street name signs, and fire hydrants including hydrant and valve boxes, all such improvements to be installed under the specifications and supervision of the Town water superintendent or Town engineer inclusive of street area.
2. Residential Subdivisions Street Lighting Requirements. This is an area within any Residential Zone, which is characterized by few pedestrians at night. Streets are designed primarily for access to residential property. The following street lighting requirements shall be required with respect to any residential subdivision:
 - A. Lighting Requirements. Each residential subdivision developed in Bicknell Town shall have adequate street lighting. The applicant, and/or developer, shall work with Garkane Energy to install street lights at intersections and other locations shown in accordance with these standards, and other standards as determined by Garkane Energy.
 - B. Streetlight. Lighting approved by Planning and Zoning shall be provided and installed by Garkane Energy upon receipt of a deposit by the subdivider.
 - C. Locations. All residential street lights shall be installed within the utility easement street right-of-way.
 - D. At least one streetlight shall be required in the bulb section of a cul-de-sac and installed at the property line between lots.
 - E. One streetlight shall be required at each intersection of a street along or in a subdivision.
 - F. When two streets form a "T-type" intersection, a streetlight must be placed at the center of the "T," opposite the road, and at the closest property line between lots.
 - G. Streetlights shall be installed no closer than 200 feet apart in residential areas. On straight roadways, install street lights alternately on each side of the road close to the nearest property line between lots.

- H. Streetlights shall be located at each intersection and not to exceed 550 feet in distance, located in the utility easement and at the nearest property line between lots as close as possible to 550 feet, but not less than 200 feet, on alternating sides of the street.
 - I. Bicknell Town shall approve the street light locations during the subdivision improvement plan review process.
 - J. No exterior lighting may glare into; or upon, the neighboring properties or any residential premises. In addition, no exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public streets.
 - K. Streetlights must have appropriate illumination at intersections; illumination intensity, electrical specifications, and code requirements as determined by Garkane Energy.
 - L. Streetlights are required in any curve or change of direction.
3. Residential Subdivisions Construction Standards Requirements. The following construction standards requirements shall be required with respect to any residential subdivision:
- A. All streets and culinary water system improvements will be required to meet Bicknell Town's Construction Standards and approved by the engineer chosen by Bicknell Town.
 - B. In cases where residential property will be in common ownership within the subdivision or a homeowners association is necessary and advisable, the subdivider shall pay Bicknell Town's cost in retaining an attorney who practices or specializes in homeowner association law to review and offer recommendation regarding the sufficiency of the subdivider's homeowner association documents on behalf of the Town.

Section 16 - BLOCKS

The length and width of blocks generally shall be 442.2.. 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.

Section 17 - LOTS

- 1. The lot arrangement, design and shape will be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to

topography, and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.

2. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance, if any, then in effect for the zone in which the subdivision is located, and to the minimum requirements of the county health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning ordinance then in effect for zoned areas.
3. Corner lots shall have extra width, of at least ten (10) feet, sufficient for maintenance of required building lines on both streets.
4. Side lines of lots shall be approximately at right angles, or radial to the street line.
5. All remnants of lots below minimum size left over after subdividing a large tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
6. Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single ownership before approval of the final plat, and such transfer certified to the planning commission by the recorder.
7. Minimum Lot Frontage Required. Every lot shall have frontage upon a dedicated or publicly approved road or street. The required lot frontage shall be not less than the minimum lot width requirement as measured at the minimum front yard setback, as required by the zoning ordinance in which the lot is located.
8. A water connection and meter must be installed on every lot by Bicknell Town prior to the sale of any lot.

Section 18 - DEDICATIONS OF PARKS, SCHOOL SITES, OTHER PUBLIC SPACES

1. All streets within the subdivision must be dedicated to the Town for public use.
2. The Town may require off-street parking areas within the retail center of a new subdivision and specify requirements for maintenance of the same.
3. Where natural or scenic features and/or historic community assets exist, such locations are to be safeguarded either by dedication to a public or private agency by the subdivider.

4. Dedication of all other open space within the subdivision will be required in accordance with the plans of the Planning Commission relating to parks, recreational centers and other public uses.
5. Subdivisions with 20 residential current or future units and larger must comply with the following requirements regarding open space:
 - A. Open space shall be provided at a minimum of $\frac{1}{2}$ acre per every 20 residential units with a maximum requirement of 2 acres total. No requirement in this section shall preclude open space in excess of the minimum requirements. Open space shall be exclusive of any required setback areas.
 - B. Open space, shall be intentionally landscaped or designed. Open space areas shall be fully developed prior to the last phase of a development, with at least one-half of required areas completed upon completion of 30% of the subdivision.
 - C. The minimum amount of open space shall be provided in the preliminary plan of the development.
 - D. No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 80 feet wide.
 - E. Open space shall be separated from streets, service and parking areas by a fence (refer to Section 14 of Bicknell Town Building Ordinance for fencing details).
 - F. Upon consideration of the designed and fully developed open space, including but not limited to the amenities provided within the open space, the number of residences served, access, parking, and whether such is in the best interest of the Town, the Town may, in its discretion, after request by the subdivider, accept ownership and maintenance of the open space.
6. When tracts to be subdivided are less than forty (40) acres, public space dedicated may be combined with dedications from adjoining tracts in order to receive usable recreational areas without resulting hardships on the subdivider of a small tract.

Section 19 - EASEMENTS

All utilities shall be designed and constructed within deeded street right of ways, unless otherwise approved by the Planning Commission. Where exceptions are granted to design and install utilities outside of platted street right of ways, easements shall be provided to Bicknell Town to accommodate construction and maintenance of any such utilities.

Section 20 - PERMITS

The building inspector shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this ordinance. No Town officer shall grant any permit, license, or certificate for the use of any building or land if such use would be in violation of this ordinance.

Section 21 - COMPLETION OF IMPROVEMENTS IN PLATTED SUBDIVISION

1. Completion of Improvements and Security:

A. Policy: In order to protect buyers 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 Bicknell Town that no plat will be approved within Bicknell Town limits unless and until the subdivider has provided adequate security for the benefit of Bicknell Town and the public to ensure completion of the site improvements in full compliance with the approved plans within two (2) years from the date of plat approval.

B. Detailed Site Plans: A detailed site plan showing the location and nature of all on-site and off-site improvements shall be submitted to the Planning Commission prior to final plat approval. These plans shall be examined by the Bicknell Town engineer and shall be approved by him or her if he or she determines them to be in accordance with the requirements of this ordinance and Bicknell Town ordinances.

C. Construction According To Approved Plans: No construction shall commence until Bicknell Planning Commissions approval of site plans, Bicknell Town's receipt of adequate security, and approval of final plat.

2. Amount of Security: The amount of the security to be posted by the developer is to be determined by Bicknell Town and shall be equal to one hundred percent (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 the 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 percent (100%) of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing work not covered by

the contracts. Specifications in such contracts shall be sufficiently clear to identity the work called for under the contract.

3. Release of bond: Such bond shall not be released until the improvements have been accepted by Bicknell Town, upon recommendation of the Bicknell Town engineer.

Section 22 - FEES

Subdivision approval within the Town shall be subject to the following fees established by the legislative body:

1. Preliminary Plat Application Fee: The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing Bicknell Town for the expense of checking and reviewing such preliminary subdivision plats.
2. Final Plat Application Fee: The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing Bicknell Town for the expense of checking and reviewing such final subdivision plats. As part of recording the subdivision, the developer shall also pay the normal fee for recording a subdivision in Wayne County as established by the Wayne County Recorder.
3. Non Plat Subdivision Application Fee: The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the review of such application.
4. Inspection Fee: At the time of filing the final plat, the developer will deposit with Bicknell Town an inspection fee consisting of three percent (3%) of the estimated cost of improvements, as approved by Bicknell Town. Bicknell Town will draw on this deposit to pay the costs of inspection services for the subdivision. After final approval of all subdivision improvements, Bicknell Town will return to the developer any unused portion of the inspection fee. In the event that inspection costs exceed the subdivision fee deposit, the developer will pay Bicknell Town the additional inspection costs.

Section 23 - Warranty

The applicant or subdivider shall warrant and guarantee that the subdivision improvements, and every part thereof, remain in good condition for a period of one (1) year, after the Planning Commission has initially accepted the improvements, after written request by the applicant or subdivider. The applicant or subdivider also is responsible for all repairs and maintenance of all subdivision improvements, and every part thereof, in good working condition during the one (1) year warranty period with no cost to the Town, affected entity, or other party.

Section 24 - SEVERABILITY

If any section, sentence, clause phrase, word or other provision of this ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 25 - SAVING CLAUSE

If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Bicknell Town.

Section 26 - EFFECTIVE DATE

The provisions of this ordinance shall become effective when passed and approved by the Bicknell Town Council and after any required posting and/or publication has been accomplished according to law.

PASSED AND APPROVED by the Bicknell Town Council this ____ day of _____, 2024.

TOWN OF BICKNELL, UTAH

Noreen Johnson , Mayor

Roll Call Vote:

Kerry Stevens	Yes	No
Steve Albrecht	Yes	No
Weston Johnson	Yes	No
Gregg Anderson	Yes	No

Attest: Town Clerk, Kelsey Brinkerhoff