ORDINANCE 96-02

TOWN OF MINERSVILLE

SUBDIVISION ORDINANCE
(Adopted 18 March 1996)

SECTION 1. Purpose of Ordinance.

The underlying purpose and intent of this Ordinance is to promote the health, safety, convenience, and general welfare of the inhabitants of Minersville, in the matter of subdivision of land and related matters affected by such subdivision. This Ordinance is enacted for the further purpose of facilitating the orderly growth and development of the City; lessening congestion in the streets; preventing the over-crowding of land; and avoiding undue concentration of population; securing economy in municipal expenditures; and facilitating adequate provisions for transportation, water sewage, schools, parks, and other public requirements; stabilizing the value of property, and increasing the security of home life.

SECTION 2. Definitions.

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

Subdivision. The term "subdivision" means the division of a tract of land or a building into two (2) or more parts for the purpose, whether immediate or future, of sale, or building development. For the purpose of this Ordinance, land which is divided into lots or parcels of land of less than five (5) acres shall be deemed to be of sale or building development. Lots which are zoned for residential use within the Minersville city limits with existing roadways, infrastructure, and utilities do not require subdivision status.

Metes & Bounds. The description of a lot or parcel of land by courses and distances.

Subdivider: A "Subdivider" is any person laying out or making a land-division for the purpose of first sale, offering for first sale, or first selling, for himself or others, a subdivision or any part thereof.

Preliminary Plat. A map or chart of a proposed land division which has been prepared in accordance with regulations herein prescribed.

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

Easement. A quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of land, is granted to the public or some particular person or part of the public.

Major Street. A street, existing or proposed, which serves or is intended to serve as a major traffic-way and is so designated on the Master Street Plan.

Condominium. The ownership of a multi-unit project together with an undivided interest in the common areas and facilities of the property.

Condominium Project. A real estate condominium project; a plan or project whereby three (3) or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale. "Condominium Project" shall also mean the property when the context so requires.

Condominium Unit. A unit together with the undivided interest in the common area and facilities appertaining to that unit. This includes both a physical unit together with its appurtenant undivided interest in the common areas and facilities and a time period unit together with its appurtenant undivided interest.

Collector Street. A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal traffic-way between large and separated areas or districts and which is the main means of access to a major street system.

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

On-Site Facilities. Facilities installed in, under, or upon the public streets, or rights-of-way within or on the perimeter of the subdivision or development site.

Off-Site Facilities. Facilities designed or located so as to serve other property outside the boundaries of the subdivision.

Available Sewer. An existing sewer into which domestic sewage from a proposed subdivision can drain by gravity.

Oversize Facility. Facilities with added capacity designed to serve other property outside the boundaries of the subdivision or development site.

Intervening Property. Property located between the existing city utilities and public service facilities, and the property under development.

SECTION 3. Subdivision Plans Required.

Whoever, being the owner or agent of the owner of any land in a subdivision, except for land located in a recorded subdivision, transfers or sells any lots or lands without first preparing a Final Subdivision Plat, and having such Plat approved by the City Planning Commission and by the City Council, and recorded in the Office of the County Recorder, shall be guilty of a misdemeanor, for each lot so transferred or sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties; provided, however, that in subdivisions of less than

ten lots, land may be sold by metes and bounds without the necessity of recording a final plat, if all of the following conditions are met:

(a) The subdivision lay out shall have first been approved in writing by the Planning Commission.

(b) The subdivision is not traversed by the mapped lines of a proposed street as shown on the Master Plan of Minersville and does not require the dedication of any land for street or other public purposes.

(c) Each lot in the subdivision meets the frontage, width and area requirements of the Zoning Ordinance.

SECTION 4. Procedure for Obtaining Approval of a Subdivision Which does not Require the Submission of a Final Plat (Less than 10 lots).

Step 1. Discuss Proposed Subdivision with City Council. Any person wishing to subdivide within Minersville, Utah, shall secure from the City Council information pertaining to the City's plan of streets, parks, draining, zoning, subdivision of lands, and other master plan requirements affecting the land to be subdivided.

Step 2. Vicinity Plan. The subdivider shall then prepare a vicinity plan of a scale of not smaller than 1 inch equals 500 feet, and shall submit three copies of the same to the City Council. The vicinity plan shall show:

(1) The location of the subdivision;

(2) The general layout of streets, blocks and lots within the area to be subdivided;

(3) The relationship of the proposed streets within the subdivision to existing and planned streets within one-half mile from the outside boundaries of the subdivision; and

(4) The payment of a filing fee in the amount of $100.00. and $25.00 per lot.

Step 3. Planning Commission Approval. The Planning Commission shall review and shall approve or disapprove the layout of the subdivision, or approve it subject to change or alteration.

Step 4. Preliminary Plan. Engineering Drawings. Upon approval of the Vicinity Plan by the Planning Commission, the subdivider shall prepare and submit the following information and material to the Planning Commission.

(1) Three copies of a Preliminary Plan of the subdivision.

(2) Three copies of Engineering Drawings showing typical cross-sections of streets, location and size of both "on-site" and "off-site" water and sewer mains; street profiles, and contours.

Step 5. Planning Commission Approval of Preliminary Plan.

(1) The Planning Commission shall review and shall approve or disapprove the Preliminary Plan, or approve it with modifications within thirty (30) days from the date of the

submission of the Preliminary Plan.

(2) Action of the Planning Commission shall be retained in the files of the City Council, and one of which shall be returned to the subdivider. If disapproved, the Planning Commission shall express its reasons therefor.

Step 6. City Council Approval. The City Council shall check the Preliminary Plan for accuracy of the lot boundaries and shall determine the amount of bond or other performance guarantee which shall be based upon an estimate of the cost of installing the required improvements.

Step 7. Performance Bond Submitted to City. After approval of the Preliminary Plan by the Planning Commission, the subdivider shall post a bond or their assurances with the City, guaranteeing that the required improvements will be installed and paid for without cost to the City. Should the subdivider be allowed additional time to install improvements the same shall be installed within 120 days after notice by the City to do so.

Step 8. "As Constructed Plan". After the improvements have been installed, and prior to the final inspection and release of the bond, as herein provided, "As Constructed Plans" shall be prepared and submitted to the City Council, showing the location and details of design of all public facilities installed by the Developer.

Where a subdivider owns or controls more land that he wishes to develop immediately, the Planning Commission may require that Preliminary Plan of the whole area, or significant part thereof, be submitted, in which case the subdivider shall indicate on the preliminary plan the portion to be developed for immediate improvement and the portion to be held for future development. Whenever approval for immediate development has been obtained on any part of a Preliminary Plan, approval of the remaining part of said Preliminary Plan shall remain in effect for a period of two years.

SECTION 5. Additional Procedures for Subdivisions over 10 lots.

Step 1. Filing Fee. The payment of a filing fee in the amount of $100.00 and $25.00 per lot.

Step 2. Final Plat. After the Preliminary Plan has been approved, the subdivider shall prepare and submit two tracings of the final plat of the subdivision to the City Council, together with all accompanying documents, as required by these regulations. (One of the tracings may be a process duplicate when approved by the City Council).

Step 3. Planning Commission Approval of the Final Plat. After the Final Plat has been approved by the City Council, it shall be submitted to the Planning Commission for its approval or disapproval.

Step 4. Title Report/Title Insurance. A Preliminary Title Report or copy of a Title Insurance Policy indicating ownership of the property and Final Plat shall be presented to the City Council together with a copy of the performance bond by the Subdivider for review regarding ownership of the property, zoning requirements, and sufficiency of bond documents.

Step 5. Final Plat Must Be Approved by City Council and Recorded. The Final Plat must be approved or disapproved by the City Council within 30 days. Upon approval of the Final Plat by the City Council, the Subdivider shall submit one copy of the Final Plat tracing to the County Recorder. All Final Plats must be recorded in the office of the Beaver County Recorder, not less than 30 days from the date of approval of the Final Plat by the City Council.

A Final Plat of any subdivision which is not recorded within 30 days from the date of approval of the City Council shall be null and void unless a longer period of time is approved by the City Council.

Approval of the Final Plat by the Planning Commission shall not be deemed as acceptance of the dedication of any street, public way or ground. Such acceptance must be obtained from the City Council.

SECTION 6. Soils Testing.

As part of its subdivision approval process, the City Council of Minersville may require that proposed subdivisions undergo soil testing to determine the susceptibility of the soil in said subdivision to soil problems, including but not limited to: subsidence, enlargement, hydro-compaction, settling, slippage, and sinking of soil in relation to construction thereon. In determining areas requiring such testing, the City Council shall rely upon the recommendations of the Minersville City Council, engineering consultants regarding soils conditions located within the City, and data and maps provided by federal and state governmental units such as the Bureau of Land Management, the Soil Conservation Service and the Utah Geological and Mineral Survey. The City Council shall determine the number, location, and size of test holes to be drilled in a given subdivision, based upon the information provided them by the above sources. The test drilling shall then be conducted using one of the following methods:

A. The City Council shall retain engineering consultants to drill said test holes and make analysis and recommendations regarding the stability of the soil, its suitability for residential use and structural requirements the soil may necessitate. Prior to drilling said test holes, an estimate of drilling costs will be made, which amount shall be pre-paid to the City by the subdivider prior to actual drilling, if the subdivider elects to pursue approval of the subdivision. If the actual costs are less than the amount paid based on the estimate, the difference shall be returned to the subdivider; if more, the difference shall be paid by the subdivider to the City, prior to approval by the Council.

B. The subdivider may retain an engineering consultant to drill said test holes and make analysis and recommendations regarding the stability of the soil, its suitability for residential use and structural requirements the soils may necessitate, but any such consultant so retained must first be approved by the City Council of Minersville. Those results and recommendations shall then be submitted to a second engineering firm for its additional analysis and recommendations regarding the stability of the soil, its suitability for residential use and structural requirements the soil may necessitate. The cost of all engineering analysis shall be borne by the subdivider and payment for the second engineering opinion shall be prepaid by the subdivider to the City.

SECTION 7. Approval.

The Minersville City Council may either approve or disapprove the application of a subdivision in which a soils test has been required after considering the findings and

recommendations of the report.

Engineering reports as required in the above-section shall be considered by the City Council and if deemed appropriate, may be adopted by the Council as specific set of regulations to be followed in the construction of any buildings in the subdivision as outlined in Section 32-8 below. Additionally, copies of an engineering report adopted by the City shall be retained by the subdivider at its principal place of business for review and inspection by purchasers and the general public, and it shall be filed with the County Building Inspector, and City Recorder of Minersville, Utah.

A subdivision plat of a subdivision so approved shall contain a Notice stating words to the effect that a soils test has been required of a subdivision and that a copy of the report is available for review and inspection at the offices of the subdivider whose address shall be listed at the end of said Notice and with the Building Inspector and the City Recorder of Minersville, Utah.

SECTION 8. Construction.

Structures erected within a subdivision in which soils engineering report has been required must be built in accordance with the final specifications adopted by the City Council. This shall be in addition to all other building code requirements.

The Building Inspector shall have the authority to deny a building permit to a builder proposing to erect a structure not in compliance with the final specifications adopted by the City Council . The City Council shall assist the Building Inspector in determining the compliance of builders with the engineering report. The Building Inspector shall maintain a complete copy of the soils engineering report for inspection and review by the general public and for his own use in performing the duties of the City Building Inspector.

SECTION 9. Improvements Required.

Subdivision improvements shall be installed in accordance with standards and requirements as hereinafter set forth. In lieu of actual construction of the improvements, a bond or other assurance may be furnished to the City by the subdivider at the time a subdivision map is accepted by the City, as a guarantee that the improvements will be constructed and paid for.

(1) All streets shall have sub-base, and two (2) inch oil mat 30 feet wide in accordance with city specifications.

(2) Street drainage and drainage structures shall be provided in accordance with City specifications as required by the City Council.

(3) The subdivider shall install sanitary sewers as approved by the City Council in compliance with City specifications.

(4) Water mains having a diameter of not less than six (6) inches shall be installed in accordance with standards as approved by the City Council.

(5) Easements shall be provided and fire hydrants installed to City specifications.

(6) Underground utilities shall be installed within the subdivision. A subdivider may have the option of installing overhead utilities in any portion of the subdivision in which overhead utilities existed at the time of the presentation of the vicinity plat where such utilities could serve that portion of the subdivision.

SECTION 10. Engineering Fees.

The developer shall be required to pay to the City an inspection fee for inspecting improvements installed by the developer. The minimum inspection fee shall be computed at the rate of one per cent (1%) of the cost of improvements.

SECTION 11. Cost of Improvements.

Cost of improvements which are covered under the provisions of this section, as well as the cost of other improvements which the developer may install, shall be shared between the developer and the City, according to the following schedule:

FACILITY	CITY	
"On-site" easements and rights-of-way.	0%	"Off-site" easements and rights-of-way.
DEVELOPER		
100%		
100%	0%	"On-site" grading and drainage of streets.
100%	0%	"Off-site" grading and drainage of streets.
Negotiations with City Council.	Negotiations with City Council.	Bridges.
100% for all minor streets.	0%	Street and paving.
100%	0%	Street signs.
100%	0%	
Electric utilities.	100%	0%
"On-site" water line.	100% up to and including 6" in diameter.	All required oversize in excess of 6" in diameter.
Fire Hydrants.	100%	0%

"On-site" sanitary sewer.	100% up to and including 8" in diameter.	All required oversize in excess of 8" in diameter.
"Off-site" water line.	100% up to and including 6" in diameter, repayment to be subject to negotiations with City Council.	All required oversize in excess of 6" in diameter.
"Off-site" sanitary sewer.	100% up to and including 8" in diameter, repayment to be subject to negotiations with City Council.	All required oversize in excess of 8" in diameter.
Storm drains, canals and Flood Channel Protection.	Special negotiations with City Council.	Special negotiations with City Council.
Parks.	Special negotiations with City Council.	Special negotiations with City Council.

1. Exception is made when street is Federal or State Highway.
2. Whenever any intervening (off-site) property is benefited by the installation of any of the required facilities, the developer and/or City may advance the cost of the same and defer the collection of such charges until such time as the property is developed. Such charges shall be satisfied before any service connection shall be granted or accepted by the City. If, for any reason, the City is not in a position to advance the cost of "off-site" facilities, a developer may advance said costs for which the City will enter a deferred credit on its books and records, and shall reimburse the developer upon collection by the City of charges herein prescribed. Reimbursement for "off-site" improvements shall extend for a period of ten years from the date of final approval of the subdivision or until the initial cost of such improvements shall have been refunded, whichever is less. After ten years, no further refunds shall be made to the subdivider, nor shall the reimbursement include interest or be for a greater sum than the initial cost of the "off-site" improvements.

SECTION 12. Guarantee of Performance.

SECTION 12-1. Type and Amount of Guarantees.

A. The type of guarantee may be in the form of a surety corporation bond in an amount equal to the cost of the required utilities and improvements.

B. When approved by the City Council, the subdivider may deposit money with the City or convey a mortgage on land or property having a value at least equal to the cost of the required improvements, as determined by the City council.

SECTION 12-2. Duration.

The duration of the surety corporation bond or mortgage shall continue until all improvement work has been completed by the subdivider.

SECTION 12-3. Default.

In the event the subdivider is in default or fails or neglects to satisfactorily install the required utilities and improvements within two years from the date of approval of the final plat by the City Council, or to pay all liens in connection thereto, the City may declare the bond, mortgage, or other assurance forfeited, and the City may install or cause the required improvements to be installed, using the proceeds from the collection of the bond or sale of property to defray the expense thereof.

SECTION 12-4. Final Inspection and Release.

The City Council shall inspect the work during construction for quality of materials and workmanship, but the subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or mortgage, the City Council shall make a preliminary inspection of the public service facilities setting forth the condition of such facilities. If all liens are paid, "as constructed" plans filed and other conditions thereof are found to be satisfactory, the City Council shall release the bond, mortgage, or other assurance. If the condition of material or workmanship shows unusual depreciation or does not comply with acceptable standards of durability; if any outstanding liens are not paid, or if "as constructed" plans have not been submitted to the City within the required time, the City Council may declare the subdivider in default.

SECTION 12-5. Special Improvement Contracts.

In the event that the improvements are installed under "special improvement contracts" the planning and execution of the work shall be carried out as prescribed by laws pertaining thereto.

SECTION 13. General Requirements.

SECTION 13-1. Improvements Standards.

All improvements shall be installed in accordance with City Specifications as directed by the City Council.

SECTION 13-2. Parks, School Sites. Other Public Space.

In subdividing property consideration shall be given to sites for schools, parks, playgrounds, and other areas for public use, as shown on the Master Plan. Any provisions for such open spaces should be indicated on the Preliminary Plan in order that it may determine when and in what manner such areas will be dedicated to, or required by, the appropriate agency.

Minersville Town
Zoning Map



Legend

Town Parcels

Zoning

Agriculture
Open Space
Single Family Res.
Multiple Family Res.
Commercial
Multiple Use

NORTH



FCAOG uses information & data from many different sources, which may be of differing accuracy and which have been integrated to provide a planning context. These products should be used only for the purpose they were intended. For specific data source information, please contact FCAOG GIS

Map Created 01/03/08
Cort Hutchings
Five County Association of Governments

0.25 0 0.25 0.5 Miles

ADOPTION

This Ordinance shall become effective thirty (30) days from its passage or twenty (20) days from its first posting, whichever is the most remote from the passage hereof.

PASSED BY THE MINERSVILLE TOWN COUNCIL AND APPROVED BY THE MAYOR OF THE TOWN OF MINERSVILLE, UTAH THIS 3RD DAY OF OCTOBER, 1994

Howard J. Taylor
Mayor

ATTEST:

Sue M Carter
Town Clerk