

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.04 - INTRODUCTORY PROVISIONS

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16.04.010: AUTHORITY

The ordinance codified in this title is adopted pursuant to and in accordance with the authority vested in the city council of the city, by the statutes of the state of Utah, section 10-9-101 et seq. All previously existing subdivision regulations for the city are repealed. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.020: SHORT TITLE

This title shall be known, cited and referred to as the *SUBDIVISION TITLE OF THE CITY OF MILLVILLE, UTAH*. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.030: INTENT AND PURPOSE

This title is enacted for the purpose of:

- A. Ensuring orderly development in conformance with a duly adopted comprehensive master plan, which includes a roadway corridor study;
- B. Protecting the public health, safety, and general welfare of present and future residents of the city;
- C. Establishing standards and procedures for the protection of the common interests of the general public, and the landowner and/or subdivider;
- D. Protecting the character and value of lands and buildings throughout the city and minimizing conflicts among the uses of land and buildings;
- E. Providing for safe and adequate transportation systems, utilities and other public facilities;
- F. Establishing adequate and accurate records of land subdivision;
- G. Encouraging the use of innovative land planning and urban design techniques. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.040: CONFLICT WITH OTHER REGULATIONS

In the case of a conflict between this title and/or any part thereof, any other ordinance of the city, or any state statute or code, the more restrictive in all cases shall apply. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.050: APPLICATION

- A. These regulations shall apply to all of the lands within the boundaries of the city, as they shall from time to time be amended.
- B. Every owner or proprietor of any tract or parcel of land who shall hereafter subdivide or resubdivide his lands into two (2) or more parts for the immediate or future purpose of sale, building development or redevelopment for any residential, recreational, industrial, commercial, public or other use, shall comply with these regulations. No person shall commence the physical layout or construction on the ground of a subdivision without first obtaining the approval of the city council in the form of an approved subdivision plat.
- C. None of the provisions of these regulations shall be construed to require platting in any case in which subdivision plats have been made and legally recorded pursuant to any regulations previously in force; and all plats heretofore filed for record and not subsequently vacated are hereby declared valid, notwithstanding the fact that the procedures or the manner and form of acknowledgement may have been different than those prescribed by these regulations.
- D. A subdivision does not include:
 - 1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance.
 - 2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - a. No new lot is created; and
 - b. The adjustment does not result in a violation of applicable zoning ordinances; or
 - c. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property. (Ord. 2008-4, 2008: Ord. 2003-3, 2003: Ord. 94-3 § 1)

16.04.060: EXEMPTIONS

- A. Unless the method of the sale of land is adopted for the purpose of evading these regulations, these regulations shall not apply to:
 - 1. The subdivision of land for and the sale of cemetery lots;
 - 2. The sale of land to the state of Utah, the federal government, or any political subdivision thereof;
 - 3. Railroad right of way;
 - 4. The alteration for sale or use of any designated lot within a previously recorded subdivision, provided that such alterations comply with all existing zoning ordinances and regulations.

- B. Under conditions specified in section 16.20.040 of this title, platting requirements for small subdivisions, fewer than four (4) lots, may be modified. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.070: RULES

- A. All subdivisions as defined and under the jurisdiction of this title are subject to the provisions of this title and to the Utah statutes which regulate subdivisions.
- B. No building permits shall be issued for construction until full compliance with all the requirements of this title have been met.
- C. Unless approved as a final plat as provided herein, no subdivision shall be entitled to be recorded or have any validity.
- D. No public improvements are to be installed and service shall not be provided until approval of the final plat is granted and the same has been duly recorded except as otherwise allowed in this title.
- E. No deeds shall be recorded or property transferred until a plat has been approved and recorded in the manner prescribed herein. The description of such lot by metes and bounds shall not exempt the transaction from the provisions of this title.

- F. The city shall not issue permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded and improvements accepted, except that the city may issue a permit on a tract of land which is not a subdivision.
- G. All subdividers shall be required to make the necessary accommodations with the appropriate official for sanitary sewer, septic tanks, drain fields, and water systems, all in accordance with the standards set by the Utah department of environmental quality.
- H. The city reserves the right to withhold any or all public service, including the maintenance of roads and streets from all subdivisions, parcels, or tracts where public improvements associated with the subdivision have not been accepted by the council.
- I. No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval by the council unless such plat is first resubmitted to the commission and council for their consideration.
- J. The city shall not accept, lay out, open, improve, grade, pave, curb, light, lay or authorize water mains or sewers or connections to be laid in any street which has not been approved by the city council as a public street.
- K. No building shall be erected nor shall a building permit be issued for a building, unless the street abutting on the lot upon which such building is proposed to be placed shall have been approved by the city council as a public street.
- L. The city shall have the right of first refusal to purchase all water stock attached to the land area to be subdivided. The expressed intention of the city is to acquire sufficient irrigation water rights so that such rights may be transferred and used in a secondary water system.
- M. The city has determined that it has insufficient water supplies to meet present and future water demands. The city will require either a fee set by resolution or water shares set by resolution per acre of land subdivided. If water shares are available, then the water shares must be transferred first. There is a minimum fee set by resolution or water shares set by resolution for land less than one-half ($\frac{1}{2}$) acre subdivided. The landowner and/or developer shall transfer the water shares or payment of fees before the granting of final plat. The landowner and/or developer can combine water shares and fees to be transferred to the city. Resolution sets out water share equivalent to fee amount. (Ord. 2008-4, 2008: Ord. 2002-4 § 1, 2002: Ord. 2002-2 § 2, 2002: Ord. 94-3 § 1)

16.04.080: WAIVER AUTHORITY

The subdivider shall meet the requirements of this title in all cases except when a waiver of a specific requirement or requirements is granted by the city council. The city council may waive a specific requirement or requirements of this title after having received a recommendation from the planning and zoning commission. (Ord. 2008-4, 2008: Ord. 2003-4 § 1, 2003)

16.04.090: CONFORMITY WITH THE GENERAL PLAN

All subdivisions shall conform to and be in harmony with the general plan of the city. (Ord. 2008-4, 2008: Ord. 2003-4 § 1, 2003)

16.04.100: DELAYED APPROVAL OF SUBDIVISIONS

Where a proposed park, playground, school site or other public site as shown in the comprehensive master plan and/or official map is embraced in part or in whole by the boundaries of a proposed subdivision and such public land shall be reserved, no action shall be taken towards approval of a preliminary plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.110: CONFORMITY WITH THE ZONING ORDINANCE

All subdivisions shall conform to the zoning ordinance of the city. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.04.120: CHARACTER OF THE LAND

- A. The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, landslides, or other geological hazards.
- B. All subdivision proposals shall be consistent with the need to minimize flood damage.

- C. All subdivision proposals shall preserve native features, vegetation, wetlands, and wildlife habitat as enforced by the appropriate state and federal agencies.
- D. All subdivision proposals shall locate public utilities and facilities such as sewer, gas, electrical, and water systems to service all lots and parcels. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.04.130: ESTABLISHED MONUMENTS

All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to ensure that these markers are maintained in good condition during the following construction and development. All section and one-quarter ($\frac{1}{4}$) section corners shall be duly described and tied within the boundaries of the subdivision and within one thousand feet (1,000') outside of subdivision boundary or in accordance with Utah state law and acceptable surveying practices. (Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002)

16.04.140: PREVENTIVE MEASURES

The subdivider and/or builder shall be solely responsible for any damage to adjacent properties caused by wind or water erosion during and upon completion of the construction. Any protective control measures which the subdivider proposes to implement to avoid damage from wind or water erosion must be included in the plat submittings, subsections 16.16.020F14 and F15 of this title, and final plat submittals, subsection 16.20.010B of this title, and must be approved by the city council prior to any construction activities. (Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002)

16.04.150: APPENDICES AND MANUAL OF DESIGN AND CONSTRUCTION STANDARDS

The appendices and "Manual Of Design And Construction Standards" (MDCS) in this title are not part of this code. They are for clarification, information, and the internal administrative control of Millville City. Therefore they may be changed at any time at the discretion of and by resolution of the Millville City council. (Ord. 2008-4, 2008: Ord. 2003-3, 2003)