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## **6. Chapter 6 DEVELOPMENT STANDARDS AND SUBDIVISION REGULATIONS**

The standards and regulations set forth in this chapter relate to proposed subdivisions in the Town of Wallsburg. All subdivision shall be consistent with Chapter 5 herein and all other relevant sections of this Code. All commercial projects will be reviewed under the provisions of Chapter 7 of this Code.

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## **6.1. General Provisions**

These standards and regulations may be known, cited and referred to as the Development Standards and/or Subdivision Regulations of the Town of Wallsburg, Utah.

## **6.2. Introduction**

Subdivisions in Wallsburg shall be designed in a manner so that they may be used safely for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace, and land shall not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or can not be provided for, the subdivision will not be allowed.

Proposed public improvements shall conform to the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and infrastructure improvement program of Wallsburg. It is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the currently adopted Uniform Building and Housing Codes, this Development Code, General Plan, Official Zoning Map, and capital budget and infrastructure improvement program as they are adopted and may be amended.

## **6.3. Purpose for Standards and Regulations**

The Development Standards and Subdivision Regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare.
2. To guide future growth and development in Wallsburg, in accordance with the Comprehensive or General Plan.
3. To provide for adequate light, solar access, open space, air, privacy, to secure safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
5. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets, and other public facilities.
6. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and the pedestrian traffic facilities, and to provide for the proper location and width of streets and building setbacks.
7. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land.
8. To insure that public facilities are available and will have a sufficient capacity to serve the proposed development.

9. To prevent the pollution or degradation of air, streams, and ponds, assure the adequacy of drainage facilities, protect subsurface water, minimize site disturbance and the removal of native vegetation and soil erosion, encourage the wise use and management of natural resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.
10. To provide for open spaces through efficient design and layout of the land using the conservations subdivision ordinance as established in Chapter 8 herein.

#### **6.4. Authority**

By authority of ordinance and in accordance with § 10-9-801 et. seq. of the Utah Code, Annotated (1953, as amended) and any other applicable federal state, county or municipal laws, statutes, ordinances, and regulations of the State of Utah, the Town Board hereby exercises the power and authority to review, approve, and disapprove plats for subdivision land within the corporate limits of Wallsburg.

By the same authority, the Town Board does also hereby exercise the power and authority to disapprove development in subdivisions under the following conditions:

1. The plat or subdivision has been recorded in the County Recorder's office without a prior approval by the Town.
2. The plat or subdivision was approved by the Town Board more than three (3) years prior and no building permits have been issued, and the zoning regulations, either bulk or use, for the district in which the subdivision is located, have been changed subsequent to the original final subdivision approval.

#### **6.5. Jurisdiction**

These development standards and subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of Wallsburg.

No land shall be subdivided within Wallsburg until the subdivider or agent submits a concept plan of the project to the Planning Commission (the Concept Plan shall not constitute an application for development approval, nor vest any rights to existing zoning or ordinances), obtains written approval of the preliminary and final plats by the Planning Commission and Town Board and, the approved plat is filed with the County Recorder.

No building permit or certificate of occupancy will be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations unless approved under prior subdivision ordinance. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable Town regulations.

No owner, or agent, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a final subdivision plat has been approved by the Planning Commission and Town Board in accordance with the provisions of these regulations, and filed with the County Recorder. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. The Town may approve metes and bounds descriptions for purposes of lot line adjustments and resolving conflicting boundary descriptions.

Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class C misdemeanor. Appropriate actions and proceedings may be taken by law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct, or abate

a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

## **6.6. Interpretation, Conflict, and Severability**

### **6.6.1. Interpretation**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare and shall not be eligible for variance by the Board of Adjustment.

### **6.6.2. Conflict with Public and Private Provisions.**

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or impose higher standards shall control.

Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of approval, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the Town is under no obligation to enforce private covenants.

### **6.6.3. Severability**

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

## **6.7. Saving Provision**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

## **6.8. Amendments**

For the purpose of protecting the public health, safety, and general welfare, the Town Board may from time to time amend the provisions imposed by the development standards and subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and Town Board in the manner prescribed by law and outlined in Chapter 1 of this Code.

## **6.9. Vacation, Alteration or Amendment of Subdivision Plats**

The Town Board may, on its own motion, a recommendation by the Planning Commission, or pursuant to a petition, consider at a public hearing any proposed vacation, alteration or amendment of a subdivision plat,

or any street, lot, alley or public use area contained in a subdivision plat, as provided in § 10-9-808 through §10-9-810 of the Utah Code, Annotated (1953) as amended.

## ***6.10. Subdivision Application Procedure and Approval Process***

When subdivision of land is proposed and prior to any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner, or authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with this Section.

## ***6.11. Concept Plan***

The Concept plan provides an opportunity for the applicant, Town Planner and Planning Commission to meet and discuss the proposed project in the conceptual stage, the Concept Plan shall not constitute an application for development approval, nor vest any rights to existing zoning or ordinances. The applicant can use the Concept Plan meeting to ask questions of the Planning Commission and Town Staff, and receive some direction on project layout. At the Concept Plan meeting the Town Staff and Planning Commission will inform the applicant what zone the proposed project is located in and what uses are allowed in the zone. The Planning Commission may also discuss the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. At Concept Plan stage, Town Staff will determine what impact analysis will be required for infrastructure review under section 1.13.

The Planning Commission may also advise the applicant, where appropriate, to discuss the proposed subdivision with those agencies who must eventually approve those aspects of the subdivision plat coming within their jurisdiction, including but not limited to, the current Wasatch Fire District, Wasatch School District, and the various utility service providers. Neighbors of the planned project should also be consulted to get their views and concerns.

### ***6.11.1. Concept Plan Application Procedure and Requirements***

Prior to any process or procedure for subdividing land as contained in this code, an owner of the land or an authorized agent shall submit an application for a Concept Plan, and four (4) copies of the Concept Plan. The plan shall:

1. Include the legal description of the property and all contiguous holdings of the owner with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office.
2. Be accompanied by a review fee in accordance with the adopted Fee Schedule.
3. Include an address and telephone number of the applicant.
4. Be accompanied by a list of all property owners within one thousand (1000) feet of the proposed subdivision boundary.
5. Include a general written and graphic representation of the proposed project, all approvals being sought (rezone, subdivision, variance, etc.), and any other information the applicant believes is necessary to present to the Planning Commission or Town Staff.

### ***6.11.2. Town Planner Review of Concept Plan***

Revised April 29, 1999

The Town Staff shall consider the Concept Plan and render a report at the next regular meeting of the Planning Commission concerning the plan. The Town Planner shall direct the applicant to

transmit the Concept Plan for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, school, fire districts, the Army Corps of Engineers, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. Town Staff will consider all the reports submitted by the officials and agencies concerning the plan and shall submit a report for proposed action to the Planning Commission for the next available regular meetings.

The scale or complexity of a project or Town Staff workload will dictate the processing period. The Town Staff will provide the applicant when an application is filed as to the projected time frame. If the work load is too great for processing by available Town Staff in a time frame acceptable to the applicant or additional expertise is required, the project review may be sent out to a consulting planner, engineer or architect approved by the Town. The developer would be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant.

#### ***6.11.3. Planning Commission Review of Concept Plan***

The Planning Commission shall study the Concept Plan and Town Staff report, taking into consideration the requirements of this Code and the General Plan. Particular attention will be given to the arrangement, location and width of streets, sewerage disposal, drainage, utilities, erosion, location of natural or geologic hazards, lot sizes and arrangement, the further development of adjoining lands, and the requirements of the Official Zoning Map, Land use map(s) and Streets Master Plan, as adopted by the Planning Commission and Town Board.

#### ***6.11.4. Planning Commission Action***

There is no approval of a Concept Plan required or given. After reviewing and discussing the Concept Plan, Town Staff report and other reports as submitted by invited agencies and officials, the Planning Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the Preliminary Plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. The Planning Commission will grant the applicant the right to move forward with authorization to prepare and submit a Preliminary Plan.

Although approval is not required, the Planning Commission shall not review any Preliminary Plan without completing a review of the Concept Plan.

### ***6.12. Improvement, Design, and Layout Considerations***

After the applicant has submitted a Concept Plan and been authorized to prepare a Preliminary Plan and subsequently the Final Plat, the applicant shall prepare a Preliminary Plan using the criteria in this section as a guide. The Planning Commission will also use this criteria in its consideration of approving the Preliminary Plan and Final Plat.

In addition to the requirements established herein, all subdivision plats shall comply with all applicable statutory provisions, Sensitive Lands Overlay Zone regulations, International Building and related Codes, Town design standards and specifications, the Official Streets Master Plan, the General Plan, the Official Zone Map, the Trails Master Plan, Public Utilities plans, Capital Improvements Program of the Town or any other Local Government having jurisdiction in the development, including all streets, trails, drainage systems, and parks shown on the Official Map or General Plan as adopted or amended for the subdivision, and the rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway.

If the owner places restrictions on any of the land contained in the subdivision greater than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on

the Final Plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the Town Attorney.

**6.12.1. *Plats Straddling Municipal Boundaries, Annexations***

**6.12.1.1.**

Whenever a subdivision is proposed that includes property under the jurisdiction of another entity, the Planning Commission may require the annexation of the property involved.

If the area in the County is not annexed, the Town and County shall work together in a cooperative arrangement or through an interlocal agreement, if necessary, to insure that the portion of development lying in the County is as compatible as possible with the Town codes, development regulations and General Plan.

When a development lies entirely within the County but gains access from a Town street or across property within the Town's jurisdiction, the Developer must receive a Conditional Use Permit to guarantee that the proposed development will not have a negative impact on Town services, streets or public interest.

**6.12.2. *Monuments***

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the Town Engineer.

Monuments shall be installed in accordance with the Wallsburg Design Standards, Construction Specifications and Standard Drawings and located on street right-of-way lines, at street intersections, and angle points of curves. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning Commission recommends approval of the final plat unless a performance guarantee is established in accordance with the provisions of this ordinance.

**6.12.3. *Unsuitability***

If the Town Board, upon recommendation of the Planning Commission, finds lands unsuitable for subdivision or development due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, unsuitable for service of public utilities, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridge lines and hilltops, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or surrounding areas, the land shall not be subdivided or developed.

The development may be made suitable if adequate methods are formulated by the developer and approved by the Town, upon recommendation of a qualified planner or engineer hired by the developer and approval of the Town Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses as shall not involve such a danger or severe environmental impact. Lands located in sensitive lands areas may be further regulated by chapter 8 of this Code.

Additionally, consideration must be given to soil conditions and ground water existence and may include appropriate setbacks and conservation requirements.

**6.12.4. *Subdivision Name***

The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area

covered by these regulations or nearby communities. The Town Board shall have final authority to approve the name of the subdivision and to select street names.

**6.12.5. Ridge Line and Hillside Development**

Protection of ridges from development which would be visible against the skyline from prominent areas or designated vantage points (as per chapter 8) in Wallsburg will be maintained. Hillside development which may disturb agricultural uses may be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize impacts.

**6.12.6. Open Space**

Units may and should be clustered in the most developable and least sensitive portions of the site with common open space corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners association, unless dedicated and accepted by the Town. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development of open space. Note that roads and rights-of-ways shall not be used in the calculations for open space nor density.

**6.12.7. Drainage Ways and Irrigation Ditches**

Existing natural drainage and irrigation ditches or rights-of-ways shall be preserved. Notification and a recommendation from irrigation companies may be required for development in certain circumstances as determined by the Town if the development impacts irrigation works or access.

When required, a committee shall be organized to review impact on drainage ways and irrigation ditches. The committee shall include the following as a minimum: A member from the Town Board, A member from the Planning Commission, the Town Engineer, the development Engineer, and a representative from each water company.

**6.12.8. Limits of Disturbance/Vegetation Protection**

A separate plan which addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas may be required. This shall include construction necessary for all project improvements such as roads and utilities.

**6.12.9. Fire Sprinkling**

Fire sprinkler systems may be required in projects as determined by the Town or the Wasatch Fire District. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures and location of the project as it relates to response time. Upon recommendation of the Fire District, the Planning Commission may place regulations on the maximum size of dwellings that may be approved by the Building Official.

**6.12.10. High Water Table Areas**

**6.12.10.1 Water Table Review**

In areas that are known for the potential of ground water impacts, a ground water investigation shall be made by a geotechnical engineer and provided to the Town for review with the application for final plat approval to include the following:

1. What mitigation measures should be taken to assure that homes will be protected from potential ground water impacts, including a proposed method of ground water disposal to be reviewed and approved by the Town Engineer or his/her designee.
2. The developer shall provide ground water information to each lot purchaser/owner and disclosure the information on the plat.
3. Any proposed or existing drainage plans for high water table areas.

**6.12.10.2            *Drainage systems***

Ground water drainage systems, if required, shall be designed and installed in accordance with construction standards and specifications determined by the Town Engineer. All drainage systems shall be to extended to the outermost boundaries of the subdivision by the developer.

**6.12.10.3            *Existing Infrastructure***

The developer shall install or replace, when required by the Town, all sewer and water systems within a high water table area to eliminate or minimize possible damage to such systems.

**6.12.10.4            *Lot Restrictions in High Water Table Areas***

The Town may prohibit basements in high water table areas upon recommendation from the Town Engineer. Sump pumps, French drains, or other like devices which drain into the sanitary sewer system are prohibited. Due to the high water tables in Wallsburg Town basements are strongly discouraged. Plats in high water table areas shall have a warning printed on the plat stating that basements are strongly discouraged and that the Town of Wallsburg assumes no responsibility or liability for damage done by high water tables to basements.

## **6.13. *Lot Improvements and Arrangement***

**6.13.1. *Double Frontage Lots and Access to Lots***

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials or collectors.

**6.13.2. *Grading, Drainage and Seeding***

**6.13.2.1. *Final Grading***

Topsoil should not be removed from residential lots or used as spoil, but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as determined necessary by the Town Engineer, will also be required to be installed according to the approved specification.

**6.13.2.2. *Lot Drainage***

Lots shall be laid out to provide positive drainage away from all buildings in accordance with the International Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm drainage water from any lot to adjacent lots.

**6.13.2.3. *Landscaping and Revegetation***

All lots should be revegetated to avoid erosion and improve the visual quality of the development. The Planning Commission may impose planting requirements if deemed necessary. If revegetation is required, all lots shall be improved from the roadside edge of the right-of-way back to a distance of twenty (20) feet behind the principal residence on the lot.

**6.13.3. Debris and Waste**

Unless otherwise approved by the Town Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

**6.13.4. Fencing**

Each applicant shall be required to furnish and install fences when the Planning Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards to be established by the Town Engineer and shall be noted as to height and material on the Final Plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

**6.13.5. Water-Bodies and Water-Courses**

If a tract being subdivided contains a water body or course, or portion thereof, lot lines shall be drawn to distribute ownership of the water body among the adjacent lots. The Planning Commission may approve a plan whereby the ownership of and responsibility for safe maintenance of the water body will not become a Town responsibility. No more than twenty five (25) percent of the minimum area of a lot required in this Code may be satisfied by land, which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert or other structure approved by the Town Engineer.

**6.13.6. Performance Guarantee to Include Lot Improvements**

The performance guarantee shall include an amount to guarantee completion of all requirements contained in this Chapter, the Supplemental Regulations (Chapter 3) of this Code and in the regulations including, but not limited to, final grading, lot drainage, landscaping, lawn-grass seeding, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by the Planning Commission. Whether or not a certificate of occupancy has been issued, at the expiration of the performance guarantee, the Town may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

**6.14. Roads and Streets**

All road and street layout and design is subject to approval of the Town Engineer. All roads and streets in subdivisions shall meet the applicable requirements of the Standards Document available from the Town Engineer. All subdivisions shall have frontage on and access to an existing public street.

**6.14.1. Grading and Improvement Plan**

Streets shall be graded and improved in conformance with the Wallsburg Design Standards Construction Specifications and Standard Drawings as adopted and shall be approved as to design and specifications by the Town Engineer. All road construction plans are required to be submitted prior to Final Plat approval. Prior to Final Plat approval the Town shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.

At present, it is the intention of the Town for all subdivision streets to be dedicated public streets. However, if private streets are approved, they must be constructed to meet all requirements of public streets in case the Town is required to maintain the streets in the future. Any private streets approved as part of a Subdivision must be accompanied by a maintenance plan by which the Home Owners Association (HOA) will operate. The developer shall be responsible for maintenance and snow plowing the private road(s) until such time that more than 75% of the lots have been built upon, at which point the HOA will assume full responsibility of the maintenance.

**6.14.2. Topography and Arrangement**

Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of lot appearance and to discourage through traffic. All streets shall be arranged to obtain as many building sites at, or above, the grades of the streets as possible. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. Steep grades and/or curves as well as large cut and fill sections will not be allowed.

All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan, Streets Master Plan and Zoning Map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

A rigid square gridiron street pattern is preferred but need not necessarily be adhered to, and the use of curvilinear streets or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets, with the notation on the Final Plat that land outside the normal street right-of way shall revert to adjacent owners when the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations .

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications. The length of the permanent and temporary dead-end streets shall be determined by the regulations relating to each individual zone found in Chapter 5 of this code.

**6.14.3. Ingress and Egress**

Revised Sept. 2004

In order to provide adequate emergency access to and from the development and proper circulation, two points of ingress and egress will be required in all subdivisions with the following exceptions:

1. Any subdivision which cannot provide two points of ingress and egress shall be limited to no more than eight (8) residential lots or units.
2. Subdivision which will be served by more than one point of ingress and egress in the future may receive approval for more than eight (8) lots provided that no more than eight (8) units are constructed until a second point of ingress and egress is provided, and so indicated on the Final Plat.
3. Emergency service providers (fire sheriff, ambulance, etc.) must approve the street design in any subdivision with only one point of ingress and egress.

**6.14.4. Blocks**

Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or water ways. The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zoning district, whichever is greater. When practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length. In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, trails, or other community facilities.

**6.14.5. Access to Highway, Arterial or Collector Streets**

Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Planning Commission may require that access to such streets be limited by one of the following means:

1. The subdivision lots back onto the highway, arterial or collector and front onto a parallel local street with no direct access to the primary arterial or collector, and screening provided by a strip of land along the rear property line of such lots
2. A series of U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway.

**6.14.6. Road Names**

The Planning Commission shall inform the applicant of the preferred street names for all streets at the time of preliminary approval. The local Postmaster shall be consulted prior to Planning Commission approval. Names shall be sufficiently different in sound and in spelling from other road names in Wasatch County or Wallsburg to eliminate confusion. A street which is or is planned as a continuation of an existing road shall bear the same name.

**6.14.7. Road Regulatory Signs**

The applicant shall erect or post acceptable guarantees ensuring placement of each road and safety signs required by the Town Engineer. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the Town Engineer. Street signs shall be designed according to Town specifications and standards.

**6.14.8. Street Lights**

Installation of street lights may be required in accordance with Wallsburg Design and Specification Standards or as designated and located by the Planning Commission and shall be approved by the Town Engineer.

**6.14.9. General Design Standards**

In order to provide for roads in suitable locations, with proper width, and improvements to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads to compose a convenient system and avoid undue hardships to adjoining properties, the design standards for roads are hereby required to be in compliance with the Wallsburg Design Standards, Construction

Specifications, and Standard Drawings, and the Streets Master Plan, as adopted, or determined by the Town Engineer, or Planning Commission.

Street grades may not exceed five (5) percent unless approved by the Town Engineer. The Town Engineer shall approve grades more than five (5) percent only when conditions are present which warrant that safety and economy of road maintenance can be secured.

Street widths for collector streets shall conform to the width requirement on the major street plan when a development falls in an area for which a major street plan has been adopted. For areas where a street plan has not been completed at the time the Preliminary Plan is submitted, streets shall be provided as follows:

1. The minimum street width for a local street shall be thirty (30) feet and the minimum street right-of-way shall be sixty (60) feet. Private streets shall meet the same standards.
2. The minimum street width for a collector street shall be forty four (44) feet and the minimum street right-of-way shall be seventy (70) feet. Private streets shall meet the same standards.
3. Cul-de-sacs shall have a maximum length as described in Chapter 5 of this Code and in the adopted Construction Specifications.

#### **6.14.10. Road Surfacing and Improvement**

After sewer and water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters (if required) and shall surface or cause to be surfaced roadways to the widths prescribed in Section 6.15.10 and the Wallsburg Town Design Standards. Types of pavement shall be determined by the Town Engineer. The minimum street grades shall be 0.3 percent and the maximum grade for roads in all zones shall be 5 percent. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Town and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

#### **6.14.11. Excess Right-of-Way**

Right-of-way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography or other features such as irrigation ditches or other easements, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one, unless specifically approved by the Town Engineer.

#### **6.14.12. Intersections**

Streets shall be laid out to intersect as near as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission and Town Engineer.

Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of the street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least eight hundred (800) feet apart.

Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having less than a two (2) percent slope for a distance of one hundred (100) feet, measured from the nearest right-of-way line of the intersecting street.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

The cross-slopes on all streets, including intersections, shall be three (3) percent or less.

#### **6.14.13. Bridges**

Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the Town. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission, will be fixed by special agreement between the Town Board and the applicant.

#### **6.14.14. Road Dedications and Reservations**

Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half-streets. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width.

Where a subdivision borders an existing narrow road or when the General Plan, Streets Master Plan or Zoning Map indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Frontage roads and streets shall be improved and dedicated at the applicants expense to the full width as required by these subdivision regulations.

### **6.15. Drainage and Storm Sewers**

The Planning Commission shall not recommend approval of any Final Plat which does not make adequate provision for storm or flood water runoff. Plans shall be reviewed for compliance with the Wallsburg Design Standards, Construction Specifications, and Standard Drawings or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Town Engineer, and a copy of design computations shall be submitted along with construction plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded, catch basins shall be used to intercept flow. Surface water drainage patterns shall be shown for each and every lot and block.

The applicant may be required by the Planning Commission, upon the recommendation of the Town Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

Underground Storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the Town Engineer. If a connection to a public storm sewer will be provided eventually, as determined by the Town Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.

No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

**6.15.1. Accommodation of Upstream Drainage Areas**

Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of a one hundred year storm event. The Town Engineer must review and approve the design.

**6.15.2. Effect on Downstream Drainage Areas**

The Town Engineer shall also require the developer's engineer to study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the Planning Commission may require the applicant to improve the facility in order to serve the subdivision.

**6.15.3. Areas of Poor Drainage**

Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission upon recommendation of the Town Engineer, may approve the subdivision provided that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the one hundred flood event, as determined by the Town Engineer. The plat shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Town Engineer. Development in areas of extremely poor drainage will not be allowed.

**6.15.4. Flood Plain Areas**

The Planning Commission may, upon recommendation of the Town Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the one hundred year flood plain of any stream or drainage course. These flood plain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

**6.15.5. Dedication of Drainage Easements**

Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction adequate for the purpose. Where possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the Final Plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated.

The applicant shall dedicate to the Town, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and Town Engineer. Note: An open channel may require fencing with chain link

fencing or equivalent, as determined by the Planning Commission, for the safety, health and welfare of residents.

## 6.16. *Water Rights and Facilities*

Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water supply capable of providing domestic water use and fire protection. All improvements whether on or off site, which provide direct benefit to the subdivision, shall be constructed and paid for by the developer. The development's impact on the Town's water system, shall be determined by the impact analysis process, as outlined in Chapter 1 of this Code.

### 6.16.1. *Existing System*

Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and Town. All water mains shall conform with adopted the Wallsburg Town Construction Standard. Water main extensions and water facilities improvements shall be approved by the Town Engineer and the Town Board and only in areas that can be reasonably served.

### 6.16.2. *Guarantees*

To facilitate the above, the location of all fire hydrants and all water storage and supply improvements shall be shown on the Final Plat or acceptable attached construction plans. A qualified estimate, consisting of at least two design and construction bids, of costs whether on or off site shall be included in the performance guarantee to be furnished by the developer. All guarantees shall be in the form described herein.

### 6.16.3. *Ownership of Facilities*

Prior to approval of the Final Plat, a determination shall be made by the Town Board about the location and extent of facilities to be maintained by the Town. Private facilities will be required to be so noted on the Final Plat and will be the responsibility of the developer or owners of the development.

### 6.16.4. *Fire Hydrants*

Fire hydrants shall be required in all subdivisions. Fire hydrants shall be located no more than five hundred (500) feet apart, no home shall be more than two hundred and fifty (250) feet away from a fire hydrant. The locations of fire hydrants shall be approved by the Wasatch Fire District and Town Engineer. In some instances, the Town and may determine that due to wild land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the plat. All fire hydrants shall include clean outs. Fire hydrants located on cul-de-sacs shall be installed at the direction of the Wasatch Fire District and Town Engineer.

### 6.16.5. *Proof of Water Rights and Facilities*

All applicants shall provide proof of the ability to transfer to the Town ownership of enough water as required by the State Engineer.

Wet water is defined as water rights in quantity, quality, duration and availability as determined by the Utah State Engineer sufficient when converted to culinary use to meet with required amount. Availability is defined as the existence of a spring, well or other source proven capable of delivering actual water in the required amounts to the proposed lots.

If the applicant proposes to transfer the point of diversion of the water rights in question to one of the Town's wells or other sources of wet water, the applicant must demonstrate all of the following:

1. That the State Engineer has approved of the change of point of diversion and point of use of the necessary quantity of water to such source; and,
2. That such source has the necessary excess capacity to produce the required quantity of wet water; and
3. That the Town will authorize the allocation of such excess capacity of the water rights in question.

If the Town agrees to allocate such excess capacity to the development and the water rights in question, it may establish a fee for such allocation of capacity reasonably related to the probable cost of replacing such capacity at a later date.

If the Town accepts a source of wet water which is not part of its current water system, the applicant shall be required to develop and improve such source to the point that it meets all Wasatch County, State of Utah and Federal Government requirements for a public culinary water system and the applicant shall be required to transfer to the Town all such sources, improvements, distribution systems and all necessary land and easements reasonably necessary to connect such source and distribution system to the current Town water system and to vest ownership in the Town of such source, improvements and distribution system and permit ongoing servicing and upgrading of such system.

All such procedures and full vesting of ownership of all necessary water rights, improvements and land interests shall be accomplished prior to final plat approval.

Proof by the applicant of all of the foregoing shall be provided in legally sufficient form, by documents, opinions or title policies approved by the Town Attorney.

Neither final plat approval nor building permit shall issued until all of the above have been accomplished.

### ***6.17. Sewer Facilities***

The applicant shall install sanitary sewer facilities in manner prescribed by the Town construction standards and specifications. All plans shall be designed in accordance with current Town, State and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the subdivision. Off site requirements may be necessary to meet impacts imposed by the development on the Towns Sewer Facilities. The impact analysis required in Chapter 1 of this Code may be necessary for approval of the development by the Town.

Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the Town and the Town Engineer. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted in the part of the Town serviced by the sewer system and within one thousand (1000) feet or less of that system as measured from the subdivision property line closest to the system lines. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the Town specifications, rules, regulations, and guidelines and this Code.

### ***6.18. Sidewalks, Curbs, Trails, and Paths***

#### ***6.18.1. Location***

Sidewalks, if required, shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right of way may be preferable. Concrete curbs may be required for all roads where sidewalks are required by these regulations and run along roads or where required in the discretion of the Planning Commission.

**6.18.2. Improvements**

Sidewalks shall be constructed of concrete at least three and one half (3 ½) inches thick and wide enough to meet ADA standards, and shall be designed to best facilitate their assumed use and serve the public interest and safety.

**6.18.3. Trails and Paths**

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with any State, County or local trail plan, and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Trails shall be built to Town specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to this Code for improvements.

**6.19. Other Utilities**

Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions when underground location does not violate safety standards of the particular utility and underground location does not impose any potential additional maintenance burden on Town streets and water/sewer personnel in the opinion of the Town Board. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the subdivider and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the Town Engineer.

**6.19.1. Easements**

A ten (10) foot utility easement shall be provided on three sides of each lot in the subdivision for both private and municipal utilities. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least ten (10) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.

**6.20. Preservation of Natural Features and Amenities**

Existing features which add natural value or historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible from prominent areas or vantage points, as defined in Chapter 8. Existing natural vegetation should also be retained as much as possible. Vegetation protection will be required during construction so that disturbance is limited. Existing features such as water courses, rivers, irrigation works, wetlands, historic sites, critical meadow lands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The preliminary plan shall show the general number, size, and location of existing trees and indicate all those marked for retention. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations contained in chapter 8 of this Code.

**6.21. Preliminary Plan**

Following presentation of a Concept Plan to the Planning Commission to meet and discuss the proposed project in the conceptual stage and to give the applicant an opportunity to ask questions of the Planning Commission and Town Planner, and receive some direction on project layout, the Planning Commission will inform the applicant that an application for Preliminary Plan may be submitted and a plan may be prepared (the Concept Plan shall not constitute an application for development approval, nor vest any rights

to existing zoning or ordinances). The Planning Commission may also discuss the procedure for approval of a subdivision plat and the specifications and requirements for the general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services.

There is no approval of a Concept Plan required or given. After reviewing and discussing the Concept Plan, Town Staff report and other reports as submitted by invited agencies and officials, the Planning Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the Preliminary Plan. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. Although approval is not required, the Planning Commission shall not review any Preliminary Plan without completing a review of the Concept Plan.

These Preliminary Plan requirements are the minimum. Other information may be required by the Planning Commission, Town Board, or as the need dictates.

#### **6.21.1. General**

The Preliminary plan shall be prepared by a land surveyor or engineer, licensed to practice in the state of Utah, at a scale of not more than one inch equals one hundred (100) feet. The plan may be prepared in ink, or ink and pencil, and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder. It should be noted that the map prepared for the Preliminary Plan may also become the Final Plat and, therefore, should be drawn on tracing cloth or reproducible mylar. The applicant shall supply the Town with five (5) copies of the Preliminary Plan.

#### **6.21.2. Features to be Shown on Preliminary Plan**

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Code, the Planning Commission, Town Board or Town Staff on the Preliminary Plan whether included in this list or not. Failure to show any feature required by this Code, the Planning Commission, Town Board or Town Staff may result in denial of the plan.

The Preliminary Plan shall, at a minimum, show the following:

1. The date of the map, approximate true north point, scale, and name of the subdivision.
2. Contour lines at five (5) foot intervals, unless expressly exempted by the staff
3. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets, and the location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
4. The location of existing streets, easements, wet lands, water bodies, rivers, water sources, streams, irrigation systems and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Planning Commission.
5. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.
6. The location, dimensions, and areas of all proposed or existing lots complete with utility easements, lot numbers, proposed addresses, square footage of each lot or parcel, and building setback lines. All lots in each block shall be consecutively numbered. Out lots shall be lettered in alphabetical order.

7. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.
8. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
9. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of all lines which would enable the Engineer to reproduce the lines upon the ground, and the location of all proposed monuments.
10. Names of all new streets.
11. Indication of the use of all lots or parcels whether single-family, two-family, agricultural, commercial, open space as well as all uses other than those specified that are proposed by the subdivider.
12. All information required by the Planning Commission or Town Staff after review of the Concept Plan.
13. Explanation of drainage and site easements, if any.
14. Explanation of reservations and conservation easements, if any.
15. Owners dedication and consent to record as required by applicable State law.
16. Signature blocks for endorsement by the Planning Commission Chair, Mayor, Town Engineer, current Wasatch Fire District, Wasatch School District, Utility Companies, applicable Irrigation Company(s) and any other signatures required by the Planning Commission.
17. All utility facilities existing and proposed throughout the subdivision.
18. A plan designating limits of disturbance or building pads, if required, and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.
19. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the additional property.
20. Indication of the nearest location of all public and private utilities.
21. Indication of all slopes greater than twenty five (25) percent.
22. A vegetation or revegetation plan if required herein.
23. The location and actual setbacks of existing structures within the preliminary plat boundaries, and a notation as to whether the existing structures will remain or be demolished.
24. On Subdivisions which are contiguous to an agricultural area or preservation area or will contain an agricultural open space or preservation area, a note shall be placed on the plat in conjunction with Wallsburg Town Right to Farm Ordinance, stating such and that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.
25. A note on the plat which states the following: Wallsburg Town restricts the occupancy of buildings within developments as outlined in the International Building Code.

Accordingly, it is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by Wallsburg Town.

26. The names and addresses of the property owners within one thousand (1000) feet as shown on the County Assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the Assessor's Office showing the subdivision imposed thereon.
27. Complete construction plans containing the information required in Section 6.23.3 and any other information required by the Planning Commission or Town Staff.
28. A table which details the density calculations for the plat, to include total acreage of plat, total acreage of lots, total acreage of streets, total acreage of open space, etc. and percentages of these items to the total acreage.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a Preliminary Plan.

### **6.21.3. Construction Plans**

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Preliminary Plan. These requirements are the minimum. Other information may be required by the Planning Commission, Town Board, or Town Staff as the need dictates.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Code, the Planning Commission, Town Board or Town Staff in the construction plans whether included in this list or not. Failure to show any feature required by this Code, the Planning Commission, Town Board or Town Staff may result in denial of the plan.

The following features, at a minimum, shall be shown:

1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
2. The Planning Commission may require, upon recommendation by the Town Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.
3. Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitude's, rights-of-way, manholes, and catch basins; the locations of street trees, street lights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections and to any existing or proposed utility systems, and exact location, shut off valves and size of all water, gas, or other underground utilities or structures.
4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies or impoundment's, streams, and other pertinent features such as swamps, wetlands, buildings, features noted on the Official Zoning Map, at the point of connection to proposed facilities and utilities within the subdivision, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the Town Engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander

line established not less than twenty (20) feet back from the ordinary high-water mark of such water ways.

5. Topography at the same scale as the Preliminary Plan with a contour intervals of five (5) feet, referred to sea-level datum. All datum provided shall be latest the applicable U.S. Geodetic Survey datum and should be so noted on the plat.
6. All other specifications, details, and references required by the Design Standards, Construction Specifications, and Standard Drawings, including a site-grading plan for the entire subdivision.
7. Notation of approval by the Owner, Town Engineer and all utility providers.
8. Title, name, address, signature, and seal of the licensed engineer preparing the plans, and date, including revision dates.
9. A limit of disturbance and revegetation plan.

**6.21.3.1. Format**

The construction plans shall be prepared on a similar medium and be the same size as the Preliminary Plan. The applicant will provide two (2) copies of the construction plans to the Town. The construction plans should provide signature blocks for and be signed by the Mayor, Town Engineer, and the applicant's engineer and surveyor.

**6.21.3.2. Submission and Presentation**

The construction plans shall be presented to the Planning Commission at least two (2) weeks prior to the scheduled meeting of the Planning Commission. The Planning Commission will refer the proposed construction plans to the Town Staff for technical review and may hold work sessions to review any recommendations or reports.

**6.21.4. Public Hearings**

The Planning Commission shall hold a Public Hearing on the Preliminary Plan to inform the public about the project and receive comment. The hearings shall be advertised in accordance with the requirements of Chapter 1 herein and in the same manner as the subsequent Public Hearings on the Final Plat.

**6.21.5. Planning Commission Recommendation of Preliminary and Construction Plans**

After the Planning Commission has reviewed the Preliminary Plan, Town Staff report, and any Town recommendations together with any testimony or exhibits submitted at the public hearing, the applicant shall be advised of any required conditions, changes or additions to gain a positive recommendation of the Preliminary Plan. One copy of the proposed Preliminary Plan shall be returned to the developer with the date of recommendation for approval, conditional approval, or disapproval and the findings of the Planning Commission in writing. Before the Commission recommends approval of a Preliminary Plan showing land for public use (other than proposed public streets) proposed to be dedicated to the Town, the Planning Commission shall obtain preliminary approval of the park or land reservation from the Town Board. If the project involves a conservation type easement, the Commission must receive approval or comments from an approved Land Trust involved in the transaction.

The Planning Commission shall not recommend approval of any Preliminary Plan until all review fees have been paid in full according to the fee schedule.

Approval of the Preliminary Plan by the Planning Commission is in no way meant to be final approval. Until the Final Plat of a subdivision has been approved by the Town Board, the Board, Planning Commission, and Town Staff may continue to review the subdivision for compliance with this Code. After the Planning Commission has recommended approval, conditional approval, or disapproval of the Preliminary Plan and construction plans, their recommendation

shall be forwarded to the Town Board by the Commission Chair or designee. An applicant shall be entitled to appeal a conditional approval or recommendation for disapproval of the preliminary plan by the Planning Commission to the Town Board.

**6.21.6. Board Approval of Preliminary Plan and Construction Plans**

The recommendation for approval of a Preliminary Plan and construction plans shall be the subject of a public hearing before the Town Board. The Board may approve, approve with conditions, or disapprove the recommendation of the Planning Commission. If the Board approves or approves with conditions the recommendation of the Planning Commission the applicant may prepare a Final Plat containing all the requirements found herein and any requirements of the Board, Planning Commission, or Town Staff.

**6.21.7. Effective Period of Preliminary Approval**

The approval of a Preliminary Plan and construction plans shall be effective for a period of one year at the end of which time final approval on the subdivision must have been obtained from the Town Board. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application and Preliminary Plan subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect. The Board may extend, if deemed appropriate, for a specified length of time.

**6.21.8. Zoning Regulations**

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any Preliminary Plan which has received approval shall be exempt from any subsequent amendments to this Development Code rendering the plan non-conforming as to bulk or use, provided the final approval is obtained within the one year period.

## **6.22. Final Plat**

Following the approval of the Preliminary Plan and Construction Plans, the applicant may proceed with the subdivision by filing an application for a Final Plat. The final subdivision plat shall be prepared by a licensed engineer and certified on the plat. The Final Plat shall be prepared in india ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any conditions, changes or additions indicated in the approval of the Preliminary Plan. The Preliminary Plan may be used as the Final Plat if it meets these requirements and is revised in accordance with the Preliminary Plan approval. These requirements are the minimum. Other information may be required by the Town Board, Planning Commission, or Town Staff, as the need dictates. The applicant shall provide the Town with two (2) copies of the Final Plat with one of the copies being produced on tracing cloth or reproducible mylar. Additionally, the Town requires an electronic copy of all Final Plats, prepared in a format approved by the City Engineer.

**6.22.1. Revisions**

All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the Final Plat which was not present on the Preliminary Plan or a requirement of approval by the Town Board, it is the applicant's responsibility to inform the Planning Commission and Town Board of the changes. Failure to inform the Planning Commission or Town Board of revisions not present on the Preliminary Plan or a requirement of approval may result in revocation of any or all approvals.

**6.22.2. Features to be Shown on Final Plat**

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Code, the Planning Commission, Town Board or Town Staff on the Final Plat whether included in this list or not. Failure to show any feature required by this Code, the Planning Commission, Town Board or Town Staff may result in denial of the plat.

The Final Plat shall comply in all respects with the Preliminary Plan, as approved. The Final Plat shall be presented to the Planning Commission at least four (4) weeks prior to the regular meeting of the Planning Commission in which the project will be addressed.

The Final Plat shall, at a minimum, show the following:

1. All the requirements of the Preliminary and Construction Plans as approved and/or amended. Please refer to Section 6.23.2 herein for further detail.
2. 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 at the representation thereof or by legend. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight of the monuments.

**6.22.3. Board Approval of Final Plat**

The Final Plat shall be presented to the Town Board for their review and approval at least four (4) weeks prior to the regular meeting of the Board in which the project will be addressed. The Board will review the Final Plat for compliance with the Preliminary Plan approval and conditions, if any, and all other requirements of this Code.

**6.22.4. Dedications**

At the time of Final Plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the Town Attorney.

If required by the Town Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the Town in the sum not less than ten thousand dollars (\$10,000.00), which sum shall be determined by the Town Attorney and or Engineer before signing of the Final Plat.

**6.22.5. Proof of Utility Service**

The Final Plat shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon Preliminary Plan approval.

**6.22.6. Outstanding Obligations**

At the time of Final Plat approval, the applicant shall provide evidence that all property taxes are current and that no other debts or obligations are outstanding and no liens are placed on the property. Furthermore all review fees owed to the Town shall be paid in full prior to Final Plat approval.

**6.22.7. Vested Rights**

Vesting for purposes of zoning occurs upon the filing of a complete application as provided in Section 1.20. All requirements, conditions, or regulations adopted by the Planning Commission and Town Board applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the Final Plat.

**6.22.8. Signing and Recording of Final Plat**

The Chair of the Planning Commission and Mayor, shall endorse approval on the plat after the guarantee has been approved by the Town Board, and all the conditions of the resolution pertaining to the plats have been satisfied.

The Chair of the Planning Commission and the Mayor will sign the tracing cloth or reproducible mylar original of the Final Plat. It shall be the responsibility of the developer's licensed title company to file the original mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the Town Attorney.

## ***6.23. Assurance for Completion and Maintenance of Improvements***

### ***6.23.1. Completion of Improvements***

Before the Final Plat is signed by the Chair of the Planning Commission and the Mayor, all applicants shall be required to complete any and all improvements indicated by the Town Engineer, if any, and dedicate all applicable public improvements to the Town, including any water right transfers, conservation easements or dedications of public lands to Land Trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

### ***6.23.2. Performance Guarantees***

The Town Board shall require the applicant to post an acceptable guarantee at the time of application for Final Plat approval in an amount estimated by the Town Engineer, Planning Commission and Town Board as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution as set forth in this Code.

The period within which required improvements must be completed shall be specified by the Town Board in the resolution approving the Final Plat and shall be incorporated in the guarantee and shall not in any event exceed one (1) year from the date of final approval. Such guarantee shall be approved by the Town Board with surety and conditions satisfactory to them. The Town Board may extend the completion date set forth in such guarantee for a maximum period of one additional year. The Town Board may at any time during the period of such guarantee accept a substitution of principal or sureties.

In the event the applicant's ability to post an acceptable guarantee is dependent upon prior recordation of the plat due to requirements of the Interstate Land Sales Act or other Federal law or regulations, the Town Board may authorize plat approval and recordation upon receipt from the applicant of an executed and acknowledged agreement signed by all owners of fee, leasehold, contract and security interests in the subject property, in the form of a restrictive covenant that the applicant will not sell, lease or otherwise convey any lot, parcel or portion of a lot of the subject property unless he shall first as a condition precedent thereto, satisfy the foregoing requirements of this Chapter as applicable. The agreement shall be in recordable form, shall specifically provide that the encumbrance created shall be deemed to be a covenant running with the land, binding on applicant's successors and assigns, to install or guarantee installation of all required improvements, and to pay all costs, including attorney's fees, which the Town may incur in enforcing the terms and provisions of the agreement, and shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the guarantee requirements have not been complied with within a specified time determined by the Town Board of the date of recordation of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the applicant or his successors with the provisions of this Code and the Agreement.

### ***6.23.3. Temporary Improvements***

The applicant shall build and pay for all costs of temporary improvements required by the Town Board, Planning Commission, or Town Staff and shall maintain them for the period specified.

Prior to construction of any temporary facility or improvement, the developer shall file with the Town a separate suitable guarantee, in accordance with this Code, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed.

#### **6.23.4. *Costs of Improvements***

All on site or project specific improvements required to provide adequate public facilities in order to provide service to a subdivision at acceptable level of service standards shall be made by the applicant, at their expense, without reimbursement by the Town or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances. Any system improvements required shall be evaluated on a case-by-case basis in conjunction with the Town's capital facilities plan and impact fees ordinance to determine which improvements shall be the responsibility of the developer and which shall be paid out of impact fees.

#### **6.23.5. *Acceptance of Dedication Offers***

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the Town Board. The recommendation for approval by the Planning Commission of a Final Plat shall not be deemed to constitute or imply the acceptance by the Town Board of any street, easement, or park shown on said plat. The Planning Commission may require said plat to be endorsed with appropriate notes to this effect.

### **6.24. *Inspection of Improvements***

#### **6.24.1. *General Procedure and Fees***

The Town Engineer or Building Official shall provide inspection of required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the Town fee schedule, pay to the Town an inspection fee and the Final Plat shall not be signed by the Chair of the Planning Commission or Mayor unless the fees have been paid. These fees shall be due and payable upon demand of the Town and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Town's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications.

#### **6.24.2. *Release or Reduction of Performance Guarantee***

Subject to the maintenance provisions contained in this Code, the Town will not accept dedication of required improvements, or release or reduce a performance guarantee, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of detailed "as-built" survey plats of the subdivision indicating location, dimensions, materials, improvements and other information required by the Planning Commission and Town Engineer, that the layout of the line and grade of all public improvements is in accordance with the Town approved construction plans for the subdivision. Further, a title insurance policy shall be furnished to the Town Attorney and Town Engineer indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Town Board shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

##### **6.24.2.1. *Reduction of Performance Guarantee***

A performance guarantee may be reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below twenty five (25) percent retainage of the principal amount until total completion.

## ***6.25. Escrow Deposits or Letters of Credit for Lot Improvements***

When, by reason of the season of the year any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount to be determined by the Town Engineer for the cost of improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.

All required improvements for which escrow or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the developer within six (6) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the developer requiring him to install the improvements. In the event that they are not installed properly in the discretion of the Building Official, the Building Official may request the Town Board to authorize the Town to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit.

## ***6.26. Maintenance of Improvements***

### ***6.26.1. Prior to Completion***

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until over fifty (50) percent of the lots within the subdivision are built upon.

### ***6.26.2. Warranty after acceptance and dedication***

The applicant shall be required to file a maintenance guarantee with the Town, prior to acceptance, in an amount considered adequate by the Town Engineer and in a form satisfactory to the Town Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one year after the date of their acceptance by the Town and dedication of same to the Town.

## ***6.27. Issuance of Building Permits and Certificates of Occupancy***

Where a performance guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication to the Town, as required in the Planning Commission's and Town Board's final approval of the subdivision plat.

The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by emergency equipment, prior to the issuance of any occupancy permit. The developer shall at the time of the dedication submit in escrow or an acceptable letter of credit for the necessary final improvement of the street.

No building permits shall be issued for the final ten (10) percent of lots in a subdivision until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the Town.

## ***6.28. Consumer Protection Legislation and Conflicts of Interest Statutes***

No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

With respect to a lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the Town until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Code.