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Chapter 8.01

GENERAL PROVISIONS.

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Section 8.01.01 Purpose.

Chapter 8.01 GENERAL PROVISIONS.

Section 8.01.01 Purpose.

This Title and the regulations and restrictions contained herein are adopted and enacted for the purpose of promoting the health, safety, welfare, prosperity, improved morals, peace, good order, comfort, convenience and aesthetics of the present and future inhabitants of Daniel and to:

(1) Guide the future growth and development of the Town of Daniel, also known as Daniel herein, in accordance with the Town of Daniel General Plan (as defined in Section 8.02.03 below);

(2) Provide for adequate open space, light, air, air quality, privacy, safety from fire, flood, landslides and other geologic hazards, and other dangers and to try to prevent overcrowding of the land, and to lessen traffic congestion;

(3) Protect and conserve the character and stability of the Town of Daniel, and to encourage the orderly development of the land;

(4) Protect and conserve Town of Daniel property values and minimize conflicts among uses of the land and structures;

(5) Establish public and private policy that encourages action to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public facilities;

(6) Establish reasonable standards of design and procedures for development;

(7) Create an atmosphere attractive to visitors and attractive and livable to residents;

(8) Fully exercise all of the powers granted to the Town of Daniel by the provisions of the Utah Code Annotated (Title 10), and all other powers granted by statute or by common law for the regulation of land uses and improvements;

(9) Protect and enhance the quality of life in general for Town of Daniel residents;

(10) Allow development in a manner that encourages the preservation of scenic values, historic structures, agricultural uses and minimizes the impact on natural resources in the Town of Daniel;

(11) Provide for well-planned commercial and residential centers, efficient traffic circulation, and efficient use of Municipal services;

(12) Regulate development that may add to existing geologic hazards, erosion, flooding or other conditions that create potential dangers to life and safety in the community or detract from the quality of life in the community;

(13) Require new development to be fiscally responsible by providing all required improvements and adequately mitigating any impacts to the Town of Daniel;

(14) Establish Zone Districts within which the Legislative Body may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings and structures and the uses of land;

(15) Provide methods of administration and enforcement of this Title and provide penalties for the violation thereof; and

(16) Establish an expedited procedure to administer preliminary and final subdivision applications and designate the Administrative Land Use Authority or "ALUA" in compliance with Utah Code Ann. §§ 10-9a-604.1 and 10-9a-604.2.

Section 8.01.05 Authority Provisions.

It is hereby declared to be within the authority of the Town of Daniel to approve the subdivision and development of land, amendment of plats, or adjustment of lot lines, rezoning of property, amendments to the General Plan, and approval of site plans pursuant to the guidance of the General Plan and Daniel Land Use Code, for the orderly, planned, efficient and economic development of the Town of Daniel. The Development Review Committee shall be the ALUA for application review and decision on preliminary subdivision applications. The Town Engineer shall be the ALUA for application review and decision on final subdivision applications.

Section 8.01.11 Certificate of Occupancy and Land Use Compliance.

(1) **Unlawful to Occupy.** It shall be unlawful to use or occupy, or to permit the use or occupancy of any building or premises until a Certificate of Occupancy and Land Use Compliance shall have been issued for the premises and/or building by the Town of Daniel. It shall also be unlawful to occupy any building which has greater intensity of use or different occupancy than provided for specifically in the Certificate of Occupancy and Land Use Compliance.

(2) **Issuance of Certificates.** A Certificate of Occupancy and Land Use Compliance, is required to be issued by the Town of Daniel, or by its delegate, Planning Staff at the time a building is completed and final inspection granted by the Building Official. In addition, a new certificate shall be required at any time the occupancy of the building changes to a more intensive use or that the number of occupants in an apartment building or multiple residential building increases more than five (5) percent above the number declared in the previously-issued certificate. The Town of Daniel shall withhold the certificate of occupancy for any residential development until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the residential development is completed and accepted by the Town Engineer in compliance with Utah Code § 10-9a-802.

Section 8.01.16 Expiration of Approvals.

(1) **Building Permits.** A building permit shall expire if construction is not begun within one hundred eighty (180) days from the date the building permit was issued. A building permit shall expire if construction is not completed and a Certificate of Occupancy and Land Use Compliance obtained within two (2) years from the date the building permit was issued. The building official may, for good cause shown, extend the expiration date for a period of time not to exceed one (1) additional year.

(2) **Administrative Approvals.** The Development Review Committee, acting as the ALUA, may delegate to the planning staff or planning commission specific authority to act on certain administrative matters. In the event that the development is one of the types of development where authority has been so delegated, any approvals granted by the planning staff or development review committee shall expire one hundred and eighty (180) days after such approval is given. The approving body may grant one extension of up to ninety (90) additional days on a finding of good cause by the approving body.

(3) **Preliminary Approvals of Developments.** Preliminary approvals of developments by the planning commission shall expire if application for final approval has not been submitted for consideration within one (1) year from the date of receiving preliminary approval. An extension not to exceed one (1) additional year upon a finding of good cause.

(4) **Final Development Approvals.** Final approval of developments by the Town Engineer shall expire if the plat is not recorded within one (1) year from the date of receipt of final approval by the planning commission. The planning commission may grant a one (1) year extension upon a showing of good cause.

Section 8.02.01 Purpose.

The purpose of this chapter is to establish the administrative procedures for land use policy decisions in the Town of Daniel to be performed by the ALUA which does not include the Town Council or a member of the Town Council.

Section 8.02.02 Notice of Public Hearings.

(1) The Town of Daniel shall give reasonable notice of any public hearing mandated by this title, which notice shall be given in a manner consistent with the requirements of state law. Notices of public hearings, required, by this title, shall be published in compliance with Utah Code § 63G-30-102 at least ten (10) calendar days before the hearing. Such notice shall state the time and place of such hearing and shall include a general explanation of the matter to be considered and a general description of the area affected.

(2) This section is not intended to preclude the giving of additional notice that may be deemed necessary by the planning staff.

(3) If notice given under authority of this section is not challenged as provided by state law within thirty (30) days from the date of the meeting for which notice was given, the notice is considered adequate and proper.

Section 8.02.09 Appeals – Procedure.

Appeals to the Board of Adjustment shall be made as follows:

(1) **Standing to Appeal.** Any person or entity (including a Town of Daniel department or elected official) affected by an administrative decision applying the Land Use ordinance may appeal that decision to the Board of Adjustment by alleging that there is an error in any order, requirement, decision, or determination by an official.

(2) **Deadline for Filing Notice of Appeal.** Notice of Appeal and all supporting documents shall be filed within thirty (30) days of decision or action taken by the official. Notice of Appeal shall be filed with the planning staff.

(3) **Contents.** Notice of Appeals shall state the administrative order, requirement, decision or determination from which the person or entity appeals, and shall specify the grounds for the appeal and circumstances related thereto. Any filings shall include copies of any documentary evidence or written arguments intended to be presented to the Board of Adjustment. A written appeal failing to specify grounds of appeal may be summarily dismissed by the Board of Adjustment, with or without prejudice. The brief should address all issues to be brought before the Board of Adjustment. Any new issues not addressed in the brief that are put forth at the hearing, shall be grounds to continue the matter to allow for adequate time to respond to the new issues.

(4) **Determination of Hearing Date.** Within five (5) business days of receipt of a Notice of Appeal, the applicant will be informed of a date for the hearing before the Board of Adjustment, which shall be no sooner than thirty (30) days thereafter, and no later than seventy five (75) days thereafter.

(5) **Record Sent to Board of Adjustment.** The official responsible for the administrative decision being appealed shall refer to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken, at least seven (7) days prior to the hearing.

(6) **Appeal Stays Action.** An appeal stays all proceedings unless the Planning Staff certifies to the Board of Adjustment that a stay would cause imminent peril to life or property, or irreparable harm.

(7) **Burden of Proof.** The person or entity making the appeal has the burden of proving that an error has been made.

(8) **Actions of Board of Adjustment.** In exercising its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision

or determination appealed from and may make such order, requirement, condition, decision or determination as ought to be made. The concurring vote of not less than four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination applying the Land Use ordinance.

(9) **Subdivision Improvement Plan Review Delays.** If, on the fourth and final review of the applicant's subdivision improvement plan as required in Section 8.27.04, Daniel Town fails to respond with 20 business days, the Town shall, upon the request of the applicant, and within 10 business days after the day on which the request is received: (a) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code § 10-9a-508 to review and approve or deny the final revised set of plans; and (b) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the applications and the right to appeal the determination to the Board of Adjustment.

(10) **Appeal of Decision of Board of Adjustment.** Any person or entity aggrieved by a decision of the Board of Adjustment may petition the district court for a review of the decision as permitted by Utah State law.

Chapter 8.04 DEFINITIONS

Sections:

8.05.01 Purpose

8.05.02 Definitions. The following words shall have the described meaning when used in this ordinance, unless a contrary meaning is apparent from the context of the word:

Section 8.04.01 Purpose.

For the purposes of this title, the following terms and words and their derivations shall have the meaning as given herein. When inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and the plural the singular. Shall is always mandatory. Words not included herein, but which are defined in the Uniform Building Code shall be construed as defined therein. Words which are not included herein or in the Uniform Building Code shall be given their usual meaning as found in an English dictionary, unless the context of the words clearly indicates a different meaning. Definitions of words applicable particularly to certain chapters may be included in those chapters. All terms used in this Title which are not specifically defined herein are to be given their usual and standard definition. Disputes as to the definition of a term not specifically defined herein shall be referred to the Board of Adjustment for resolution.

8.04.02. Definitions. The following words shall have the described meaning when used in this ordinance, unless a contrary meaning is apparent from the context of the word:

(1) **Accessory Building.** A building or structure, the use of which is incidental and subordinate to the main building and more than ten feet away from any main building or structure.

(2) **Accessory, Residential Dwelling for Non-Residential Uses**. A dwelling unit accessory to a non- residential use located on the same premises, to be used solely for persons employed on the premises.

(3) **Accessory, Residential Unit.** A secondary dwelling unit attached to the existing single family dwelling with accessibility between the unit and main dwelling solely for the housing of a blood relative, which shall not be a rented unit.

(4) **Accessory Use.** A use that:

(a) is customarily incidental to and found in connection with a principal or main use;

(b) is subordinate to and serves a principal or main use;

(c) is subordinate in extent, area, or purpose to the principal or main use;

(d) is located on the same lot as the principal or main use; and

(e) contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal or main use.

(5) **Administrative Land Use Authority.** For any preliminary subdivision application, the Development Review Committee, acting as the Administrative Land Use Authority or ("**ALUA**"), in consultation with designated city staff, the Planning Commission, and the Planning Director, to review the initial application for completion and the preliminary subdivision application for approval or denial. For any final subdivision application, the Town Engineer, acting as the ALUA, to review the final subdivision application for approval or denial. The ALUA may not include the Town Council or any member of the Town Council.

(6) **Agriculture.** The act or science of cultivating the ground, the act or science of the production of plants and animals useful to man or beast; and includes gardening or horticultural fruit growing, storage and marketing.

(7) **Agricultural Land for Agricultural Purposes.** A tract of land which has been approved by the planning commission as a tract of agricultural land for agricultural purposes.

(8) **Alteration.** Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls, as well as any change in doors, windows, means of ingress or egress, or any expansion or diminution of a building or structure.

(9) **Altered.** Any change in the construction or addition to a building that increases the capacity or changes the use.

(10) **Applicant.** The developer or subdivider who submits the complete preliminary and final subdivision applications for the subdivision of land.

(11) **Arena.** An indoor or outdoor, public or private, commercial or non-commercial facility which is set aside for showing, training or exercising livestock.

(12) **Athletic, Tennis, or Racquet Club.** An establishment providing facilities for physical development, exercise, sports, or recreation. Facilities may include exercise equipment, indoor and/or outdoor racquetball or tennis courts, jogging track, swimming pools, skating rink, indoor bathing, restaurant or snack bar, and sales of athletic equipment. Facilities may be open to the public for a fee, or available only to persons holding membership.

(13) **Auto Repair.** A building or premises used for the repair of any passenger auto, pick-up truck, semi-tractor, recreational vehicle or similar vehicles where the repair includes but is not limited to the rebuilding of engines, transmissions or differentials.

(14) **Auto Wrecking, Salvage Yard.** See also junkyard. Any lot, portion of lot or tract of land used for the storage and keeping of salvage, including scrap metals or other scrap material, or for dismantling or demolition of automobiles or equipment, machinery or parts thereof; provided that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

(15) **Average Slope.** The average slope of a parcel of land or any portion thereof shall be computed by applying the formula:

$S = 0.00229\ IL$

A to the natural slope of the land before any grading is commenced, as determined from a topography map having a scale of not less than one inch equaling one hundred (100) feet and a contour interval of not less than five (5) feet, where:

S = Average percent slope

0.00229 = A conversion factor of sq. feet to acres I = Contour interval, in feet

L = Summation of the length of contour lines, in feet within the subject parcel A = Area in acres of the parcel or any portion thereof.

(16) **Barn / Agricultural Building.** An accessory structure upon a lot customarily used for the housing of animals/livestock, storage of crops or feed, and/or machinery used in bona fide agricultural activities.

(17) **Batching Apartment.** A dwelling unit occupied by three (3) or more batching singles who are jointly utilizing the kitchen facilities of the dwelling unit.

(18) **Batching Singles.** Three (3) or more unrelated persons who are occupying a dwelling unit.

(19) **Bed and Breakfast.** A single-family residence Occupied by an owner-operator, with no more than eight (8) bedrooms located in the main residence, providing temporary accommodations (for compensation) on a nightly basis, not to exceed thirty days.

(20) **Big Box Retail.** Any single retail store with a gross main floor area of over forty thousand (40,000) square feet.

(21) **Block.** An area of land entirely bounded by streets.

(22) **Board of Adjustment.** The Board of Adjustment that reviews any administrative land use action, including decisions on preliminary or final subdivision applications.

(23) **Bond:** A document that complies with the standards contained in this Title and the state code, and which binds the parties thereto to take certain action if particular conditions are not met.

(24) **Buildable Envelope.** A three dimensional space on a lot within which a structure is permitted to be built. The space does not include any required yard or open space. Buildable areas must be defined on subdivision plats in areas of thirty (30) percent slope or less.

(25) **Building, Detached.** A freestanding building that has open space on all four sides.

(26) **Building Height.** The vertical distance measured from the natural grade at each face of the building wall to the highest point of the roof.

(27) **Building Inspector.** A building inspector or building official shall mean an individual licensed by the state to provide inspection services under applicable building codes in the municipality, who has been nominated or recommended by the planning staff and appointed by resolution of the municipal legislative body. (Amended eff. 4-7-2008)

(28) **Building, Main.** The building or buildings on a site which house(s) the main use.

(29) **Building Official.** The Town of Daniel Building official, as approved and appointed by the legislative body of the Town of Daniel under an agreement with a term not to exceed two (2) years. The building official shall enforce the provisions of the Building Code and perform other duties appurtenant to such enforcement.

(30) **Building, Public.** A building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the state of Utah or any of its subdivisions including county and municipality in connection with a public use.

(31) **Building Site**. The total area covered, or proposed to be covered, by a building, plus a twenty (20) foot strip around the exterior of the building, and, if a septic tank is to serve the building, such area as is required for normal functioning of a septic tank drain field as determined in accordance with state and Wasatch County standards.

(32) **Caliper.** A standard for trunk measurement of nursery stock, determined by measuring the diameter of the trunk six (6) inches above the ground for up to and including five (5) inch caliper size, and twelve (12) inches above the ground for larger trees.

(33) **Carport**. A covered automobile parking space that is not completely enclosed by walls or doors.

(34) **Child-Care, Center.** A childcare facility that regularly provides custodial care for six (6) or more children during the part of any day.

(35) **Child-Care, Home.** A childcare facility operated on residential premises.

(36) **Children's Justice Center.** (6729 of the Protective Functions and Related Activities) The Children's Justice Center is a center established and operated pursuant to Utah Code Title 67, chapter 5b. The purposes of the center are fully set forth in Utah Code Section 67-5b-102. Some of these purposes are to conduct interviews of abused children and their families, coordinate the evaluation and treatment of abused children, protect the interest of abused children and the community and enhance community understanding of sexual and serious physical abuse of children. The Children's Justice Center does not operate as a "Safe Haven" for children or adults. No overnight lodging is allowed.

(37) **Church or Temple.** A building, together with its accessory buildings and uses, where persons regularly assemble for worship, which building, together with its accessory buildings and uses, is maintained and controlled by a religious body.

(38) **Civil Engineer.** A professional engineer registered in the state of Utah to practice in the field of civil engineering.

(39) **Clinic, Dental and Medical.** A building in which a group of physicians, dentists, and allied professional assistants are associated for the carrying on of their professions including a dental or medical laboratory. Clinic does not include inpatient care or operating rooms for major surgery.

(40) **Club, Limited Membership.** A building or other structures constructed in accordance with a properly approved plan and used as an integral part of a park or large scale development and operated by an organized association of persons for social, fraternal, religious, or patriotic purposes for the benefit of the members and guests and not for the general public, and may include eating facilities, club administrative offices, off-street parking and retail establishments for the sale of goods and services consumed on the premises. It may also include auxiliary recreational facilities such as swimming pools, gymnasiums, tennis courts and hunting preserves, but a limited membership club shall not include sleeping accommodations nor facilities which are open to use by the general public.

(41) **Clustering.** A subdivision or development design technique that concentrates the buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

(42) **College.** An independent institution of higher learning offering a course of general study.

(43) **Common area.** An area of common ownership designed to serve the recreational, open space or other similar needs of two or more lots or dwelling units in separate ownership.

(44) **Community Use.** The uses that have the primary purpose of serving the educational, recreational, religious or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private non-profit recreation grounds, public parks, public buildings, public facilities, cemeteries and other similar uses. This definition shall not include such uses as detention facilities, half way houses, alcohol rehabilitation centers, and other similar uses.

(45) **Complete Application.** The preliminary subdivision application, including the application form, the owner's affidavit, an electronic copy of all plans in PDF format, the preliminary subdivision plat drawings, and a breakdown of fees due upon approval of the preliminary subdivision application. The final subdivision application that complies with Town Code, public work standards and specifications, any other applicable city, local, or state law or regulation, Utah Code § 10-9a-604.2, and the Town's published checklists for preliminary and final subdivision applications.

(46) **Conditional Use.** A land use that because of its unique characteristics, or potential impact on the Town of Daniel and/or surrounding neighbors or adjacent land uses, may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in this Land Use Ordinance for those uses.

(47) **Condominium.** The ownership of a single unit in a multi-unit project or structure which may be combined with an undivided interest in the common areas and facilities of the property and meeting all requirements of the Condominium Ownership Act of the State of Utah.

(48) **Condominium Project.** A project planned in accordance with the Utah Condominium Ownership Act, including, without limitation, all units, limited common area, and common area within the project.

(49) **Conservation Easements.** An easement voluntarily placed on property to ensure that no future development will occur. The easement will be held by a third party and maintained in perpetuity.

(50) **Convenience Store.** A building that contains less than five thousand (5,000) square feet and is primarily engaged in the provision of frequently needed, day-to-day retail goods including gasoline, food and non-food products.

(51) **Corral.** A primary enclosure for confining livestock.

(52) **Dairy.** A farming operation for the production of milk in commercial quantities and which is regularly inspected by the State Department of Agriculture or its cooperating agencies. It includes the raising of the natural increase to the dairy herd but does not include the feeding and fattening of livestock for slaughter in conjunction therewith.

(53) **Density.** The number of Equivalent Residential Units per acre.

(54) **Developer.** Any person or entity proposing to divide land for the purposes of selling smaller parcels, or any person or entity proposing to change or increase the use of a tract of land in the Town of Daniel.

(55) **Developable Area.** The portion of a site or building lot that is not within any areas considered to be physical constraints, including wetlands, floodplains, fault lines, geological hazards, culinary water shed areas, or steep slopes over 20% grade, or within required setbacks. In the case of raw ground developable would mean areas that can be serviced by required infrastructure including roads, sewer and water.

(56) **Development.** The total area of the parcel of land on which a building permit is to be issued, or the total area of property being improved.

(57) **Development Review Committee.** Any designated city staff, including the Town Engineer and Planning Director, as provided in DTC Section 8.27.02.

(58) **Drainage Ditch.** Any system of canal(s) or ditch(es) naturally existing or constructed to carry surface and/or subsurface water to a natural stream, whether or not the ditch(es) or canal(s) carry water filed upon by individual(s) to be used for irrigation purposes.

(59) **Driveway.** A private roadway for access of vehicles to a residence, parking space, garage or other structure.

(60) **Dwelling**. A building or portion thereof designed or used for residential occupancy, including one-family, two-family, multi-family, and apartment structure; but shall not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar structures designed or used primarily for transient residential uses.

(61) **Dwelling, Multiple Family Unit.** A building arrangement designed for and/or occupied by three or more families.

(62) **Dwelling, Single Family Attached.** A dwelling unit sharing a common wall or walls, but located on an individual lot.

(63) **Dwelling, Single Family Detached.** A building designed for and occupied exclusively by one family on a separate lot and not sharing any common wall.

(64) **Dwelling, Two Family.** Two dwellings sharing a common wall or walls and located on one lot.

(65) **Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking and sanitation.

(66) **Engineering Geologist / Geotechnical Engineer.** These terms shall have the meaning set forth in the Sensitive Land Overlay Zone in chapter 8.17 of this title.

(67) **Environment.** The sum total of the surroundings, which includes both natural and man-made elements.

(68) **Equivalent Residential Units.** The number of residential equivalents to determine density based on sewer, water and square footage of a structure.

(69) **Excavation.** The mechanical removal of earth material.

(70) **Expansion.** An increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

(71) **Family.** An individual or two or more persons related by law, blood, marriage, or adoption or up to two unrelated persons, living together in a single dwelling unit and maintaining a common household.

(72) **Family Care Home.** A dwelling wherein room, board, care, and supervision are provided by the resident family in a home setting to persons who are handicapped, mentally ill, or mentally retarded and who are provided with a program of services including training in vocational and recreational activities. To qualify, the dwelling must be approved or operated by an agency of the Utah state government.

(73) **Family Day-Care Center.** A dwelling or place of business wherein a resident family provides ordinary care and supervision during customary daytime periods to non-related persons. To qualify for a day-care center, an agency of Utah state government must approve the dwelling or place of business

(74) **Family Food Production**. The production of food through gardening or horticulture, for the sole use of the family occupying the premises. The raising of animals or fowl is not included in this definition.

(75) **Farm.** A business enterprise in which land is used for the production of food, feed, or fiber.

(76) **Farm Animals.** Animals and fowl such as commonly used for food or fiber production or as a beast of burden, for commercial purposes or for pleasure.

(77) **Farm Industry.** The keeping and raising of farm animals and/or fowl for domestic or commercial use such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches, and similar uses, and accessory uses thereto.

(78) **Fast Food Eating Establishment.** Any establishment where foods or beverages are prepared for consumption and consumption occurs in either the building, on the premises or

within a motor vehicle parked thereon, or off-premises and whose operation includes one or more of the following characteristics:

(a) Food or beverages are served to the occupants of a motor vehicle while seated therein (e.g., drive-through window or drive-in); and

(b) Food and beverages are usually served over a general service counter for the customer to carry to a seating area within the restaurant, to a motor vehicle, or off-premises.

(79) **FEMA.** An acronym for the Federal Emergency Management Agency.

(80) **Fence.** A structure erected to provide privacy or security that defines a private space or is used to constrain domestic animals.

(81) **Fence, Sight-Obscuring**. A fence that is three (3) feet or more in height that is constructed or planted in such a fashion that causes fifty (50) percent or more opaqueness at any angle of view through such fence.

(82) **Fill.** Earth material that has been deposited by artificial means.

(83) **Final Plan.** A plan of development showing the layout and dimensions of the streets, easements, common areas and other features of a development in accurate detail, prepared in accordance with Wasatch County Design and Construction Standards Handbook.

(84) **Final Plat.** A plat or plats of a development that has been prepared for recording purposes in accordance with Town of Daniel standards.

(85) **Flood, Base - 100 Year Flood.** The flood from whatever source having a one (1) percent chance of being equaled or exceeded in any given year, otherwise commonly referred to as the one hundred (100) year flood.

(86) **Flood Channel**. A natural or artificial water course with definite bed and banks to confine and conduct flood water.

(87) **Flood Plain**. Zone a hundred (100) year flood area as defined in FEMA's Federal Insurance Rate Map of Wasatch County.

(88) **Floor Area.** The sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior faces of the exterior walls.

(89) **Foster Home.** A dwelling unit where minor children, not related by blood, marriage or adoption, are cared for and furnished board and room with or without compensation on a continuing basis.

(90) **Fraternal & Benevolent Society.** A chartered, nonprofit social club or lodge with or without dining facilities and cocktail lounges composing a branch of a fraternal order, or society such as Elks, Masons, American Legion, Eagles, Optimists, Odd Fellows, Kiwanis, Rotary, and

other similar nonprofit fellowship organizations which are open only to members and their duly authorized guests.

(91) **French Drain**. A sump or trench filled with crushed rock or gravel intended to receive storm water discharge.

(92) **Frontage.** The distance between the two side lot lines of a parcel measured along the street, or streets of a corner lot, which the parcel is allowed to access. For purposes of this title, temporary turn- arounds, dead ends of roadways, or emergency accesses shall not be used as frontage.

(93) **Garage, Private.** An attached or detached building accessory to a dwelling on the premises designed or used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory.

(94) **Garage, Public.** A building or portion thereof, other than a private garage, designed or used for the storing, servicing, repairing, equipping, hiring, or selling of motor-driven vehicles.

(95) **Garage, Yard Sale.** The sale of personal belongings in a residential zone, which sale is conducted by a legal resident of the premises.

(96) **Gasoline, Retail.** A building or premises used for the sale of gasoline and limited amounts of other oil products. Such premises may also include the sale of food products.

(97) **General Plan.** A coordinated plan which has been prepared and adopted by the Town of Daniel for the purpose of identifying present and future needs of the Town of Daniel and guiding the growth and development of land within the Town of Daniel or any part of the Town of Daniel, including uses of land for urbanization, trade, industry, residential, agricultural, wildlife habitat, and other purposes.

(98) **Grade, Natural.** A measurement of the degree of slope on the undisturbed, natural surface of the ground.

(99) **Grade, Finish**. A measurement of the degree of slope on the disturbed surface of the ground.

(100) **Grading Plan.** A topographic development plan prepared by a registered civil engineer showing contours for before and after grading.

(101) **Grouping of Residential Lots.** A development design technique that concentrates the lots in specific areas on a site to allow remaining land to be used for recreation, common spaces, or the preservation of historically or environmentally sensitive features.

(102) **Gross Floor Area**. The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, but not including interior or exterior parking spaces, or loading space for motor vehicles.

(103) **Guest.** A person or persons staying or receiving services for compensation at a hotel, motel, rooming house, rest home, timeshares or similar use.

(104) **Handicapped Person**. A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned or coordinated to allow the person to function in, and contribute to, a residential neighborhood.

(105) **Hard Surface.** An impermeable, dust-free surface such as concrete or asphalt. Road base does not qualify.

(106) **High Water Table.** A condition where the ground water is less than six (6) feet below the ground surface.

(107) **Hog Farm.** A tract of land and the facilities for raising and feeding swine.

(108) **Home Occupation.** A nonresidential activity, conducted entirely within a dwelling unit, which is clearly incidental and secondary to the use of the dwelling for residential purposes.

(109) **Homeowners Association**. An incorporated nonprofit organization operating under recorded land agreements through which: (a) each lot/home owner is automatically a member; and (b) each lot is automatically subject to a proportionate share of the expenses for the organization's activities and interest, such as maintaining and operating open spaces, landscaping, common property or facilities.

(110) **Hospital.** An institution licensed by the State of Utah providing inpatient health services for human beings for inpatients, and primarily medical or surgical care of the sick or injured, and such other services and accessory uses as normally provided for its administration and operation.

(111) **Hotel.** A building containing guest rooms in which lodging is provided for compensation to transient or permanent guests or both, and where no provision is made for cooking in the guest rooms, and in which commercial services may be provided for guests.

(112) **Household Pets**. Animals or fowl ordinarily permitted in the house and kept for company or pleasure and not for profit, such as dogs, cats, and canaries, but not including a sufficient number of dogs to constitute a kennel. Household pets shall not include chickens or any animals that are capable of inflicting harm or discomfort or endangering the health, safety, or welfare of any person or property. The number of household pets shall be limited to that allowed by the provisions of each respective zone as set forth in this title.

(113) **Illegal Lot.** An illegal lot is any lot or parcel of land which was not created in conformance with the Wasatch County or Town of Daniel ordinance in effect at the time the lot was recorded.

(114) **Junk.** Any scrap, waste, reclaimable material or debris whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal or other use or disposition. Junk includes but is not limited to, tires, furniture, tools, paper, rags, plastics, cordage, scrap iron or other metal, glass, building materials, machinery and appliances or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof.

(115) **Junkyard.** An open area where junk, used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. An automobile wrecking yard or a salvage yard is also considered a junkyard. The use of buildings used in conjunction with an operation does not exclude the operation from the definition unless the operation is wholly within the buildings and there is no outside storage.

(116) **Kennel.** An establishment having five (5) or more dogs, cats or other household pets for the purpose of boarding, breeding, buying, letting for hire, training for fee or selling. (Amended eff. 3-3- 2008)

(117) **Landscaping.** The installation of plant materials (i.e., lawn, ground covers, annuals and perennial flowering plants, vines, shrubs, and trees), planted directly on the property.

(118) **Limits of Disturbance.** The area(s) in which construction and development activity must be contained, including development and construction of the principal building and permitted accessory structures, play areas, and on-site septic tanks, utilities, drainage, and other services.

(119) **Livestock Corral.** A place or pen where livestock are kept as part of an agricultural or livestock operation as distinguished from a livestock feed lot.

(120) **Livestock Feed Lot.** A feeding operation on a parcel of land where livestock are conditioned for market on a year-round basis and where the feed is brought to the yard, as contrasted to feed obtained through grazing the animals on the premises.

(121) **Lot, Area.** The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public uses.

(122) **Lot, Building.** A parcel of land which is of such dimensions as to comply with the minimum requirements of this Title for area, width, and depth applicable to the zone in which it is located, and having frontage on a public or approved private street.

(123) **Lot, Corner.** A building lot situated within a corner created by the intersecting lines of a street or streets that has frontage on two (2) sides.

(124) **Lot, Flag.** A lot that does not have the required frontage on a Town of Daniel road or private road built to Town of Daniel standards. Access to the buildable portion of the lot is through a narrow private access that is contiguous and part of the lot.

(125) **Lot, Inside Gore-Shaped**. A lot where side lot lines converge towards the rear to a point or the rear lot line width is less than half the required width for the lot in the applicable zone.

(126) **Lot, Interior.** Any building lot other than a corner lot.

(127) **Lot Line, Front.** Any street right-of-way line of record or established by use, which forms one or more boundaries of a lot.

(128) **Lot Line, Rear, For Corner Lots**. The interior lot line which has been designated as the rear lot line determined by the direction the house faces.

(129) **Lot Line, Side, For Corner Lot.** All interior lot lines for multi-frontage lots; for other corner lots, that interior lot line which the lot owner has designated as the side lot line.

(130) **Lot Line, Side, For Interior Lots.** Those interior lines lying opposite each other, running between the front and rear lot lines, or in the case of a multi-frontage lot, those interior lines which run between the two front lot lines

(131) **Lot, Multi-Frontage.** Any building lot, the centerline of which intersects two front lot lines and which has no rear lot line.

(132) **Lot, Double Frontage.** Any building lot which has both the front and rear yard line bounded by a street. This does not normally include corner lots.

(133) **Lot Width, For Corner Lots.** The width of the lot as measured along both street frontages at the required setback.

(134) **Lot Width, For Interior Lots.** The horizontal distance between the side lot lines measured along a line lying at right angles to the centerline of the lot at the point of the required setback.

(135) **Manufactured Home.** A home or other building of new construction without attached axles or wheels which has been assembled fully, or in part, upon another site, or in a factory, and moved to the site upon which it is to be permanently assembled by truck, timber, dolly or similar conveyance; and which is placed upon a permanent foundation in compliance with the provisions of the Uniform Building Code.

(136) **Manufacturing.** The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product or good.

(137) **Masonry.** Stucco, brick, or rock.

(138) **Metes and Bounds.** The description of a lot or parcel of land by courses and distances.

(139) **Mobile Home.** A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailers or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for

connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home.

(140) **Motel.** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

(141) **Nonconforming Lot of Record.** A parcel of land that was legally created prior to the adoption of this title.

(142) **Nuisance Strip.** A parcel of property that does not meet the lot requirement for the zone where it is located and was created for the purpose of preventing access and utility extension to the adjacent property.

(143) **Off-Site.** Pertaining to the territory outside the boundaries of a particular project.

(144) **On-Site.** Pertaining to the territory within the boundaries of a particular project.

(145) **Open Space.** Land which is not covered by dwellings or by pavement or other impervious material which has common ownership and is dedicated to be used perpetually by the owners or the public for some other purpose besides development.

(146) **Over-Size Facilities.** Facilities with added capacity designed to serve other property, in addition to the land within the boundaries of a residential or nonresidential development site.

(147) **Parking Lot**. An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

(148) **Pasture.** An enclosure for animals in which no feed is provided except that which the animals obtain by grazing.

(149) **Physical Constraints Inventory.** An inventory and analysis of environmental factors which may affect the potential of land development along with the identifying of critical and sensitive lands which need to be protected.

(150) **Planned Dwelling Group.** A method of developing property that allows the concentration of development to an area of the property. This allows for large amounts of open space to remain undeveloped in perpetuity.

(151) **Planning Director.** For purposes of this title the term "planning director" shall mean the chair of the planning commission, or his delegate as approved by the Legislative Body of the Town of Daniel.

(152) **Planting Plan.** A plan showing the location and dimensions of irrigation equipment and curbs and other protective features around the edge of the planting beds, and the location, dimensions, and species of plants to be planted.

(153) **Plot Plan.** A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing structures and structures to be erected in the future, and showing the location of the lot in relation to abutting streets, and other such information.

(154) **Pre-Application Meeting.** The pre-application meeting that the planning staff shall schedule within 15 business days after the applicant's request, for the Development Review Committee to review the concept plan, if submitted, and give initial feedback.

(155) **Premises Occupation.** An occupation conducted on any premises, outside of the main dwelling, by persons residing on those premises and subject to conditional use approval from the planning commission.

(156) **Pre-School, Home.** An educational facility operated on residential premises, which regularly provide an educational program for not more than twelve (12) children (including the operator' s natural, adopted, or foster children under six (6) years of age) at any one time.

(157) **Radio/Tele-Communications Tower.** A structure intended for transmitting or receiving television, radio, or telephone communications that is primarily supported by its own foundation.

(158) **Record of Survey Map.** A final plat prepared by a professional land surveyor that re- establishes land survey controls, boundaries, location of improvements or the alignment of right-of- ways for recording.

(159) **Recreational Vehicle.** A trailer, camper, or motor home designed or used for sleeping by persons while traveling, but not intended as a permanent dwelling, and not constructed for permanent attachment to public utilities.

(160) **Residential Facility for Elderly Persons.** A single family or multiple family dwelling unit that is not a business and offers primary care to a limited number of non-related elderly persons.

(161) **Restaurant.** Any establishment which provides as a principal use, foods and beverages prepared for consumption within the establishment and whose operation includes both of the following characteristics:

(a) Customers are provided with an individual menu and are served their food or beverage by a restaurant employee at the same table or counter at which said items are consumed; and

(b) The food and beverages are served on non-disposable plates or containers and non- disposable eating utensils are provided. A restaurant employee clears the table of trash.

(c) Notwithstanding the above, a cafeteria where food and beverages are:

(i) generally consumed within the establishment; and

(ii) served on non-disposable plates or containers with non-disposable utensils shall be included in this definition.

(d) A restaurant may provide take-out service, provided such service is clearly not the principal business of the restaurant and the take-out function is totally conducted inside of the building.

(162) **Rest Home.** A building for the care and keeping of elderly or infirm people affected with infirmities or chronic illness.

(163) **Retail Drive-In.** Any form of merchandising, serving, or dispensing of goods or services in which the customer is serviced while in his automobile.

(164)(a) **Retaining Wall.** A wall designed and constructed to resist the lateral displacement and erosion of soils or other materials. (Amended eff. 4-7-2008)

(164)(b) **Review Cycle.** The occurrence of the applicant's submittal of the subdivision improvement plan during the final subdivision application period, the Town Engineer's review of the subdivision improvement plan, the Town Engineer's response to the subdivision improvement plan, and the applicant's reply to the Town Engineer's response that addresses each of the Town Engineer's required modifications or requests for additional information regarding the subdivision improvement plan.

(164)(c) **Rezoning.** Any amendment or change, other than clerical corrections, to the zoning map as defined in this title. (Amended eff. 4-7-2008)

(165) **Ridgeline.** A ridge location that is visible from a major arterial, secondary or collector road that is seen as a distinct edge against a backdrop of sky or land.

(166) **Ridgeline, Secondary.** A ridge below the primary ridgeline that may or may not have a backdrop of sky.

(167) **Road, Fire Apparatus (secondary).** A road built to the fire apparatus standards as directed by the international fire code and the fire marshal.

(168) **Road, Primary.** The main access road into a development.

(169) **Road, Private.** A road that is on private property and maintained by the property owners and not a public entity.

(170) **Road, Public.** A road that is dedicated to a public entity and maintained by a public entity.

(171) **Satellite Dish.** An antenna intended to receive signals from satellites and other sources.

(172) **School, Commercial.** An establishment for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately and do not offer a complete educational curriculum.

(173) **School, College, University Private or Quasi-Public**. A school operated by a private or quasi- public organization, or individual, which has a program similar to that provided in any public school in the state of Utah, except that such curriculum may include religious instruction. A private school may be a for-profit or nonprofit organization. This definition shall not include commercial schools.

(174) **School, Public.** An educational facility operated by the Wasatch County School District or other public agency of the state of Utah.

(175) **Secondary Residential Unit.** A living unit subordinate and accessory to the main structure with living space found within the main dwelling unit for family of the occupants of the main structure only.

(176) **Septic Tank.** A watertight receptacle that receives the discharge of sewage and is designed and constructed to permit the deposition of settled solids, the digestion of the matter deposited, and the discharge of the liquid portion into a leaching system.

(177) **Septic Tank Drainfield.** A specified tract or parcel of land in which the sewage that flows from a septic tank is oxidized.

(178) **Setback.** The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

(179) **Service Station**. A building or premises used for the sale of gasoline and oil products including the servicing of motor vehicles and the retail sale and installation of tires, replacement parts and accessories in and upon such vehicles; but not including paint, body and frame repair, or rebuilding of engines, transmissions, or differentials. Such premises may also include the sale of food products.

(180) **Sign.** Any device for visual communication that is used for the purpose of advertising a product thereof to the attention of the public, but not including a flag pole which is used for the display of the state or national flag.

(181) **Skateboard Ramp.** An outdoor structure designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

(182) **Slope.** The ratio of the vertical distance moved to the horizontal distance moved, expressed in percentage or degrees, when traversing along the surface of land.

(183) **Soil Engineer.** A civil engineer registered in the State of Utah with training and experience in soil engineering.

(184) **Solid Waste.** Any discarded material that does not flow under stress.

(185) **Stable.** A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire, or sale.

(186) **Story.** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor or next ceiling above.

(187) **Street.** Is defined as follows.

(a) **Minor Local.** A road that has been designated to carry average daily trips of (0 to 150), with a minimum of fifty (50) feet right-of-way.

(b) **Local.** A road that has been designated to carry average daily trips of (151-1500), with a minimum of fifty (50) feet right-of-way.

(c) **Major Local.** A road that has been designated to carry average daily trips of (1501 to 2000), with a minimum of sixty (60) feet right-of-way.

(d) **Minor Collector.** A road that has been designated to carry average daily trips of (2001 to 8000), with a minimum of sixty (60) feet right-of-way.

(e) **Major Collector.** A road that provides for movement between arterial and local streets and limited access to abutting property, with a minimum of seventy-two (72) feet right-of-way.

(f) **High Density Development Road.** A road that is designated to carry traffic for commercial project, condominium project, single family lots and/or other residential project with an average lot frontage less than two hundred (200) feet.

(188) **Street, Stub**. A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

(189) **Street, Through.** Streets that extend continuously between other major streets in the community.

(190) **Structure.** That which is framed, erected, constructed or placed upon the ground; but not including fences that are six (6) feet or less in height.

(191) **Subdivision.** The term "subdivision" shall have the meaning set forth in the Utah Code 10-9a-103.

(192) **Subdivision Application.** The land use application for a subdivision of land.

(193) **Subdivision improvement plans.** The civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.

(194) **Subdivision Ordinance Review.** The review by the Development Review Committee to verify that a subdivision application meets the criteria of the Town's ordinances to be completed within thirty (30) days of submission by the applicant.

(195) **Subdivision Plan Review.** The review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with Town ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

(196) **Surface Drainage.** That amount of water run-off caused as a result of precipitation or irrigation.

(197) **Swimming Pool.** A portable or permanent structure above or below grade, designed to hold water eighteen (18) inches deep or greater and/or two-hundred fifty (250) square feet or greater surface area and intended for therapeutic or recreational purposes. This definition does not include an ornamental reflecting pool, fish pond or other type of pool not used for swimming and/or wading and must be located and designed so as not to create a hazard.

(198) **Vacation Vehicle Court**. An area or tract of land used to accommodate two or more vacation vehicles or camper units for a period of less than thirty (30) days.

(199) **Variance.** A variation of, or deviation from the regulations or standards adopted by ordinance, which the Board of Adjustment is permitted to grant.

(200) **Vocational School.** A school that specifically trains people for a skill or trade to be pursued as a trade.

(201) **Yard.** A space on a lot, other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

(202) **Yard, Front.** Any yard between the front lot line and the setback line of a main building and extending for the full width of the lot.

(203) **Yard, Rear.** A yard between the rear lot line and the setback line of a main building, extending across the full width of inside lots and for corner lots a yard between the rear lot line and the setback line of the building and extending between the side lot line and the front yard lying opposite.

(204) **Yard, Side.** Any yard between the side lot line and the setback line of a main building, extending from the front yard to the rear yard.

(205) **Yard, Street Side.** On corner lots, the yard determined by the owner to be the side yard on the street and running from the front setback line to the rear property line.

(206) **Youth Group Home.** A dwelling unit wherein room, board, ordinary care, and supervision are provided in a family environment by the resident family or group home parents to persons who are unrelated to the resident family or group home parents and who are under the age

of eighteen (18) years. To qualify, the dwelling unit must be approved by an agency of Utah state government.

(207) **Zero Lot Line Development.** Single family dwellings arranged on lots with one common wall of the building located on the property line.

Chapter 8.27

DEVELOPMENT STANDARDS

Section 8.27.02 Development Review Committee Created.

(1) In order to more effectively facilitate the review and processing of development applications, there is hereby created a Development Review Committee.

(2) The Development Review Committee is composed of representatives from:

(a) The planning staff;

(b) The engineering department;

(c) The water resource department;

(d) The fire marshal's office;

(e) The health department;

(f) The public works department;

(g) The sheriff's department;

(h) The county surveyor.

(i) Special service districts;

(j) Any other party having pertinent information, when requested by the planning director.

(3) The planning director or its designee shall chair this committee.

(4) The Development Review Committee shall be the ALUA to review and approve, deny, or modify any preliminary subdivision application after a public hearing before the planning commission.

Section 8.27.04 Type of Developments.

The following are types of developments that are considered by this Title subject to the subdivision application procedures in Utah Code §§ 10-9a-604.1 and 10-9a-604.2.

(1) **Small-Scale Development.** A development consisting of no more than five (5) lots, units or Equivalent Residential Units, for which preliminary and final subdivision applications are processed as provided in Sections 8.27.07 through 8.27.09. The Town Engineer, acting as the ALUA, shall review subdivision improvement plans only during the final subdivision application.

(2) **Farm Preservation Development**. A development consisting of not more than five (5) lots including a lot which is a minimum of 20 acres. Farm preservation developments shall follow the same process as a small-scale development.

(3) **Large Scale Development.** A development consisting of more than five (5) lots, units or Equivalent Residential Units, for which preliminary and final subdivision applications are processed as provided in Sections 8.27.07 through 8.27.09. The Town Engineer, acting as the ALUA, shall review subdivision improvement plans only during the final subdivision application.

(4) **Planned Performance Development**. A Development that is encouraged to use imaginative, efficient utilization of land as well as consolidation of open spaces and clustering of the dwelling units. Density in the planned performance development is determined by additional amenities and open space. The preliminary and final subdivision applications are processed as provided in Sections 8.27.07 through 8.27.09. The Town Engineer, acting as the ALUA, shall review subdivision improvement plans only during the final subdivision application. (See 8.29)

(5) For any of the Developments identified in Subsections (10, (2), (3), and (4), only if the applicant requests a pre-application meeting with the Development Review Committee, the planning staff shall schedule the meeting within 15 business days after the request to review the concept plan and provide initial feedback.

Section 8.27.05 General Submittal Requirements.

The General Submittal Requirements are not inclusive. Additional information can be found under each type of development.

The General Submittal Requirement Package shall contain a submittal of the subdivision or development application in a form which complies with the following:

(1) The plans shall be drawn to a scale not smaller than one inch equals one hundred feet (1" = 100'), and shall show the following:

(a) Project name and address;

(b) North point, scale, date;

(c) A copy of the record of survey filed with the Wasatch County surveyor's office;

(i) In the event that the development has multiple phases, the proposed plat shall show the recorded file number of the record of survey and/or paper copy of the survey;

(d) A copy of the coordinate sheet which shall show the following:

(i) The courses and distance of the proposed development/subdivision boundary and the error of closure;

(ii) The area of the lot in square feet and acres, and the error of closure for each lot within the plat;

(e) All open spaces and roadways are to be considered as individual parcels and treated as such;

(f) Names, addresses, and telephone numbers of developer, engineer, and current and prospective owners;

(g) Nearest section corner tie, township(s) and range(s);

(h) Acreage, property dimensions, project perimeter, legal description;

(i) All proposed phases of the development, numbered and defined, with approximate timetable for development;

(j) Location of entire development in relation to surrounding neighborhoods and developments (include names of adjacent subdivisions and developments, adjacent property owners' names and addresses, and adjacent land uses and buildings);

(k) Existing topography with a contour interval of two (2) feet;

(l) Grading plans illustrating cut and fill limits and limits of disturbance and landscaping plans including topographic lines;

(m) Existing and proposed lot lines, easements, walkways, streets and rights-of-way (public and private), including widths, names, and numbers, on subject and surrounding areas; proposed dedications of public use areas; existing and proposed curb, gutter, and sidewalk. Sidewalks may not be required in all residential areas, but should be noted on the plans if proposed by the developer or if required by the Town of Daniel after initial review. Commercial or mixed use areas will require sidewalks;

(n) Existing waterways (including irrigation), significant vegetation, and natural features of the land;

(o) Sensitive lands, including slopes over twenty five (25) percent, flood hazard areas, fault line setback areas, wetlands, high water table areas, landslide areas,

alluvial fan, flood debris flow, or collapsible soil hazard areas, shallow ground-water areas, stream or drainage corridor setback areas, springs, seeps or surface water areas, detention basin areas, established road and utility corridors, ridge line areas and geologic hazards;

(p) Soils testing and geotechnical analysis as required by the Town of Daniel;

(q) Existing and proposed infrastructure including all fire hydrants, water and sewer lines, storm sewer system, and all utilities, including but not limited to electricity, natural gas, telephone, cable television;

(r) Proposed layout of all public and private streets, if any, including profiles (same scale as site plan) and cross-sections (same as Town of Daniel standards, at an interval of one hundred (100) feet (or as determined by the Town of Daniel planner);

(s) Location and elevation drawings of existing and proposed buildings, signs, dumpster and utility enclosures, fences and other structures;

(t) For commercial or mixed use projects, a landscaping plan illustrating evergreen / deciduous plant massing, planting materials, irrigation plans revegetation areas, limits of disturbance, etc. For residential single-family projects the following will be required;

(i) A calculation of the amount of water that will be needed on the land for landscaping purposes;

(ii) A plant materials list;

(iii) An irrigation, sprinkling system design plan;

(iv) A plan for the revegetation of cuts and fills;

(u) Drainage plans illustrating that the development as planned does not impose adverse impacts to the drainage system or increase the sediment contribution to receiving waters. The drainage plan will illustrate methods of controlling runoff, directing flow and detaining or retaining water. Methods in preparing the necessary items to be contained in the drainage plan are described in A Guide for Erosion and Sediment Control for Wasatch County. The drainage plan shall include the following:

(i) Site Description;

(ii) Development Plan;

(iii) Drainage Assessment;

(iv) Storm Water Pollution Prevention Plan; and

(v) Parking, access and loading plan, including required bus pullouts and/or other proposed mass transit plans;

(w) Unit configuration footprints and typical architectural elevations;

(x) Tabulation of projected ERU's, as described in the plan, number of housing units by type with the number of bedrooms, parking stalls provided, building square footage, building footprint square footage, open space acreage and percentage, landscape acreage and percentage, hard surface acreage and percentage;

(y) View shed analysis illustrating existing and proposed views from selected vantage points. Compatibility to the surrounding environment and development, along with color, scale, and massing will be key elements evaluated. Any combination of vantage points may be required to be analyzed. (See Appendix 4 – Viewing Platform Map) Visual assessments (from relevant designated vantage points as directed by the Daniel Planning Commission or its appointee) depicting conditions before and after the proposed development. These shall include the proposed location, size, design, landscaping, and other visual features of the project to assist in analyzing the potential aesthetic impact and most advantageous location of structures and other improvements to reduce any adverse impacts. The visual assessment shall be conducted using techniques as approved by the Daniel Planning Commission or its appointee, including but not limited to sketches, models, hand-enhanced photographs, and computerized images. Selection of the appropriate technique will depend on the size of the development and the visual sensitivity of the proposed development site;

(z) Any additional information which the Town of Daniel planner and/or Planning Commission may reasonably require in a specific instance. Where a developer owns or controls more land than he or she wishes to develop immediately, the Town of Daniel may require that a preliminary plan of the whole area be submitted, in which case the developer shall indicate the portion to be developed immediately and the portion to be held for future development.

Section 8.27.06 Small Scale Development Regulations.

Division of land into five (5) or fewer parcels and/or the development of five (5) or fewer parcels or ERUs may be processed as a small-scale development provided the parcels meet the minimum lot size for the zone.

(1) **Developments to be in the Same Zone.** Each of the lots in a development must be located entirely within the same zone in which the development is anticipated.

(2) **Minimum Lot Size to Qualify.** Lots smaller than the acreage required in the underlying zone cannot be processed as a small-scale subdivision.

(3) **Sewer and Water Requirements.** Lots less than five acres must be connected to a public sewer system. All lots must prove adequate water rights for culinary use as well as sufficient water to irrigate any land which has been historically irrigated.

(4) **Compliance with this Title.** Any small or large-scale development must meet the requirements of this title, regarding lighting, landscaping, emissions, signs, environmental regulations, or any other section of this title that is applicable to the development.

(5) **Further Division.** Further division of any lot after a total of five (5) lots, units or ERUs have been created must be processed as a large scale development.

(6) **Geologic Hazards.** Small scale developments may be required to provide geotechnical analysis as part of the subdivision or development approval. See Chapter 8.17.

Section 8.27.07 Preliminary Application Procedures and Requirements For Developing Small Scale Developments.

In order to develop a small scale development in any zone, the applicant must go through the following procedures:

(1) Applicant must submit a complete preliminary application for a small scale development, including the owner's affidavit, an electronic copy of the PDF format, the preliminary subdivision plat drawings and payment of the application fee.

(2) Applicant must prepare a preliminary drawing of the proposed plat, containing all items required by the provisions of this title, and submit any plans or studies required under this title.

(3) Applicant may request a pre-application meeting with planning staff to review the application and the preliminary plat.

(4) At the pre-application meeting, the ALUA, which includes the designated planning staff, Development Review Committee, Town Engineer, and Planning Director, shall provide or make available on the Town's website the following: a. copies of applicable land use regulations; b. a complete list of standards required for the project; c. the preliminary and final application checklists; and feedback on the concept plan of the subdivision, if submitted. A concept plan is required.

(5) If application is complete, the planning staff shall take the preliminary plat to the next available meeting of the Development Review Committee for comment. The planning staff shall advise the applicant of modifications or if additional information is required.

(6) In reviewing a preliminary subdivision application, the Development Review Committee may require: a. additional information or modifications to plans to ensure compliance with city and approved standards and specifications for construction of public improvements; b.

modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information, and c. any additional information or modifications requested shall be specific and include citations to ordinances, standards, or specifications that require the modifications to preliminary subdivision plans, and the request shall be logged in an index.

(7) Applicant shall make the modifications to the preliminary plat required by planning staff and the Development Review Committee.

(8) Preliminary Application Requirements.

(a) Preliminary Application. The following items shall be submitted with the preliminary application, along with any other plans or plat requirements of this title:

i. Show name and address of development and developer's engineer;
ii. Plan in D size sheets (24" x 36");
iii. Boundary lines of the tract of land to be subdivided shown in heavy lines;
iv. Vicinity Map;
v. All proposed phases of the development, numbered and defined, with approximate timetable for development;
vi. Existing topography with a contour interval of two (2) feet;
vii. Grading plans illustrating cut and fill limits and limits of disturbance and landscaping plans including topographic lines, and evidencing conformance with this title;
viii. Existing and proposed lot lines, easements, walkways, streets and rights-of-way (public and private), including widths, street names, and numbers, on subject and surrounding areas; proposed dedications of public use areas; existing and proposed curb, gutter, and sidewalk and trail system, including cross-section of trails proposed. Commercial or mixed-use areas will require sidewalks;
ix. Soils testing and geotechnical analysis as required by this title;
x. Existing and proposed infrastructure including all fire hydrants, water and sewer lines, storm sewer system, and all utilities, including but not limited to electricity, natural gas, telephone, and cable television;
xi. Proposed layout of all public and private streets, if any, including profiles (same scale as site plan) and cross-sections;
xii. Location and elevation drawings of existing and proposed buildings, signs, dumpster and utility enclosures, fences and other structures;
xiii. A landscaping plan as required in this Title illustrating evergreen/deciduous plant massing, planting materials, irrigation plans revegetation areas, limits of disturbance, etc.;

xiv. Drainage plans as per A Guide for Erosion and Sediment Control for Wasatch County, Appendix E, See Appendix 5. The drainage plan shall include the following:

- Site description;
- Development plan;
- Drainage assessment;
- Storm water; and
- Pollution prevention plan.

xv. Environmental Constraints Analysis. Slopes over thirty (30) percent, flood hazard areas, fault line setback areas, wetlands, high water table areas, landslide areas, alluvial fan, flood debris flow, or collapsible soil hazard areas, shallow ground-water areas, stream or drainage corridor setback areas, springs, seeps or surface water areas, detention basin areas, established road and utility corridors, ridgeline areas and geologic hazards;

xvi. Parking, access and loading plan, including required bus pullouts and/or other proposed mass transit plans;

xvii. Unit configuration footprints and typical architectural elevations;

xviii. Tabulation of projected ERUs, as described in the plan, number of housing units by type with the number of bedrooms, parking stalls provided, building square footage, building footprint square footage, open space acreage and percentage, landscape acreage and percentage, hard surface acreage and percentage;

xix. View shed analysis illustrating existing and proposed views from selected vantage points;

xx. Any additional information that the Town of Daniel planner and/or Planning Commission may reasonably require in a specific instance. Where a developer owns or controls more land than he or she wishes to develop immediately, the Town of Daniel requires that a overall preliminary plan of the whole area be submitted, in which case the developer shall indicate the portion to be developed immediately and the portion to be held for future development;

xxi. Fiscal analysis; and

xxii. Site assessment information. All important aspects of the site are to be documented. This includes but is not limited to the following: Historic/cultural, vegetation, geologic features etc. If information is found, a mitigation plan may be necessary.

(b) Preliminary Documentation: The preliminary documentation shall include the following documents that shall be prepared in accordance with Town of Daniel standards, and shall be submitted in accordance with the requirements of this title, or any amendment thereto, with the required application fees. A sample of such documents may be obtained through the planning office, if requested. These

documents shall be a draft copy of each document, which shall be reviewed and the final copies will be submitted with the Final documentation when application is made for final approval.

i. Draft copy of Articles of Incorporation and Bylaws of the Property Owners Association;
ii. Draft copy of declaration of covenants, conditions, restrictions and management policies;
iii. Documentation of ownership of or permanent right to sufficient water to meet the culinary and outside irrigation needs of the development as required herein;
iv. Will serve letters from irrigation companies or provider of outside irrigation. Such letters should indicate terms and conditions of service and impacts to the company's facilities;
v. Letters from affected entities stating concerns and requirements including the following:
    A. Special service district and/or other appropriate agency, indicating the availability of water, water service, sewer service, extended fire, extended police, schools, garbage collection and disposal, roads maintenance, trails maintenance, open space management, storm water detention, telephone service, electric service, natural gas, and other municipal type services;
vi. A draft copy of an open space and common area maintenance agreement;
vii. A draft copy of a plan for assuring that any services agreed to be provided by the development will continue to be provided by the development on an ongoing basis without becoming a burden to the Town of Daniel; and
viii. Draft copy of the proposed development agreement.

(c) The planning Development Review Committee may not, outside the review cycle, engage in substantive review of required infrastructure improvements or a municipally-controlled utility until final subdivision plan review.

(9) If the preliminary subdivision application complies with the applicable Town of Daniel ordinances and the requirements of Utah Code § 10-9a-604.1, the Development Review Committee shall approve the preliminary subdivision application.

(10) Within 180 days after receiving approval of the preliminary subdivision plan and plat by the Development Review Committee, unless such time is extended by the Development Review Committee, the applicant shall submit the original and three copies of the final plat to the Town Engineer for final approval or disapproval.

(11) And shall prepare a final plat on paper to be reviewed by the county surveyor's office. If the surveyor's office does not have any changes that need to be made, a Mylar may be submitted.

(12) If planning staff and the Development Review Committee approve the final plat, the developer shall obtain the necessary signatures of the owner and lien holders, before a notary public. The signed final plat shall then be returned to the planning staff.

(13) The planning staff shall then circulate the final plat within the Town of Daniel and special service districts and obtain the necessary signatures of such departments, including the Mayor.

(14) The Daniel Planning Commission or its appointee shall forward the final plat and documents to the office of the town recorder and/or the Wasatch County recorder for recording. All fees must be paid by the developer at the time of recording. If the final plat is not recorded within one (1) year of receiving final approval from the Planning Commission, the approval shall expire.

(15) Any appeal of a decision of the Development Review Committee shall be forwarded to the Planning Commission for consideration.

(16) The subdivision boundary monuments must be in place and verified before filing the plat.

Section 8.27.08. Final Subdivision Plan Application Procedures and Requirements For Developing Small Scale Developments.

(1) In reviewing a final subdivision plan application, the Town Engineer may require:

(a) additional information or modifications to plans to ensure compliance with city ordinances and approved standards and specifications for construction of public improvements;

(b) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information;

(c) additional information or modifications to plans which shall be specific and include citations to ordinances, standards, or specifications that require the modifications to final subdivision improvement plans, and logged in an index; and

(d) The Town Engineer shall require the subdivision improvement plan including the civil engineering plans associated with the required infrastructure improvements and municipally controlled utilities required for a subdivision.

(2) The Applicant shall provide the final subdivision application requirements and documents as required in DTC 8.27.05.

(3) The Town Engineer may not require more than four review cycles for a subdivision improvement plan review.

(4) Within 40 business days after the complete final subdivision application is submitted with the subdivision improvement plan, the Town Engineer shall complete the final subdivision plan review.

(5) Subject to Subsection 8.27.08(5)(a), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the subdivision improvement plan is waived by the Town Engineer.

(a) Any modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(b) If the applicant makes a material change to a subdivision improvement plan, the Town Engineer has the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.

(c) If an applicant does not submit a revised subdivision improvement plan within 40 business days after the modification or correction is required, the Town Engineer has an additional 20 business days after the 40 days specified in Subsection 8.27.08(3), to respond to the revised subdivision improvement plan.

(6) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the Town Engineer's previous review cycle, the Town Engineer may not require additional revisions if the applicant has not materially changed the subdivision improvement plan, other than responsive changes to the Town Engineer's requested modifications or corrections.

(7) In addition to revised subdivision improvement plans, the applicant shall provide a written explanation, that is comprehensive, specific, including citations to applicable standards and ordinances for the design, and indexed, that identifies and explains each of the applicant's revisions or declined revisions.

(8) If an applicant fails or refuses to address a review comment in the response, the review cycle is considered incomplete and the subsequent review cycle may not begin until all comments are addressed.

(9) If on the fourth and final review, the Town Engineer fails to respond within 20 business days, and the applicant requests a review, the City shall within 10 days of the request:

(a) assemble an appeal panel for a dispute arising from the subdivision improvement plans to review and approve or deny the final revised set of plans; or

(b) advise the applicant in writing of the deficiency of the application upon subdivision ordinance review and the applicant's right to appeal the determination to the designated appeal authority.

(10) Any other appeals of decisions interpreting Title 8 shall be before the Board of Appeals as provided in 8.02.08 and 8.02.09.

8.27.09. Final Subdivision Approval.

If a final subdivision application complies with the requirements of this section. the applicable municipal ordinances, and the preliminary subdivision approved granted in compliance with Utah Code §10-9a-604.1, the Town Engineer shall approve the final subdivision application.

8.27.10. Development Agreements.

(1) If any requirement of this Title or the applicable standards is proposed to be satisfied by relation to or incorporation of components of another phase or related development, the applicant shall enter into a development agreement with Town of Daniel governing the applicable phases and related development or modify the application to satisfy all requirements.

(2) Any development agreement between the applicant and Town of Daniel shall comply with Utah Code §10-9a-532.

Section 8.27.11 Farm Preservation.

(1) **Intent.** The intent of the farm preservation subdivision is to encourage the continuance of viable farming operations by allowing parcels to be split off of a larger farm pieces and allow development with standards that are not as strict as a standard development. By allowing a lesser standard, the intent is for the farmer to be able to have a more manageable piece of property, allow family members an affordable parcel so they can afford to live close to the farm and provide the opportunity for raising of money to continue an agricultural pursuit.

(2) **Requirements.**

(a) All of the property must be in a RA-5 zoning district.

(b) Farm preservation subdivisions cannot contain more than a total of 5 lots.

(c) At least one (1) of the lots must be twenty (20) acres and remain in agricultural pursuits and must qualify for greenbelt status under the property tax laws.

(d) All of the lots must meet the frontage requirement for the zone they are located in.

(e) All roads must meet the road standards required for the traffic volume.

(f) Homes may be on septic tanks as long as the density of the development does not exceed one (1) septic tank for every five (5) acres (gross acreage).

(g) Parcels cannot be further subdivided.

(h) A deed restriction must be recorded on the 20-acre farm preservation parcel requiring the parcel to remain agricultural and not allowing further subdivision for a period of ten (10) years.

(i) A plat must be recorded with "Farm Preservation subdivision," in the title.

(j) Property proposed for development must be owned by the property owner or immediate family with three (3) degrees of consanguinity for a minimum of seven (7) years prior to application for subdivision.

(k) If the farm preservation piece is proposed to be developed all lots including existing smaller lots must tie onto sewer and water.

Section 8.27.12 Large Scale Development Regulations.

The process for developing any large scale development is as follows:

(1) **Sewer and Water Requirements.** Developments more dense than five (5) acres per dwelling must be connected to a public sewer system. All lots must provide adequate water rights for the culinary use as well as sufficient water to irrigate any land that has been historically irrigated.

(2) **Compliance With this Title.** Any large scale development must meet the requirements of this title regarding lighting, landscaping, emissions, signs, environmental regulations, or any other section that indicates applicability to the development being considered.

(3) **Process for Developing Large Scale Developments.** The preliminary and final subdivision application procedures for large scale developments shall comply with Sections 8.27.07 through 8.27.09 except subdivision improvement plan approval and review cycles apply only to final subdivision applications.

(a) **Concept Plan.** Any applicant for approval of a large scale developments is required to submit a concept plan to be reviewed by the Development Review Committee.

(b) **Planned Performance Development.** Planned performance developments shall receive master plan, density, and overall preliminary approval under one

application. Density shall be established by determining physical and infrastructure constraints (see 8.27.27) of the site and coming up with a feasible number of buildable lots. In zones that allow density bonuses, the density shall be used as a base. After master plan and density approval the process shall follow the large-scale development requirements.

(c) **Preliminary Approval.** In addition to the requirements of 8.27.07(1), the Applicant shall submit a complete application form for the type of development requested and pay the appropriate application fee, along with the preliminary plans and drawings and any documents or other items required for the development type. Preliminary approvals shall be for the entire property.

(d) **Review For Completeness.** The Development Review Committee shall review the application to determine if the application is complete. This review shall not be a review as to the quality of the application, but only to determine if all required items have been provided.

(e) **If Incomplete.** If the application is found to be incomplete, the Development Review Committee will notify the applicant and advise the applicant of the additional items that are necessary to make the application complete.

(f) **If Complete.** If the application is found to be complete, the Development Review Committee will notify the applicant in writing and place the item on the next Planning Commission agenda for one public hearing.

(g) **Placement on Agenda.** The planning staff shall, after an item is determined to be complete, place the matter on the agenda for a public hearing before the Planning Commission. The planning staff shall then write a report of the Planning Commission's recommendations to the Development Review Committee.

(h) **Planning Commission**. The Planning Commission will hold a hearing, after proper public notice, and will allow for public comment on the matter. If Planning Commission makes a recommendation for approval, the proposal will be forwarded to the Town of Daniel Development Review Committee for the final determination.

(i) **Town of Daniel Development Review Committee.** After receipt of the recommendation of the Planning Commission, and performance of any conditions that are required to be completed, the Development Review Committee, acting as the ALUA, shall issue its decision on the preliminary subdivision application. The decision may be to approve, approve with conditions, or to deny the application.

(j) **Final Approval Process.** Prior to the expiration of the preliminary approval as provided in Section 8.27.07(10), the applicant shall submit an application for final approval. The application for final approval will be considered by the Town Engineer so long as the final plan has not deviated from the approved preliminary

plan or if determined by the Development Review Committee that any proposed changes are in keeping with the approved preliminary plan. Once approved by the ALUA, the plat must be signed by the mayor.

(l) **Plat Recordation.** After receiving final approval, but prior to expiration thereof, the applicant shall submit the final plat and all necessary final documents, bonds and/or development agreements, which have been signed and notarized by the owner, lien holder, and surveyor, as necessary, to the Development Review Committee for processing. Prior to the recording of the plat, the subdivision boundary monuments must be placed and all lots staked. An inspection will be performed by the Town of Daniel designated planning staff to verify compliance. The designated planning staff will obtain any signatures necessary from any municipal department, county department, or special service district. The planning staff shall take the plat and documents to the county recorder for recording. All recording fees shall be paid by the applicant. Any outstanding fees not yet paid by the applicant must be paid prior to recording.

(4) **Concept Application Requirements**. The following items shall be submitted as part of the concept plan.

(a) Location of the entire development in relation to surrounding neighborhoods and developments (include names of adjacent developments, adjacent property owners' names and addresses, and adjacent land uses and buildings);

(b) Existing waterways (including irrigation), significant vegetation, and natural features of the land;

(c) Existing and proposed infrastructure including all fire hydrants, water and sewer lines, storm sewer system, and all utilities, including but not limited to electricity, natural gas, telephone, cable television;

(d) Proposed layout of all public and private streets;

(e) Tour of the site with the planning staff;

(f) Any additional information that the Town of Daniel Development Review Committee may reasonably require in a specific instance. If an applicant owns or controls more land than the applicant wishes to develop immediately, the Town of Daniel requires that a conceptual plan of the entire area be submitted, in which case the applicant shall identify the portion to be developed immediately and the portion to be held for future development; and

(g) Final Application Requirements. The final plans must first evidence how the final plans conform to the preliminary plans and any conditions for preliminary approval and such plans must also include the following:

(i) Development name and address;

(ii) North point, scale (not smaller than 1" = 100'), date;

(iii) Development phase number, if a phased project;

(iv) Names, addresses, and telephone numbers of developer, engineer, and current owners;

(v) Nearest section corner tie, township(s), and range(s);

(vi) Lot lines, dimensions and area; adjacent lots and phases;

(vii) Existing and proposed easements, walkways, trails, streets, and rights-of-way (public and private), and trails, including widths, names, and numbers; proposed dedications of public use areas; existing and proposed curb, gutter and sidewalk (public and private);

(viii) Existing waterways (including irrigation and piping);

(ix) Topography (contours at two-foot (2') intervals) and site drainage plan which illustrate existing and proposed conditions;

(x) Existing vegetation to remain on development and natural features of the land;

(xi) Sensitive lands including, but not limited to slopes over thirty (30) percent, flood hazard boundary, wetlands, high water table areas, and geologic hazards;

(xii) Soils testing and analysis. Geotechnical studies as required by this title;

(xiii) UDOT approval for access to state roads; approval of Wasatch County flood control and the Daniel Planning Commission; approval of Army Corps of Engineers in wetlands or high water table areas; approvals of power, gas, telephone and cable companies where easements are proposed and service is required;

(xiv) Final grading plans illustrating cut and fill limits and limits of disturbance;

(xv) Temporary construction erosion control plan;

(xvi) Final drainage plan illustrating methods of controlling runoff, directing water flow, and detention / retention areas;

(xvii) Existing and proposed utilities including, fire hydrants, water and sewer lines, and storm sewer system;

(xviii) Location and elevation drawings of existing and proposed buildings, signs, dumpster and utility enclosures, fences and other structures including materials and colors;

(xix) Landscaping plan with irrigation system and plant species and sizes;

(xx) Parking, access, and loading plan;

(xxi) Lighting plan;

(xxii) Signage plans shall comply with Daniel Sign Regulations as found in this title;

(xxiii) Architectural plans (floor plans, elevation, with materials);

(xxiv) Tabulation of ERUs, as defined by the plan, number of housing units by type and square footage, with the number of bedrooms, parking stalls provided, building square footage, building footprint square footage, open space acreage and percentage, landscape acreage and percentage, hard surface acreage and percentage;

(xxv) Special service district approval letter;

(xxvi) Mitigating measures (to conform with the Daniel Land Use Code and design standards as found in this document), and any other information as required by the Town of Daniel as a condition of approval; and

(xxvii) Water rights that are being dedicated to the development or an indication how water service will be made.

(h) **Final Documentation.** The following official documents prepared in a manner that will fully present information required as part of this title on forms:

(i) Articles of Incorporation and Bylaws of the association;

(ii) Declaration of covenants, conditions, restrictions, and management policies;

(iii) Maintenance agreement between the developers, Property Owners Association, SSD, and/or the Town of Daniel, providing for the establishment of an impound account as a means of assuring proper maintenance of the development;

(iv) Open space agreement acceptable to the Town of Daniel;

(v) Affordable housing agreement approved by Town of Daniel;

(vi) Schools and civic agreement approved by Town of Daniel;

(vii) Itemized estimates of the cost of constructing all required improvements to be constructed in the development. The developer shall also submit a report to the Planning Commission pertaining to the source or sources of the construction funds;

(viii) A statement from the State Health Department, through the County Health Department, granting engineering approval of the development pertaining to water and sewer facilities if not publicly owned;

(ix) A final form of the development agreement, as adopted by the Town of Daniel, (see Appendix 7) showing assurances to the Town of Daniel that the services to be provided by the development will continue to be provided by the development on an ongoing basis and will not require the Town of Daniel to take over services in areas outside of the planned urban services areas, and become a financial burden on the Town of Daniel; and

(x) Vicinity map on the plat.

Section 8.27.19 Completion of Site Improvements Before Building Permits.

Building permits, including footing and foundation permits for lots in new developments, shall not be issued until all required improvements in the development to be installed or completed by the developer are accepted in writing by the Town of Daniel. Upon a showing of good cause and adequate protection for the Town of Daniel, this regulation may be waived or amended on a case-by-case basis for attached single-family, multi-family, commercial, industrial or institutional development, by approval of the Town of Daniel planning staff or the building official. The Town may not require an applicant to post an improvement completion assurance for or dictate who installs or is responsible for the cost of landscaping of resident lots as provided in Utah Code § 10-9a-604.5.

Chapter 8.32 ENGINEERING DEPARTMENT.

Section 8.32.02 Responsibilities of Department.

The department of engineering shall be responsible for the following functions and duties:

(1) Coordinate the work of review engineers hired by the Town of Daniel to review proposed subdivisions and other instances in which public or private infrastructure is constructed.

(2) Inspect the construction of all infrastructure improvements constructed in any subdivision or in any public right of way to insure construction conforms to the approved plans and specifications.

(3) Provide for final acceptance by the Town of Daniel of the final subdivision application and public infrastructure improvements.

(4) Authorize timely release of construction and warranty bonds issued to secure construction and proper function of infrastructure improvements.

(5) Provide for management and operation of special service districts as authorized by the legislative body of the Town of Daniel.