

**APPLE VALLEY
ORDINANCE O-2022-60**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “11.12 Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12 Standards (Non-existent)

AFTER AMENDMENT

11.12 Standards

SECTION 2: **AMENDMENT** “11.12.010 Departmental Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.010 Departmental Standards (Non-existent)

AFTER AMENDMENT

11.12.010 Departmental Standards

Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, flood control facilities, ~~water systems~~ and fire protection systems shall be prepared by the town engineer in accordance with the ~~Town of Apple Valley’s Design~~ Standards and Specifications; standards for water distribution ~~and sewage disposal facilities~~ by Big Plains Water ~~and Sewer~~ Special Service District ~~with the assistance from the Utah State Department of Environmental quality and Southwest Utah Public Health Department;~~ standards for sewage disposal facilities by Ash Creek Special Service District.

SECTION 3: **AMENDMENT** “11.12.030 Fire Flow And Line Size Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.030 Fire Flow And Line Size Standards (Non-existent)

AFTER AMENDMENT

11.12.030 Fire Flow And Line Size Standards

The subdivision shall be improved in accordance with the Design Standards, rules and regulations, adopted by the town. Such plans and profiles shall include but are not limited to (See Town Design Standards and Specifications) ~~(see Town Subdivision Design Standards)~~ the following:

- A. All fire flow and line size standards shall conform to the international fire code.
- B. In all cases, the water source, water storage and water delivery system shall be engineered and installed to provide the required fire flow during times of peak water usage as if all development within the proposed subdivision were complete, and as may be required by formulas adopted by the state board of environmental quality in connection with the state's approval system. Verification will be at the developer's expense and certified by a licensed engineer.
- C. Water distribution lines in all subdivisions shall be a minimum of eight (8) inches in diameter. The water lines shall be larger if needed to provide for the required fire flow.
- D. Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than one block out of service during repairs, subject to a maximum of one thousand (1,000) feet.
- E. Previously approved subdivisions
 1. All new water storage, new water lines and new fire hydrants that are installed to develop a new phase of a previously approved subdivision shall conform to the current requirements.
 2. Any water lines that are intended to be used as future feeder lines to platted phases of a previously approved subdivision shall be engineered and installed to provide adequate fire flow to the anticipated phase in accordance with the current flow standards.
- F. Fire Hydrants specifications:
 1. All fire hydrants shall have one 4.5 inch and two (2) 2.5 inch outlets with NH threads.
 2. A six-inch (6) inch gate valve shall be installed on each fire hydrant to be shut off in case of damage or need of repairs. This gate valve shall be accessible by standard square key from the street or ground level.
 3. All fire hydrants shall be properly thrust blocked with poured in place concrete against undisturbed or compacted soil. Rocks and other materials are not acceptable as thrust blocking. Banding and other forms of mechanical restraint may be used only if approved by the Town Council.
 4. All hydrants shall be five (5) feet from the back of the curb or borrow ditch. In all cases hydrants shall have a five (5) foot elliptical radius of unobstructed clearance to adjacent obstacles.
 5. The lowest hydrant water outlet shall not be less than eighteen (18) inches nor more than thirty (30) inches above the final ground level.

G. Fire hydrant spacing and location:

1. Fire hydrant spacing and location shall be as defined in the international fire code, but not to exceed two hundred and fifty feet (250) from any subdivided lot.
2. Fire hydrants shall be installed on dedicated easements or public right-of-ways and hydrants will be owned and maintained by the town.
3. Dead end streets should be avoided in the water system. If they cannot be avoided, a hydrant or flushing valve shall be installed at the end of each such dead end street.

SECTION 4: **AMENDMENT** “11.12.040 Protection Strips” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.040 Protection Strips

Where subdivision street parallels contiguous property of other private property owners, the sub divider may upon approval of the land use authority, retain protection strip no less than one foot in width between the street and adjacent property, provided, that an agreement, approved by the town attorney, has been made by the sub divider, contracting to deed to the then owners of the contiguous property, the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of the one-half the land in the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the town attorney to the land use authority prior to approval of the final plat and recording. Protection strip shall not be permitted at the end of any public street or proposed street.

AFTER AMENDMENT

11.12.040 Protection Strips Generally

Where subdivision street parallels contiguous property of other private property owners, the sub-divider may upon approval of the land use authority, retain protection strip no less than one foot in width between the street and adjacent property, provided, that an agreement, approved by the town attorney, has been made by the sub-divider, contracting to deed to the then owners of the contiguous property, the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of the one-half the land in the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the town attorney to the land use authority prior to approval of the final plat and recording. Protection strip shall not be permitted at the end of any public street or proposed street.

SECTION 5: **AMENDMENT** “11.12.020 Design Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.020 Design Standards

The design of the preliminary and final plat of a subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Such plans and profiles shall include but are not limited to (see Town Subdivision Design Standards):

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards herein after required, or a private street if approved by the Town Council. Private streets and gated communities shall be permitted only as specifically recommended by the planning commission and approved by the Town Council. Land designated as public right of way shall be separate and distinct from lots adjoining such right of ways and shall not be included in the area of such lots.
- C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permits shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions except where such lots are suitable and dedicated for a common open space, private utility, or public purpose as determined by the planning commission.
- D. The side lines to all lots, so far as possible, shall be right angles to each street on which the lot faces or approximately radial to the center of curvatures. Exceptions may be

- made to this requirement where considerations for solar orientation are involved.
- E. Corner lots for residential use shall be planned wider than interior lots to permit conformance with the required front setback requirements of both streets.
 - F. A city boundary line shall not divide a lot; each boundary line shall be made on a lot line.
 - G. Lot numbers shall begin with the number #1 and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
 - H. Except as specifically authorized by this chapter, not more than one dwelling unit shall occupy any one lot.
 - I. No area needed to meet the minimum width, yard area, parking, or other requirements of this chapter for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
 - J. No portion of a lot may be cut off from another portion of a lot that has been created through a subdivision action.
 - K. Blocks shall not exceed approximately eight hundred (800) feet in length.
 - L. Blocks shall be wide enough to adequately accommodate two tiers of lots, unless the Land Use Authority, because of topography, approves a modification or other unusual conditions as provided for by this Code.
 - M. Access from Major Arterial and Collector Streets. Lots shall not derive access exclusively from a major arterial. Access shall be limited on collector streets except where approved by the Town Council. In such cases driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic.
 - N. After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:
 - 1. The property cannot be subdivided with Public Street and standard size lots, either at the present or in the future.
 - 2. The staff portion of said lot shall front a dedicated public or private street. The minimum width of the staff portion of the lot shall be 25 feet.
 - 3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
 - 4. The front side of the flag lot shall be deemed to be the side nearest the dedicated public or private street up on which the staff portion front.
 - 5. All lot size and set back requirements shall be the same as may be required the zone in which the lot is located.
 - 6. No more than five (5) flag lots may be served by one staff portion of said lot.
 - 7. The land use authority shall specifically approve each flag lot.
 - 8. The twenty five (25) foot access easement shall be improved with an all-weather surface to allow access to emergency vehicles.

AFTER AMENDMENT

11.12.020 Design Standards Generally

The design of the preliminary and final plat of a subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Such plans and profiles shall include but are not limited to (See Town Design Standards and Specifications) ~~(see Town Subdivision Design Standards)~~:

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards herein after required, or a private street if approved by the Town Council. Private streets and gated communities shall be permitted only as specifically recommended by the planning commission and approved by the Town Council. Land designated as public right of way shall be separate and distinct from lots adjoining such right of ways and shall not be included in the area of such lots.
- C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permits shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions except where such lots are suitable and dedicated for a common open space, private utility, or public purpose as determined by the planning commission.
- D. The side lines to all lots, so far as possible, shall be right angles to each street on which the lot faces or approximately radial to the center of curvatures. Exceptions may be made to this requirement where considerations for solar orientation are involved.
- E. Corner lots for residential use shall be planned wider than interior lots to permit conformance with the required front setback requirements of both streets.
- F. A city boundary line shall not divide a lot; each boundary line shall be made on a lot line.
- G. Lot numbers shall begin with the number #1 and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
- H. Except as specifically authorized by this chapter, not more than one dwelling unit shall occupy any one lot.
- I. No area needed to meet the minimum width, yard area, parking, or other requirements of this chapter for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
- J. No portion of a lot may be cut off from another portion of a lot that has been created through a subdivision action.
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7. The land use authority shall specifically approve each flag lot.
8. The twenty five (25) foot access easement shall be improved with an all-weather surface to allow access to emergency vehicles.

SECTION 6: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 7: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 8: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from December 14, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Frank Lindhardt, Mayor,, Apple
Valley