



TOWN OF PORTAGE - LAND USE ORDINANCES

- (1) Join two or more of the petitioner's contiguous lots;
 - (2) Subdivide one or more of the petitioner's lots;
 - (3) Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 - (4) On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 - (5) Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
- f. If the Planning Commission approves the amendment petition, the Planning Commission shall sign the amended plat in the manner described in Section 118.2.2, and the petitioner shall record the plat, subject to the completion or guarantee of any improvements, as described in Section 118.3.

119.2 Lot Line Adjustment

1. The fee owners of two parcels may petition to adjust the lot line separating the parcels without a subdivision amendment. Such a petition shall include:
 - a. A record of survey map and a metes-and-bounds description showing the adjustment.
 - b. An explanation of the reason for the adjustment.
 - c. Signatures from all the parcel owners involved in the adjustment.
 - d. Any other information the Planning Commission requests.
2. If the adjustment will not result in a violation of a land use ordinance or an adverse development condition, the Planning Commission shall approve the petition.
3. If the adjustment is approved, the Planning Commission shall sign the record of survey map and accompanying metes-and-bounds description, and the petitioner shall record the document in the County Recorder's Office.

120.0 IMPROVEMENTS AND DESIGN STANDARDS

120.1 Required Improvements

The following improvements are required for all subdivisions, except those that qualify under the Exemptions of 117.3.1:

1. Utilities, including water, sewer, telephone, cable, gas, and electricity.
2. Streets, curbs, gutters, and sidewalks.



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3. Street Grading and Surfacing.
4. Storm Water Drainage.
5. Fire hydrants.
6. Street lights, signs, and monuments.
7. Any other infrastructure (or infrastructure improvement) that is reasonably necessary to meet the needs of the proposed development.
 - a. The Land Use Authority may require an analysis to be completed and provided to determine if adequate public facilities and services are available to serve the proposed development and if such development will change the existing levels of service, or will create a demand for services that exceeds acceptable service levels. Public facilities that may be required by the Land Use Authority to be included in a public facilities analysis include, but are not limited to, road and street facilities and capacities, intersection and bridge capacities, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, fire and emergency services response times, police protection services, and other required public facilities and services. The Land Use Authority may deny or modify any proposed development activity if the demand for public facilities and services exceeds accepted or adopted levels of service, or require an applicant for an approval, license, or permit to provide the required facilities and services concurrent with the demand created by the development activity, consistent with all applicable legal authorities.

120.2. Completion of Improvements

1. Before a subdivision plat may be recorded, and before a building permit may be issued, all improvements required by this Part or other Town ordinances shall be either:
 - a. Completed, inspected, and accepted by the Town, or
 - b. Guaranteed according to Section 120.3
2. The decision whether to guarantee an improvement or to complete it before recording and obtaining a building permit rests solely with the applicant.
3. All improvements are subject to Town inspection before such improvements may be accepted by the Town or considered complete. The Land Use Authority shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable Town ordinances (notably subsection 120.0 of this Title) and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in Section 120.3.
 - a. Inspections.
 - (1) The Town shall publish and maintain objective inspection standards for acceptance of improvements that:
 - (a) Does not change from project to project and



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(b) Are backed up by expert opinion.

4. The provisions of this Part do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

120.3. Improvement Guarantees, Completion Assurances, and Warranties.

1. If an applicant elects to guarantee any required improvement, the applicant shall provide completion assurance for 110% of the cost of the improvement, guaranteeing that the improvements will be completed within two years after the date of the guarantee.
2. For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an engineer's estimate or licensed contractor's bid.
3. The Town shall accept any of the following forms of guarantee for an improvement:
 - a. Bond. The applicant may furnish a bond with corporate surety, which bond shall be approved by the Town Attorney and filed with the Town Recorder.
 - b. Escrow. The applicant may make a deposit in escrow with an escrow holder approved by the Town Council, under an escrow agreement approved by the Town Attorney and filed with the Town Recorder.
 - c. Letter of Credit. The applicant may provide a letter of credit from a financial institution approved by the Town Council, under an agreement to complete the improvements that is approved by the Town Attorney and filed with the Town Recorder.
4. As improvements are completed, inspected, and accepted by the Town, the Town Council shall, each quarter, at the option of the applicant, issue a partial release of bonded or escrow funds proportional to the improvements accepted during the prior quarter.
5. The Town shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the Town has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.
6. Upon acceptance of all required improvements, the applicant shall warrant that said improvements shall remain free from defects in material and workmanship for a period of 12 months after the date of acceptance by the Town. The subdivider shall be solely responsible for all repairs and maintenance required to keep the improvements in good working condition for this 12-month period.