

City of Mendon, Utah
SUBDIVISION ORDINANCE

This ordinance supersedes ordinance 2008-001

Effective Date: March 13, 2008

Mayor: Michael Morgan

Signed: _____

City Recorder: Paul Cressall

Signed: _____

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1. GENERAL PROVISIONS

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1.1 TITLE:

This ordinance shall be known as the Subdivision Ordinance of the City of Mendon, Utah.

1.2 PURPOSE:

The purpose of this ordinance is to provide for the health, safety, and general welfare of the people, to encourage open space preservation, to protect property values, to provide for the orderly division of land and growth, to ensure all services and infrastructure required by a subdivision are available and can be provided in a cost-efficient manner. To provide an adequate and efficient street and road system, to prevent congestion on streets and promote traffic safety, to secure desirable public space and maintain the type of community envisioned in the General Plan for its present and future inhabitants and businesses.

1.3 DEFINITIONS:

For the purpose of this ordinance, certain words and phrases used in this ordinance are defined as follows:

ALLEY: A narrow public or private way less in size than a street, designed for general travel. (A public thoroughfare less than 26 feet wide.)

BUILDING LINE: A line extending across the full width of a lot parallel to the street right-of-way and in front of which no building may be constructed.

DEVELOPABLE LAND: Land other than wetlands, floodplains, fault lines, geological hazards, culinary water shed areas and steep slopes over 20% grade.

EASEMENT: A grant of the right to use a strip of land for specific purposes.

LOT: A portion of subdivision intended as a unit for transfer of ownership or for development.

LOT LINE ADJUSTMENT: The relocation of the property boundary line between two adjoining lots with the consent of the owners of record. Note: A lot line adjustment is not a subdivision, as no new lot, parcel or tract of land is created.

PLAT: A map or drawing on which the subdivision plan or project is depicted, together with such information, supporting data and other requirements, as is necessary to determine compliance of the subdivision project with this ordinance.

STREET: A public way for sidewalk, roadway, and utility installations, being the entire width from lot line to lot line, and including the terms "Road," "Highway," "Land," "Place," "Avenue, or other similar designations.

SUBDIVIDER: Any person, persons, or corporation, dividing or proposing to divide land so as to constitute a subdivision to be shown on a recorded plat.

SUBDIVISION: The division of any tract or parcel of land into two or more lots for the purpose, (whether immediate or future) of transfer of ownership or for building development or for street use, by means of a recorded plat.

CONSERVATION SUBDIVISION: A development alternative intended to protect finite resources including, but not limited to, water resources, open space, trails, and/or wild habitat. A conservation subdivision can either be a major or minor subdivision.

LOT-SPLIT SUBDIVISION: Division of property by metes and bounds into two lots.

MAJOR SUBDIVISION: Division of property by metes and bounds into more than five lots.

MINOR SUBDIVISION: Division of property by metes and bounds into three to five lots.

1.4 UNRECORDED PLATS:

No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved by Mendon City Council. The description of such lot or parcel, by metes and bounds, in the instrument of transfer, or other documents used in the process of selling or transferring, shall not exempt the transaction from the penalty provided in this ordinance.

1.5 VALIDITY OF ORDINANCE:

Should any section, clause, or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not effect the validity of the ordinance as a whole, or of any part thereof other than the part so declared invalid.

1.6 REPEALS OF ORDINANCES:

All ordinances or parts of ordinances, in conflict with the provisions of this ordinance are repealed.

1.7 PENALTIES:

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor. Mendon City Council shall have the power to restrain any conduct in violation of any provision of this ordinance. Any fine assessed to the subdivider, must be paid before final disposition will be given by the City Council.

2. PROCESSING PROCEDURES

SECTION

- 2.1 PURPOSE
 - 2.2 INITIAL CONTACT
 - 2.3 DEADLINES
 - 2.4 ADMINISTRATIVE REVIEW
 - 2.5 CONCEPTUAL PLAT REVIEW
 - 2.6 PRELIMINARY PLAT REVIEW
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-

2.1 PURPOSE:

Outlines the required procedure for subdivision approval. Adopts and incorporates the definition of terms found in Chapter 1-1.3.

2.2 INITIAL CONTACT:

An applicant for a subdivision shall contact the Planning and Zoning (P&Z) secretary to obtain the required application(s) and summary of city requirements including the city water policy.

2.3 DEADLINES:

Completed application(s) and conceptual and preliminary plats must be received by the P&Z secretary at least twenty-one (21) days prior to a Mendon P&Z Commission meeting in order to be considered at such meeting. Final Plats must be received by the City Clerk at least twenty-one (21) days prior to a City Council meeting in order to be considered at such meeting.

2.4 ADMINISTRATIVE REVIEW:

The applicant shall provide the P&Z Chair the completed application(s) and a drawing of the proposed subdivision in sufficient detail to permit and initial review for compliance with Mendon City Ordinances.

2.5 CONCEPTUAL PLAT REVIEW:

1. APPLICATION:

A Conceptual Plat Review required is required for major subdivisions and is optional for all other subdivisions. The Conceptual Plat Review is intended to assist the subdivider in the preliminary design of a plat. A request for the review must be submitted with the completed application(s) as referenced above, and include:

Eight 11" x 17" copies of the conceptual plat as described below.

2. **CONCEPTUAL PLAT:**

The conceptual plat shall contain the following information:

- a. Location of the subdivision, as a part of some larger subdivision or tract of land. A vicinity map is also required.
- b. Names, addresses and telephone numbers of the subdivider.
- c. All property under the control of the subdivider contiguous to the proposed subdivision, even if only a portion is being subdivided, showing the proposed street system to be in conformance with the Mendon City General Plan.
- d. The following existing conditions: Streets, watercourses, and other important features such as easements and existing trees over 10 feet tall, within and adjacent to the tract to be subdivided.
- e. The following proposed conditions: Location for all proposed streets, easements, lot lines, and areas proposed to be reserved for public use (reference 4.7.1).
- f. The following plat drafting information: Date of preparation, scale (not less than 100 feet to the inch), and North arrow symbol (designated as true North).

3. **COMMISSION FINDINGS:**

After reviewing the Conceptual Plat including the layout of the streets and lots to determine conformity with city ordinances, the P&Z Commission will prepare and return to the developer, a memorandum/letter with comments on the submitted drawings.

2.6 PRELIMINARY PLAT REVIEW:

1. **APPLICATION:**

Required for all types of subdivisions. A subdivider shall submit the following:

- a. Three (3) "D" size (36" x 24") drawing sets of the preliminary plat.
- b. Eight (8) copies of the preliminary plat reduced to an 11" x 17" size.

2. **PRELIMINARY PLAT:**

The preliminary plat shall contain the following information:

- a. Proposed name of the subdivision (major and minor subdivisions only).
- b. Identification and legal description of the subdivision.

- c. Location of the subdivision, as a part of some larger subdivision or tract of land, and by reference to permanent survey monuments, with a tie to a section corner or a quarter section corner.
- d. Names, addresses and telephone numbers of the subdivider, the designer of the subdivision, and the Utah State Licensed engineer or surveyor.
- e. All property under the control of the subdivider contiguous to the proposed subdivision, even if only a portion is being subdivided, showing the proposed street system to be in conformance with the Mendon City General Plan.
- f. The following existing conditions: Location and principle dimensions for all existing or recorded section lines, streets, alleys, easements, water courses, septic systems and water mains, existing trees over 10 feet tall, and other important features within and adjacent to the tract to be subdivided.
- g. A correct and current list of all owners, including addresses and phone numbers, of property that are located within a distance of three hundred (300) feet of the outside boundaries of the subject property.
- h. The following proposed conditions: Location and principal dimensions for all proposed streets, alleyways, easements, lot lines, and areas to be reserved for public use.
- i. The following plat drafting information: Date of preparation, scale (not less than 100 feet to the inch,) and North arrow symbol (designated as true North).
 - 1. The following survey data: Contours of the City datum at vertical intervals of not more than five (5) feet where the slope is greater than ten (10) percent and not more than two (2) feet where the slope is less than ten (10) percent.
 - 2. The preliminary plat shall be accompanied by the following, drawn in preliminary form:
 - 3. The profile of each street with tentative grades.
 - 4. The cross-section of proposed streets taken for each block at the point of greatest slope and showing the width of sidewalks and the location and size of utility mains.
 - 5. A plan and profile of proposed sanitary, storm water, or combined sewers or other sanitary facilities to comply with regulations established by Mendon City, with grades and pipe size indicated and a plan of the proposed culinary/secondary (if applicable) water distribution system showing pipe sizes and location of valves and fire hydrants.
 - 6. Conceptual grading plans, including proposed changes in grades.
 - 7. A narrative describing a soil erosion and sediment control plan, including grading of waterways and design of erosion control devices.
- j. The preliminary plat shall be accompanied by a written statement from the designated health officer, in Cache County, Utah, that the water and sewer system of the subdivision, and of each of the lots therein, are or will be in

compliance with all applicable health, sanitary, and other requirements of the Utah State Board of Health.

- k. For major subdivisions: The preliminary plat shall be accompanied by a written statement from the Mendon City Fire Chief outlining any concerns with the proposed subdivision in regard to providing such with emergency services.
- l. For major subdivisions: The preliminary plat shall be accompanied by a written statement from the Cache County School District indicating that the District has been informed of the proposed subdivision.
- m. For major and minor subdivisions: A storm water mitigation plan is required.

3. PUBLIC HEARING NOTICE REQUIREMENTS:

Mendon City is responsible to cause notice of the public hearing before the Mendon P&Z Commission by performing the following:

- a. Publish notice in the local newspaper at least fourteen (14) days prior to the scheduled public hearing.
- b. Post notice at the designated area at the Mendon Station, the Mendon Firestation, and the Mendon City U.S. Post Office at least fourteen (14) days prior to the scheduled public hearing.
- c. Send notice via 1st class postage to all owners of property listed by the subdivider in accordance with this ordinance at least fourteen (14) days before the scheduled public hearing.
- d. The subdivider shall post a notice sign of at least 11" x 17" in size on the subject property at a location visible from a public right-of-way at least fourteen (14) days before the scheduled public hearing.

4. STANDARDS FOR APPROVAL OF PRELIMINARY PLATS:

No preliminary plat of a proposed subdivision shall be approved by the Mendon P&Z Commission or City Council unless the subdivider proves by clear and convincing evidence that:

- a. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or required special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions.
- b. The subdivider has demonstrated his financial ability to complete the proposed subdivision in accordance with all applicable federal, state and local laws and regulations.
- c. The proposed subdivision will not result in the scattered subdivision of land that leaves parcels of developable land lacking City services between development parcels.

- d. The subdivider has taken every effort to mitigate the negative impact of the proposed subdivision on the public health, safety and welfare.
- e. The subdivider has taken every effort to make the subdivision visually appealing, especially when viewed from Mendon City's gateways.
- f. The proposed subdivision meets requirements in this Ordinance and City standards and specifications.

5. ACTION BY THE COMMISSION:

a. Public Hearing:

After the Commission has reviewed the preliminary plat, any public recommendations and testimony and materials submitted at the public hearing, the Commission shall make a recommendation to the City Council to approve, conditionally approve, or deny the preliminary plat application. If the recommendation is for denial, the recommendation shall include a statement of modifications that are necessary for the application to gain approval.

b. Commission Findings.

In determining the recommendation of a proposed subdivision the Commission shall consider the purpose of these regulations and at least the following:

- 1. The conformance of the preliminary subdivision plat application with the Mendon Zoning Ordinance, City Code and applicable state law;
- 2. The availability of public services to accommodate the proposed development;
- 3. The other health, safety or environmental issues that may be brought to the Commission's attention.

6. NOTICE OF RECOMMENDATION:

The Commission's recommendation and the reasons for such recommendation shall be stated in writing and forwarded to the applicant and the City Council within the fourteen (14) days following the conclusion of the public hearing.

7. ACTION BY COUNCIL:

a. Public Hearing:

After the Council has held a public hearing and reviewed the preliminary plat, any public recommendations, the testimony and materials submitted at the public hearing, and the recommendation of the P&Z Commission, the Council shall approve, conditionally approve, deny, continue to review, or return the application to the subdivider for modification. Any hearing may be continued to a date certain not to exceed forty-five (45) day from the date of the first hearing.

b. Council Findings.

In determining the approval or denial of a proposed subdivision the Council shall consider the following:

1. The conformance of the preliminary subdivision plat application with the Mendon Zoning Ordinance and Subdivision Ordinance, City Code, and applicable state law;
2. The availability of public services to accommodate the proposed development;
3. Health, safety, aesthetic, and environmental issues that may be brought to the Council's attention.

8. NOTICE OF DECISION:

The Council's decision and the reasons for such decision shall be stated in writing and mailed to the applicant within fourteen (14) days following the conclusion of the public hearing.

9. CONSTRUCTION DRAWINGS FOR INFRASTRUCTURE IMPROVEMENTS:

After receiving preliminary approval of the plat, the subdivider shall obtain Mendon City's approval of construction drawings for necessary infrastructure improvements. Where such work, or any portion of it, is completed by Mendon City, the subdivider shall reimburse the City for such costs.

10. PRELIMINARY PLAT EFFECTIVE DATE:

The approval of a preliminary plat shall be effective for a period of one (1) year from the date the preliminary plat is approved by the Council. The applicant must submit a final plat application to the City before the expiration of this one (1) year period or request a time extension not to exceed one (1) year. The Council may approve time extensions in increments not to exceed one (1) year unless they find that significant changes to this ordinance or City code cause the preliminary plat as approved to no longer comply with law.

2.7 FINAL PLAT REVIEW:

1. APPLICATION:

Required for all types of subdivisions. A subdivider shall submit the following items to the City Clerk:

The original completed application form signed by the owner of the property and the subdivider and nine (9) copies.

- a. Three (3) "D" size (36" x 24") drawing sets of the final plat.
- b. Nine (9) copies of the final plat reduced to an 11" x 17" size.

- c. An updated list of all owners of property that are located within a distance of three hundred (300) feet of the outside boundaries of the subject property.

2. FINAL PLAT:

The final plat shall contain all information required on the preliminary plat, plus the following:

- a. Accurate dimensions for all lines, angles, and curves to describe boundaries, streets, alley easements, areas reserved for public use, and other important features.
- b. An inventory of the streets, alleyways, easements, parks, and other public facilities, as shown on the plat, and a dedication thereof to the public use.
- c. A letter of credit that all expenses involving necessary improvements for a sanitary sewer/septic system, gas service, electrical service, grading and landscaping, storm drain systems, as well as curbs and gutters, culinary/secondary water, fire hydrants, street pavement and sidewalks will be financed by the subdivider/developer, and not by Mendon City.
- d. All drawings and signatures must be in permanent ink or in an otherwise reproducible form (acceptable to the City), with dimensions of no more than twenty-four (24) inches by thirty-six (36) inches in size.
- e. A utility clearance bearing signatures indicating approval of the plat by the applicable utility providers as identified by the City.
- f. A letter or certificate from the subdivider evidencing ownership of water shares/rights sufficient to service the culinary and secondary water requirements . Said letter shall include a commitment by subdivider to transfer said shares/rights upon sale or transfer of said lots.
- g. The subdivider, upon submission of his proposed improvements will provide an estimate to the City, as to the engineering costs, and will be required to deposit with the City a sum equal to the cost for engineering and inspection of the above mentioned construction.
- h. The subdivider shall furnish assurance that all work performed in the dedicated streets will be done by contractors who carry adequate Public Liability Insurance and such contractors will hold Mendon City harmless from all suits whatsoever originating from any source in connection with their work on the public streets. The subdivider shall provide a letter of credit equal to 110 percent of the estimated cost of completion of required public improvements.
- i. All improvements shall be per Mendon City Standards and Specifications.
- j. For Minor and Major Subdivision, the subdivider shall provide a copy of the storm water mitigation permit.

3. PUBLIC NOTICE REQUIREMENTS:

Approval of a final plat shall take place at a regularly scheduled public meeting. Public notice of a final plat approval shall consist of placement of the final plat application on the Council's agenda at least twenty-four (24) hours prior to the public meeting.

4. ACTION BY THE COUNCIL:

- a. The Council shall approve or deny the final plat application or return it to the subdivider for further modification. In determining the acceptance of a proposed final subdivision plat, the Council shall only consider the application's conformance with the terms of the preliminary plat approval. The Council is not required to take public testimony during the final plat approval process..
- b. One copy of the plat shall be returned to the applicant with the date of approval or denial noted on the plat and one copy to the planning and zoning commission. If the plat is denied or returned for modification, a description of the reasons for this decision shall be provided.

5. RECORDING OF FINAL PLAT:

The approved final plat may be legally recorded following approval by the City Council, and upon receipt of the applicable recording fees, and any assessed impact fees from the subdivider (reference Mendon City's Impact Fee Schedule and Water Policy) in compliance with the statutes of the State of Utah.

3. CONSERVATION SUBDIVISIONS

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- 3.1 DEFINITIONS
 - 3.2 PURPOSE
 - 3.3 BENEFITS
 - 3.4 DEVELOPMENT REQUIREMENTS
 - 3.5 APPLICATION AND APPROVAL PROCEDURE
 - 3.6 CONSIDERATIONS FOR APPROVAL
-

3.1 DEFINITIONS:

For purposes of this Chapter, the following terms and their meanings apply:

Base Density: The base density for a conservation subdivision shall be determined by dividing the total acreage of the subdivision site minus land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g. floodplains, wetlands, steep slopes, and drainage ways), by the minimum lot size requirement of the zone in which the proposed conservation subdivision is located.

Conservation Subdivision: The division of land into lots with some or all of the lots reduced below the minimum lot size required by the zoning district in which the conservation subdivision is located, and designating a minimum percentage the total developable property as open space in accordance with the terms and conditions of this chapter.

Density Bonus: An increase in residential housing density above what is normally allowed in the zone in which the proposed conservation subdivision lies.

Open Space: Land located within the area of the conservation subdivision which is provided in perpetuity for the protection, preservation, or conservation of environmentally sensitive areas or for the use and enjoyment of owners within the subdivision and residents of the City as a whole, and provided as required in this Chapter. Open space does not include areas within any lot, road, street or street right-of-way.

Sensitive Areas: Undevelopable Land. Sensitive areas shall mean:

1. Wetlands, as identified by the U.S. Army Corps of Engineers, or a wetlands delineation, as provided by a certified wetlands delineation;
2. Flood plains and flood ways, as identified by the latest FIRM maps, as provided by the Federal Emergency Management Agency;
3. Steep slopes, areas of slope at or exceeding twenty percent (20%) of a development's proposed disturbed area.
4. Fault lines, stream corridors and other areas encumbered by geological

hazards.

Transfer of Development Rights (TDR): A concept which allows landowners to transfer the right to develop one parcel of land to a different parcel of land. In the context of open space protection, TDR is used to shift development from land designated as open space to areas where residential development may be in order.

3.2 PURPOSE:

The conservation subdivision option is established to provide a voluntary development alternative in order to protect finite resources (e.g. water, open space, trails, wildlife habitat) by permitting lot sizes smaller than what may normally be allowed in the underlying zone on the condition that the pertinent finite resources will be preserved.

It is not the intent of conservation subdivisions to create open space subdivisions with lots sprawled over large areas, or strung out along roadways, nor is it the intent of this ordinance to be applied in all cases where a subdivision is proposed.

3.3 BENEFITS:

By definition, a conservation subdivision provides many benefits to Mendon City and the potential developer alike, some of these benefits include:

1. Preservation of conservation and open space land, including areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by excluding them from development;
2. Reducing erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
3. Providing greater design flexibility and efficiency in the location of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
4. Provide for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;
5. Providing incentives for the creation of greenway systems and open space within the City for the benefit of present and future residents;
6. Implementing land use, environment, natural hazards, transportation, and community policies, as identified in the General Plan;
7. Protection of areas of the City with productive agricultural soils for continued agricultural use by conserving blocks of land large enough to allow for viable farm operations;
8. Creating neighborhoods with direct visual and/or recreational access to constrained, sensitive and conservation land;

9. Providing standards accommodating to some extent the varying circumstances and interests of individual landowners and the individual characteristics of their property;
10. Conserving scenic views and elements of the City's rural and scenic character.
11. Encourages imaginative and economic approaches to land development in harmony with natural features of the land; and
12. Allows a higher dwelling density than what would normally be allowed in the underlying zone, possibly making a Conservation Subdivision more profitable than other alternatives.

3.4 DEVELOPMENT REQUIREMENTS:

The development of a conservation subdivision is subject to Mendon City's Zoning Ordinances for residential development and this subdivision ordinance with the following variations:

1. Minimum Acreage:

A Conservation Subdivision may be developed on property consisting of a minimum of ten (10) acres of contiguous land.

2. Minimum Open Space:

A Conservation Subdivision requires a minimum of thirty three percent (33%) of the total developable acreage of the property within the subdivision as dedicated open space in accordance with the open space standards, maintenance and dedication requirements set forth herein. Developable areas do not include areas such as wetlands, floodplains, fault lines, geological hazards, and steep slopes.

3. Transfer Development Rights (TDR):

In the case where If a TDR is warranted and approved by Mendon City, the preserved open space need not be contiguous to the Conservation Subdivision but the border of which shall be within 1/2 mile of such and within the City limits.

4. Density Bonus:

A density bonus of two times (2x) the base density may be granted by the City for development within a conservation subdivision, in return for the dedication of the minimum amount of open space as set forth herein.

Additional density bonus increases (not to exceed three times (3x) the base density) are available pursuant to the following:

- a. Density bonus increases are calculated by adding the density bonus increase to the density bonus. For example, the density bonus is two times the base density. If an additional 50% bonus incentive is approved, the density bonus is increased by one and a half times (1.5x).

- b. Improvements and Enhancements to Open Space Areas. A conservation subdivision providing for the stabilization of sensitive areas, including stabilization of drainage ways, the protection of wetlands, enhancements to wildlife habitat areas, improvements to open space areas to facilitate public use, other open space area improvements and amenities, the provision of a publically accessible and improved trail system and providing appropriate linkages and connections to existing or proposed trails, may receive up to a fifty percent (50%) density bonus increase.
- c. A conservation subdivision subdivider may propose, or the City may require, other subdivision features and amenities to more fully meet the purposes of this chapter and the goals of the City's General Plan. Examples of such features may include: preservation of additional open space, environmentally conscience initiatives, and/or requiring uniform architectural design standards. If required and/or recommended by the P&Z Commission and approved by the City Council, the applicant may receive up to an additional fifty percent (50%) density bonus increase.

5. Lot Standards

- a. Lot Area: In order to provide for density bonuses, lots within a Conservation Subdivision may be smaller than the minimum size required in the underlying zone, as approved by the City and County Health Department septic standards, provided, no lot shall be smaller than 22,000 square feet (1/2 acre).
- b. Lot Width and Frontage: The minimum lot width and lot frontage for lots within a Conservation Subdivision may be reduced from the minimum lot width and frontage requirements of the underlying zone, as approved by the City.
- c. Setbacks. The builder or developer of a Conservation Subdivision is encouraged to consider variations in the principal building position and orientation, but shall observe the setback standards set forth for buildings in Mendon's Residential Subdivision Ordinance. Exceptions to these minimum setback regulations may be approved by the City, in its sole discretion, during the plat approval process when deemed appropriate and desirable under the circumstances.
- d. Irrigation. Irrigation of residential lots with culinary water is not allowed. Either secondary water sources must be secured, or water wise landscaping measures undertaken for building lots in a conservation subdivision.

6. Open Space

a. Permitted Uses:

The following uses are permitted in open space areas if approved as part of a conservation subdivision:

- 1. Conservation of open land in its natural state, lacking any noxious weeds;

2. Agricultural and horticultural uses;
3. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses;
4. Active non-commercial recreation areas, such as playing fields, playgrounds, and trails;
5. Underground utility easements, facilities and rights-of-way for drainage, access, sewer or waterlines, or other public purposes;
6. Above-ground utility and street rights-of-way may traverse open space land. Areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required open space land for the Subdivision; and fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the open space land.

b. Prohibited Uses:

The following uses shall be prohibited in open space areas within a conservation subdivision:

1. Any residential, commercial or industrial activity;
2. Any development, construction or location of any man-made modification or improvements such as buildings, structures, roads, parking lots, or other improvements, except as approved by the City in conjunction with a permitted use;
3. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property;
4. Any dumping or storing of trash, garbage or junk;
5. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes;
6. Advertising of any kind or nature and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized use of the same or trail information;
7. Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, restoration of native species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses;
 - a. Allowing noxious weeds to proliferate.

- b. The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property; The division, subdivision or de facto subdivision of the property
 - c. The division, subdivision or de facto subdivision of the property;
 - d. Changing the topography of the property by placing on it any soil, dredging spoils, land fill, or other materials, except as necessary to conduct specific permitted purposes; and
 - e. All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of the easement.
- c. Design Standards for Open Space:

Designated open space land within a conservation subdivision shall meet the following standards:

1. Significant Areas and Features. Open space land should include the most unique and sensitive resources and locally significant features of the property within the Subdivision such as meadows, grasslands, tree stands, streams, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, cultural features, green space, scenic views, etc.
2. Contiguous Land. Open space lands within a development shall be contiguous to provide for large and integrated open space areas within the subdivision. Non-contiguous parcels of open space may be approved by the City during the plat approval process upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the open space parcels, the types of features and resources included within the open space lands, and other relevant considerations (see Transfer Development Rights). Long, thin strips of open space (less than 100 feet wide) are prohibited, unless approved by the City during the plat approval process upon a finding that such configuration of the open space is necessary and/or desirable to connect other significant areas, to protect linear resources such as streams or trails, or to provide a buffer.
3. Open Space Network Connection. Open space within a conservation subdivision shall be designed and laid out as part of a larger continuous and integrated open space system to ensure that an interconnected network of open space will be provided throughout the City.
4. Visibility. Open space land shall be located and designed within the Conservation Subdivision to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space.

5. Pedestrian Access. Developer shall provide adequate pedestrian access to open space land which is open to public use.
6. Maintenance Access. Developer shall provide sufficient maintenance access to all open space land within the Conservation Subdivision.
7. Landscaping. All open space land that is not wooded, farmed, or maintained as open space meadows, grassland, or other approved open space, shall be landscaped at developer's sole cost and expense in accordance with landscaping requirements for subdivisions unless, at Mendon City's option, the open space is deeded to the City as a city park.

d. Permanent Protection of Open Space

1. Conservation Easement. All open space land shall be permanently restricted from future development by a conservation easement or protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the open space land at any time, except for those permitted uses listed herein and approved in conjunction with the conservation subdivision. All conservation easements, or other acceptable method of protection and preservation of the open space land within a conservation subdivision, shall be approved by the City and recorded prior to or concurrent with the recording of the final plat for the conservation subdivision.
2. Terms and Conditions. All conservation easements, or other acceptable method of protection and preservation of the open space land within a conservation subdivision, shall comply with the Utah Conservation Easement Act as set forth in Utah Code Ann. §§ 57-18-1, et seq., and shall be in substantially the same form as the standard conservation easement form provided by the City, including, at a minimum, the following terms and/or conditions:
 - a. Legal description of the easement;
 - b. Description of the current use and condition of the property;
 - c. Permanent duration of the easement;
 - d. Permitted uses;
 - e. Prohibited development and/or uses;
 - f. Maintenance responsibilities and duties; and
 - g. Enforcement rights and procedures.
3. Grantee. Unless otherwise approved by the City, the grantee of a conservation easement shall consist of one of the following acceptable entities, which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation

organization or governmental entity. The City may, but shall not be required to, accept, as grantee, a conservation easement encumbering open space lands within a Conservation Subdivision, provided there is no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the open space land are provided unless otherwise agreed to by the City.

e. Ownership of Open Space:

Unless otherwise approved by the City and subject to the provisions set forth in this Chapter, the underlying fee ownership of the open space land shall remain in single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual. Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided.

f. Maintenance of Open Space

1. Costs. Unless otherwise agreed to by the City, the cost and responsibility of maintaining open space land shall be borne by the owner of the underlying fee of the open space land.
2. Plan. The developer shall submit a Maintenance Plan (MP) providing for and addressing the means for permanent maintenance of the open space land within the proposed Conservation Subdivision with the preliminary plat application for the subdivision. The Maintenance Plan shall provide the following:
 - a. The MP shall define ownership.
 - b. The MP shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space.
 - c. The MP shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
 - d. At the City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities.
3. Approval. The Maintenance Plan must be approved by the City prior to or concurrent with final plat approval for the subdivision. The Maintenance Plan shall be recorded against the property and shall include provisions for the City's corrective action rights as set forth

herein. Any changes or amendments to the Maintenance Plan shall be approved by the City.

4. Failure to Maintain. In the event that the organization established to maintain the open space land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
5. Corrective Action. The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the County Recorder's office. The Maintenance Plan and all other documents creating or establishing any association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.

3.5 APPLICATION AND APPROVAL PROCEDURE:

All requests to establish a conservation subdivision shall be submitted to the City consistent with Mendon City's Subdivision application procedure and other applicable City policies and procedures.

In addition to the application requirements set forth in Mendon City's Subdivision Ordinance. All conservation subdivision applications shall include the following with the conceptual/preliminary plat:

1. A Sensitive Areas Designation Plan: Identifies all sensitive lands within the property boundaries, including, but not limited to, flood plains, wetlands, fault lines, geological hazards and steep slopes. The Sensitive Area Designation Plan shall also clearly identify all natural or cultural resources present on the property and within four hundred (400) feet of the property, including, but not limited to, geographic features, including, but not limited to, meadows, grasslands, tree stands, streams, stream corridors, flood walls, watercourses, farmland, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, cultural features, and green space.
2. A Compatibility Plan identifying all uses, zoning and density of development and property adjacent to the subject property proposed for re-zoning;

The following shall accompany the final plat:

1. Open Space Maintenance Plan, as described here in;
2. Proof of Open Space Conservation Easement, as described herein.

3.6 CONSIDERATIONS FOR APPROVAL:

In considering a request for approval of a conservation subdivision, the City shall consider the following:

1. The harmony and compliance of the proposed location of the conservation subdivision with the objectives and requirements of the City General Plan and Land Use Ordinances;
2. the harmony and compatibility of the proposed location of the conservation subdivision with adjacent properties and uses;
3. Whether or not the proposed location of the conservation subdivision may be injurious to potential or existing development within the vicinity;
4. The compatibility of the proposed location of the conservation subdivision with the density of the underlying zone and neighboring development;
5. The economic impact of the proposed development and uses on the surrounding area; and
6. The harmony and compliance of the proposed location of the conservation subdivision with the purpose, intent and objectives of this ordinance.

A Conservation Subdivision may be approved only if the City Council finds that a proposed Conservation Subdivision plan:

1. Will preserve and enhance the subject property by integrated planning and design as a whole, pursuant to the provisions of this chapter.
2. Does not conflict with any applicable policy of the General Plan;
3. Meets the intent and purpose of this Chapter; and
4. Will provide better site design and increased amenities than would be likely if the property were developed as a conventional subdivision.

4. DESIGN STANDARDS

SECTION

- 4.1 SECTION STREETS
 - 4.2 PROTECTION STRIPS
 - 4.3 LOT FRONTAGE
 - 4.4 BLOCKS
 - 4.5 IRRIGATION DITCHES
 - 4.6 NAMES
 - 4.7 AREA FOR RECREATION USE
-

4.1 STREETS:

1. Streets shall bear a logical relationship to topography and to location of existing, or platted, streets on adjacent properties.
2. Streets, utility right-of-ways, and public open space shall conform to Mendon City's General Plan (land use map), for the extension of public facilities.
3. Cul-de-sacs (dead-end streets designed to be permanently closed to through traffic) are only allowed under special circumstances by Mendon City. Cul-de-sacs restrict transportation circulation and may interfere with facilitating emergency services, snow removal, sanitation services and school busses. If it is possible for a proposed cul-de-sac to connect (at present or in the future) to the Mendon street system (or "grid"), or to become a through street in some other fashion (e.g. loop) the cul-de-sac shall be denied. Cul-de-sacs may be approved only if terrain, watercourses, existing structures, parks, railways or state highways block the possibility of creating a through-street.
4. The Mendon P&Z Commission and the City Engineer shall determine street types. Minimum street width shall be as follows:
 - a. Arterials – Determined by UDOT.
 - b. Major Collectors - 104 feet
 - c. Minor Collectors - 84 feet
 - d. Residential – 66 feet.

5. Easements - 10 feet. (Street classifications and roadway widths shall be in accordance with City "circulation plans").
6. When possible streets shall intersect at right angles.
7. All street grades, cross slopes, vertical and horizontal curves shall be designed per the Latest AASHTO (American Association of State Highway and Transportation Officials) guidelines.
8. Street, alley, and pavement intersections shall be rounded by an arc, minimum radius of which shall be as follows:
 - a. Streets: twenty-five (25) feet.
 - b. Street and Alley: ten (10) feet.
 - c. Street pavement: twenty (25) feet or shortest distance from pavement to nearest property line where streets meet at acute angles, the foregoing minimum radii shall be increased.
9. Wherever the proposed subdivision contains, or is adjacent to a railroad right-of-way, or major street, provisions shall be made for a street approximately parallel to, and on each side of, such a right-of-way, at a distance suitable for appropriate use of the land between such streets and the railroad. Such distance shall be determined with due consideration of the minimum distance required for approach grades to future separation.
10. Certain proposed streets shall be extended to the boundary line of the tract to be subdivided to sufficiently provide for normal circulation within the vicinity of the project.
11. Wherever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half shall be platted; however, in most cases half-streets shall be prohibited.

4.2 PROTECTION STRIPS:

Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip of not less than one (1) foot in width between said street and adjacent property, provided that an agreement with the City, approved by the City Attorney, has been made by the subdivider, contracting to dedicate the one (1) foot or larger protection strip free of charge to the City for street purpose upon payment by the then owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half (1/2) the land in the street at the time of the agreement. One (1) copy of the agreement approved by the City Attorney shall be submitted to Mendon P&Z Commission prior to approval of the final plat. Protection strips shall not restrict development of areas for public use.

4.3 LOT FRONTAGE:

1. A 1/2-acre lot (minimum size) must have a minimum frontage measurement of 80 feet. A 5/8ths-acre lot must have a minimum frontage measurement of 82.5 feet. A 1 1/4-acre and above lot must have a minimum frontage of 100 feet.
2. Front lot lines are to be parallel with front streetlines. The side lot line must be parallel to side street line, or at a right angle to tangent of the curve of the street line.
3. All lots shall have at least 66 feet of frontage at the curb/pavement line.
4. Lots must conform to all Federal, State and City requirements and regulations in relation to sewage disposal, telephone service, culinary water, power lines and public utilities.

4.4 BLOCKS:

1. Blocks for residential use shall be in accordance with the Mendon City General Plan and are subject to review by the Mendon P&Z Commission.
2. Blocks intended for commercial or industrial use shall be designed specifically for such purposes with adequate space allowed for off-street parking and for delivery facilities (see City of Mendon Zoning Ordinance, Chapter 5. Parking).

4.5 IRRIGATION DITCHES:

New irrigation ditches shall not be permitted on public streets or roads except where they cross public streets or roads. All new ditches must be piped underground (adequate size specified by a qualified engineer). Provisions of this section shall not apply to existing irrigation ditches or canals.

4.6 NAMING OF MINOR AND MAJOR SUBDIVISIONS:

1. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the names of any other subdivision or area in Cache County or neighboring counties.
2. The Mendon P&Z Commission will approve street names and addresses when they conform to present City street signing.

4.7 AREA FOR PUBLIC USE:

1. Major Subdivisions: At the option of the city, the subdivider shall be required to assign up to five percent (5%) of the gross subdivided parcel to Mendon City for recreation, parks, schools or other public use.
2. In certain locations, the subdivider may be requested to reserve an additional land area of not more than ten (10) acres for purchase by Mendon City, or the School Board, at a negotiated price based on market appraised values. This reservation expires following a period of three (3) years from the date the plat is recorded.
3. Mendon City P&Z Commission may consider "density bonus" exchange for open space where sewer and/or septic conditions permit.

5. IMPROVEMENTS

SECTION

- 5.1 IMPROVEMENTS REQUIRED
 - 5.2 TIME OF CONSTRUCTION
 - 5.3 PERFORMANCE BOND
 - 5.4 REQUIRED IMPROVEMENTS
 - 5.5 STREET GRADING AND SURFACING
 - 5.6 WATER SUPPLY
 - 5.7 SECONDARY WATER SUPPLY
 - 5.8 SEWAGE DISPOSAL
 - 5.9 SAFETY FENCES
 - 5.10 PUBLIC STREETS
 - 5.11 STORM WATER SYSTEM
-

5.1 IMPROVEMENTS REQUIRED:

The improvements listed in this Chapter shall be installed prior to recording the final plat except as provided in Section 5.3 below:

5.2 TIME OF CONSTRUCTION:

No improvements shall be installed until their location and specifications have been approved by the Mendon City Council and the City Engineer. Culinary and Secondary (where applicable) water lines, storm sewer, laterals, fire hydrants, along with all other required utilities shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters and sidewalks.

5.3 PERFORMANCE BOND:

In lieu of actual completion of the improvements listed in this section, subdivider shall file with Mendon City a SURETY CASH BOND to assure the actual construction of such improvements will be completed, within a period of two (2) years from the date of approval of the final plat and in a manner consistent to Mendon City Ordinances. The amount of the bond shall be set by the City Council and shall be based upon the estimated cost of the required improvements, with an additional 10% of the estimated cost reserved for contingencies. Such bond, or surety, shall remain in force for one (1) year after the completion of the required improvements, and when completed in satisfactory condition, Mendon City Council will certify the same and release the bond. If improvements are not found in satisfactory condition, the City

Council will order the subdivider to place the improvements in a satisfactory condition. In the event the subdivider refuses or neglects to make the necessary remedy within time limits determined by the City, the City Council may order the work done, using the bond proceeds to defray expenses.

5.4 REQUIRED IMPROVEMENTS:

The subdivider is required to install such street and utility improvements per Mendon City Standards and Specifications as the Mendon P&Z Commission specifies to conform to surrounding areas. Curb and gutter and sidewalk and fences will be installed where specified by the P&Z Commission, City Council, and City Engineer.

5.5 STREET GRADING AND SURFACING:

After all earthwork is completed and brought to lines, grades, and cross sections as approved by the City Engineer the sub grade shall be brought to a firm unyielding surface by rolling or other means of compaction to Mendon City Specifications. All soft material that will not compact readily must be remedied as required by the City Engineer. All sewer and water trenches located in street and sidewalk areas must be thoroughly compacted as specified by the City Engineer. It is the subdividers responsibility to restore to grade and resurface all street and sidewalk areas damaged from later settlement of such trenches. All work in and around trenches must comply with Mendon City Standards and Specifications.

5.6 WATER SUPPLY.

1. It is the responsibility of subdivider to install, at his own expense, water mains and service laterals to each lot within the subdivision and to install the necessary additional pipe lines from the subdivision to the nearest existing Mendon City water line, in accordance with Mendon City Standards and Specifications.
2. Used pipe shall not be installed for any water, storm drain, or sewer lines.
3. All culinary water pipe must be separated, horizontally, by not less than ten (10) feet from either a septic tank distribution box, or a drain field of an individual sewage disposal system.
4. The subdivider will deliver water shares as specified by Mendon City Council per the City Water Policy.

5.7 SECONDARY WATER SUPPLY.

It is the responsibility of the subdivider to install at his own expense secondary water mains and service laterals to each lot within the subdivision and to install the necessary additional pipe lines from the subdivision to the nearest existing secondary water line in accordance with Mendon City Standards and Specifications where required by Mendon City.

Additional facilities (i.e. pump houses, reservoirs) to provide secondary water service to the subdivision may also be required by Mendon City at the subdivider's expense.

1. Used pipe shall not be installed for any secondary water lines.
2. The subdivider will assign secondary water shares to the property as specified by Mendon City Council per the City Water Policy.

5.8 SEWAGE DISPOSAL.

1. Where the Mendon City sewer line is within five (500) hundred feet of the subdivision the subdivider must, at his expense, connect with such sanitary sewer and provide mains and laterals from the main sewer line to each lot in the subdivision. All mains and laterals will be installed in accordance with Mendon City Standards and Specifications. The City Inspector must inspect sewer mains and laterals, in place, before backfilling is initiated.
2. If the Mendon City sewer line is not within stipulated distance, the subdivider is responsible to either install individual sewerage facilities, at his expense, or require that such facilities be installed as a part of the construction of buildings or structures, provided that evidence is supplied to the satisfaction of the Mendon P&Z Commission, and the City Engineer, that the sanitary condition of, and appropriate use of the adjoining land is fully safeguarded. The subdivider must secure a certificate of approval from the City Engineer and Cache County Health officer in charge of approving sewer installation for the proposed sewerage facilities and must submit said certificate to the Mendon P&Z Commission with the preliminary sketch plat. In the event the subdivider elects to require installation of such facilities from individual contractors, such agreement will be entered in writing into the Deed and duly recorded in the office of the County Recorder before building commences.

5.9 SAFETY FENCES:

The subdivider shall install a six (6) foot unclimbable chain link fence, of approved quality and installation, along all open ditches, canals, waterways, non-access streets, open bodies of water, as well as railroad rights-of-way and other such potentially hazardous areas, as determined by the Mendon P&Z Commission and other involved parties.

5.10 PUBLIC STREETS:

The City of Mendon will not accept, layout, open, improve, grade, pave, curb, light or lay, or authorize water mains or sewers or connections to be laid in any street that has not been approved by the Mendon City Council as a public street. No building will be erected nor will a building permit be issued for a building unless the street abutting the lot upon which the building is proposed to be placed has been approved by Mendon City Council as a public street.

5.11 STORM WATER COLLECTION SYSTEM:

1. It is the responsibility of the subdivider to install at his own expense a storm water collection system to control additional runoff caused by the development. These improvements may included, but are not limited to, collection system, storage, and extension of system trunk lines according to the Mendon City storm water master plan, or as sized by the City Engineer.
2. No used pipe shall be used for the storm water collection system.
3. Storm water collection systems shall be designed to minimize maintenance and cleaning