

ORDINANCE NO. 17-02B

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE TOWN CODE OF THE TOWN OF HIDEOUT, UTAH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose of this ordinance is to amend the certain sections of the Town's Development Code as outlined in Exhibit A; and

WHEREAS, the Town Council finds good cause for this amendment of the Town Code for the Town of Hideout, Utah;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH:

SECTION I: Approval. That the Town Council of Hideout, Wasatch County, State of Utah, does hereby approve the amendments of the Town Code, adopted and incorporated hereto as Exhibit A.

SECTION II: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION III: Effective Date. This ordinance shall be effective upon posting pursuant to law.

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this 10th day of August, 2017.

DEAN HEAVRIN, Mayor Pro Tem

ATTEST:

Lynette Hallam, Town Clerk

EXHIBIT A

TITLE 10

Title 10 Chapter 3 Table of Contents

Change title to "SUBDIVISION PLAT APPLICATION AND REVIEW PROCESS

Part 4 Final Plat 10.03.04 ~~VACATING RECORDED PLAT~~ OTHER PROVISIONS

Delete Part 5: DEVELOPMENT AGREEMENT from Chapter 3 Table of Contents. Move to Title 11

10.03.102 Applicability

Add State Definition:

"Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

10.03.104: PERMITS REQUIRED

Remove – redundant with other sections. Also remove from Table of contents and change numbering as follows.

10.03.108: REAPPLICATION FOLLOWING APPLICATION

Remove – part of Title 11

CHANGE NUMBERING

10.03.105 TO 10.03.104

10.03.106 TO 10.03.105

10.03.107 TO 10.03.106

10.03.109 TO 10.03.107

10.03.110 TO 10.03.108

10.03.201

Remove – already covered in Title 11

10.03.301

Remove – not applicable for Plats. Plans are covered in Title 11

Chapter 3 – PART 4: FINAL PLAT

Change to PART 2: FINAL PLAT

10.03.401

10.03.201: REVIEW PROCESS PRIOR TO RECORDATION:

(1) Town Engineer or Designee(s) shall review the Plat for general conformance with the State of Utah Code(s) applicable to Plat Recordation and for conformance with associated Project Land Use Final Legislative Approval(s). If the Plat is approved it will be signed and forwarded to the Town Attorney for review.

(2) Town Attorney Review: The town attorney shall review the final plat and the current title report. The legal description in the title report shall be compared with any legal description in the restrictive covenants, articles, consents and other legal documents. All persons shown on the title report as owners or lien holders must sign and have acknowledged by a notary on the plat unless prior approval is given by the town attorney. All lien holder consents must not only show consent to recording of the plat and any restrictive covenants, but must also indicate the lien holder's approval of and joiners in the dedication of any public streets or rights of way. The applicant shall also submit the improvement guarantee and any other documents and information required by the town attorney. Once the town attorney has reviewed and is satisfied that the final plat is in compliance with all requirements of this title, he shall sign the final plat.

10.03.402

10.03.202: FINAL PLAT EXPIRATION:

If the final plat is not recorded within one year from the date the town attorney signs the final plat of approval, the signature approval shall expire and the final plat shall be null and void. Resubmitted plats for signature shall be subject to the review process. The Town council may grant a one-time extension to the recording of the final plat not exceeding six (6) months; provided, that the developer submits the request for extension prior to expiration of the final plat and satisfies any new town requirements pertaining to the public health, safety and welfare.

10.03.403

10.03.203

(2) The procedure for amending or altering a subdivision plat shall follow is the same review process as for approval of a new subdivision under this Title. If the Town

Engineer determines that the revisions will affect the existing infrastructure in the case of a completed development or the approved infrastructure in the case of an incomplete development then the applicant will be required to submit for review and approval engineering drawings depicting all required changes for approval as part of the review process.

10.03.404

10.03.204: ~~VACATING RECORDED PLAT:~~ OTHER PROVISIONS:

The procedure for vacation of a plat shall be governed by provisions of Utah Code Annotated sections ~~10-9a-608 and 10-9a-609~~. All other provisions not covered under this Title and provisions of this Title that are not allowed by Utah State Code shall be governed by Utah State Code -Subdivision.

PART 5: DEVELOPMENT AGREEMENT

This chapter moved to Title 11.

TITLE 11

11.01.119: CLASSIFICATION OF ANNEXED TERRITORY:

All property hereafter annexed to the town shall be classified as ~~Resort Specially Planned Area (RSPA)~~ Mountain **Zone**, and all of the zone regulations shall apply thereto until such time that a public hearing is held to consider a change in classification thereof. Such hearing and classification shall be considered in the same manner as set forth in chapter 4 of this title pertaining to the amendment of this title.

11.06.117: DEVELOPMENT APPLICATION PROCESS:

1. Concept Plan.

A Concept Plan shall be prepared for all proposed developments. The Concept Plan shall conform to the goals of the Plan and the Town of Hideout Code relating to the zone governing the application. As used in this process the term "Concept Plan" refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about the layout for open space lands, development sites, public trails, and street alignments, etc. This plan should be prepared using spatial data. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed development, but after consideration of spatial data. These drawings shall be prepared by a team that is headed up by a licensed professional engineer or licensed architect. After preparation, an appointment should be made with the Town office to have the plan reviewed. Meetings with Staff do not constitute acceptance of the project and only provide a forum to discuss issues that will assist the

developers in preparing a preliminary plan application. Compliance with comments by individual Staff members does not grant any vested rights and will not guarantee or imply approval of the preliminary plan or final plat for the subdivision.

Add the following to Title 11 Chapter 7

11.07.154 : DEVELOPMENT AGREEMENT

1: PURPOSE:

The developer/property owner and the town may enter into a development agreement that outlines the duties, responsibilities, obligations, commitments and promises of the developer/property owner and the commitments of the Town.

2: GENERAL REQUIREMENTS:

(1) The development agreement shall be prepared by the Town attorney and shall incorporate all agreements between the parties.

(2) The development agreement must be approved prior to final plat recording.

(3) If the developer is including parks, open space, clubhouses and/or trail improvements within a development, the development agreement shall include proposed phasing and terms of completion of these improvements.

(4) Any special agreements, conveyances, restrictions or covenants which govern the use, maintenance and continued protection of common areas shall be included in the development agreement.

(5) The development agreement may provide limitations on the number of building permits issued and/or phases of the project to be approved subject to the completion of the improvements.

(6) The development agreement for phased subdivisions shall incorporate the phased subdivision master plan.

(7) The development agreement shall include any provisions for security for completion of the subdivision improvements and/or schedule of utility construction and restoration bond requirements.

(8) If the development is a phased subdivision, the development agreement shall specify all conditions and requirements that must be met in order to protect and maintain a vested approval for all subsequent phases. For example, the town may impose as a condition precedent to final approval of subsequent phases, the availability and access to water and sewer services and source sufficient to accommodate the subsequent phases.

3: APPROVAL:

The development agreement shall be approved by the town council and signed by the mayor.

4: RECORDING:

The development agreement shall be recorded by the town at the Wasatch County recorder's office. Recordation by the town shall only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees posted. The development agreement must be recorded prior to the recording of the final plat.

