

TITLE 10

SUBDIVISION REGULATIONS

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CHAPTER 1

GENERAL PROVISIONS

Section

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10.01.101: OVERVIEW:

The activities related to the use, sale and development of land have been determined by federal and state law to be in the public interest for local government to oversee and regulate in order to bring about the safe and orderly creation (and maintenance) of communities. These activities may include subdividing land into lots for sale, building structures, constructing roads, constructing trails and/or installing utilities. In order to effectively regulate these activities, communities are empowered to establish review and permitting processes. This title contains the review and permitting processes related to land development activities in the Town. This title contains the review and permitting processes for conventional subdivision developments and phased subdivisions.

10.01.102: INTERPRETATION:

(1) Greater Restrictions Prevail: In their interpretation and application, the provisions of this title shall be considered as minimum requirements. Where the provisions of this title impose greater restrictions than any statute, other regulations, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provision of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

(2) Definitions: Whenever any word or phrase used in this title is not defined herein, but is defined in related sections of Utah Code Annotated or in this code, such definition is incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the

present tense include the future, the singular includes the plural, the term "shall" is always mandatory and the term "may" is permissive.

(3) Severability of Parts: The various sections, subparagraphs, sentences, phrases and clauses of this title are hereby declared to be severable. If any such part of this title is declared to be invalid by a court of competent jurisdiction or is amended or deleted by the Town Council, all remaining parts shall remain valid and in force.

(4) Rounding: Rounding to whole numbers may be used to determine distance or height, but not in determining maximum or minimum area or other quantitative standards or requirements. A decimal ending with five (5) or greater may be rounded up to the next whole number.

(5) Time Computation: Unless otherwise specified herein, a period of time specified in this title shall be calendar days beginning on the day after the act, event or decision to which the time period refers and ending at eleven fifty nine o'clock (11:59) P.M. the last day of the time period.

10.01.103: COORDINATION WITH OTHER DOCUMENTS:

This title, together with the Town general plan ("general plan"), the Town zoning ordinance ("zoning ordinance"), the Town design guidelines ("design guidelines"), and the Town standard specifications for design and construction ("standard specifications") shall guide the use of all land within the municipal boundaries of the Town.

10.01.104: ORDERLY DEVELOPMENT REQUIRED:

All subdivisions, site plans, condominiums and other developments shall be developed in an orderly manner and in such a way that the required improvements will be continuous and available as necessary during construction activities within the project, and that all of the improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferee or lessee of any of the lands developed within the time herein provided or in phases specified. Developments shall be planned and developed to accommodate the continuation of roads, utilities, drainage and other infrastructure to adjoining properties. Over sizing of lines or infrastructure in the development may be necessary to accommodate future development outside of the project.

10.01.105: COMPLIANCE REQUIRED:

(1) No tract of land shall be divided, subdivided, reconfigured, developed or redeveloped except in conformance with provisions of this title, the zoning ordinance and all other applicable ordinances and regulations.

(2) No plat, condominium, subdivision amendment or reconfiguring of property shall be recorded except in accordance with the provisions of this title and the zoning ordinance.

(3) All licenses, permits, agreements and plans issued or approved by the Town shall comply with all requirements and standards of Town ordinances.

(4) All subdivisions, condominiums, site plans, construction and infrastructure shall be designed and constructed in conformance with Town ordinances, engineering regulations and requirements.

(5) All uses shall be conducted in conformance with Town ordinances, approved plans and requirements.

(6) Land which is to be subdivided shall not be transferred, sold or offered for sale prior to recording the subject plat or until all requirements of this title for subdivisions, condominiums or other development have been met.

(7) No building permit may be issued for any structure or development on any land that has been divided, subdivided, reconfigured, developed or redeveloped in a manner not in conformance with the provisions of this title, the zoning ordinance, and all other applicable ordinances and regulations.

10.01.106: AMENDMENTS:

(1) The Town Council may, from time to time and in a manner consistent with the general plan, amend any provision of this title. Amendments shall be approved in accordance with all public notice and public hearing requirements imposed by state law or local ordinance.

(2) Any amendment or revision to this title shall supersede any prior provisions or ordinances. Provisions of this title not affected by the amendment or revision shall continue to be valid and shall not be considered a new enactment when amendments or revisions are adopted. Any prior provisions of Town ordinances, which do not conform to provisions of this title, are declared void. Any uses, structures or buildings which were conforming to previous provisions of this title but do not now conform shall be nonconforming uses, structures or buildings.

10.01.107: PUBLIC NOTICE:

(1) Any required public hearing shall be scheduled and held by the applicable land use authority according to the applicable provisions of this title, the zoning ordinance or state law. Notice of required public hearings shall be provided by the Town at least ten (10) days before the date of the public hearing by publishing notice of the hearing in a newspaper of general circulation in the Town or by giving actual notice of the hearing.

(2) If notice given under the authority of this section is not challenged in accordance with applicable appeal procedures thirty (30) days from the date of the hearing for which the notice was given, the notice is considered adequate and proper. The notice provided in this section may

be referred to in this title as "required notice". The cost of required notices shall be paid by the applicant.

10.01.108: PENALTIES FOR VIOLATION:

In addition to denial, suspension or refusal to act on a developer or landowner's request, any person who shall violate the provisions of this title shall be guilty of a class B misdemeanor unless otherwise established by law. Each day of violation shall be considered a separate violation and subject to the penalties of this section or any other law, ordinance or other provision.

10.01.109: APPEALS:

The requirements and procedures for appealing decisions of the Town land use authorities in administering or interpreting the Town land use ordinances, including this title, are set forth in Section 11.05.104 of this code, and are hereby incorporated herein by this reference.

CHAPTER 2 DEFINITIONS

Section

10.02.101: GENERAL
10.02.102: DEFINITIONS

10.02.101: GENERAL:

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular includes the plural; the word "shall" is mandatory and not directory; the word "may" is permissive. Words used in this title, but not defined herein, shall have the meaning first as defined in any other ordinance adopted by the town and then its common, ordinary meaning.

10.02.102: DEFINITIONS:

The definitions set forth in Utah Code Annotated section 10-9a-103, as amended, and the zoning ordinance, are hereby incorporated as additional definitions pertaining to this title.

APPLICANT:	The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written authorization from the owner.
TOWN COUNCIL:	The elected Town officials consisting of council members and mayor. Three (3) voting members of the Town council constitute a quorum.
TOWN ENGINEER:	The Town engineer of the Town or his authorized representative.
COMMISSION:	The Town of Hideout planning commission.
COMMISSION'S AUTHORIZED REPRESENTATIVE:	The planning commission chairperson or other Town employee or official who has been designated by the commission to represent the Town in enforcing or carrying out the functions of the commission as set forth in this title.

DESIGN GUIDELINES:	The document adopted by the Town council to direct and guide the aesthetics of development in Town of Hideout.
DEVELOPER:	<p>Either:</p> <ul style="list-style-type: none"> a) an applicant for subdivision approval; b) an applicant for a building permit or other permit; or c) the owner of any right, title or interest in real property for which subdivision approvals are sought.
DEVELOPMENT AGREEMENT:	The agreement between the Town and the owner/developer that outlines the duties, responsibilities, obligations, commitments and promises of the Town and the owner/developer.
DUST CONTROL PLAN:	A narrative plan that may include map exhibits prepared by the developer that establishes management practices to be employed and temporary facilities to be installed by developer to control fugitive dust that is released into the air or onto public streets during the construction within the subdivision.
EASEMENT:	Authorization by a property owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the owner's property. An easement may be for use under, on the surface, or above the owner's property.
ELECTRONIC FORMAT:	Drawings, maps, calculations, documents or other data required by the Town to be provided on a disk readable by a compatible computer. Types of electronic files including versions will be as requested by town staff.
FEE SCHEDULE:	The schedule or any appendix of fees adopted periodically by resolution of the

Town Council setting forth various fees charged by the Town.

FINAL PLAT:

A map of a subdivision, required of all subdivisions, which is prepared for final approval and recordation, which has been accurately surveyed, so that streets, lots and other divisions thereof can be identified.

GENERAL PLAN:

The Town of Hideout general plan, as adopted, that sets forth general guidelines for proposed future development of the land within the Town.

MODEL HOME:

A residential structure that meets all residential occupancy requirements, used for sales purposes only. A subdivision may have up to a maximum of five (5) model homes in any subdivision, provided each has a substantially different floor plan.

OWNER:

Any person who alone, jointly or severally with others, has a legal or equitable title to property.

PLANNING COMMISSION:

The planning commission of the Town of Hideout, Utah.

PUBLIC IMPROVEMENT:

Any street dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building or structure.

SECURITY AGREEMENT:

Agreement to install improvements secured by cash bond, cash escrow, an irrevocable letter of credit, or any combination of the preceding as approved by the Town Council.

TOPOGRAPHIC (TOPO) MAP:

A graphic representation of natural and manmade features of a place or region in such a way as to show their relative positions and elevations.

VICINITY MAP:

A map showing project location relative to the Town of Hideout boundaries, major

roads and minor roads that serve the property.

ZONING ORDINANCE:

The Town of Hideout zoning ordinance, as adopted.

CHAPTER 3

SUBDIVISION APPLICATION AND REVIEW PROCESS

Section

PART 1: APPLICATION PROCESS GENERALLY

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- 10.03.102: APPLICABILITY
- 10.03.103: APPLICATION FORMS AND PROCEDURES
- 10.03.104: PERMITS REQUIRED
- 10.03.105: DEVELOPMENT APPLICATION; INITIATION
- 10.03.106: DETERMINATION OF APPLICATION COMPLETENESS
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- 10.03.201: ACTION NOT BINDING

PART 3: PRELIMINARY PLAN

- 10.03.301: REVIEW PROCESS

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- 10.03.401: REVIEW PROCESS
- 10.03.402: FINAL PLAT EXPIRATION
- 10.03.403: AMENDING RECORDED PLAT
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PART 5: DEVELOPMENT AGREEMENT

- 10.03.501: PURPOSE
- 10.03.502: GENERAL REQUIREMENTS
- 10.03.503: APPROVAL
- 10.03.504: RECORDING

PART 1: APPLICATION PROCESS GENERALLY

10.03.101: PURPOSE:

Land use applications, and application review procedures, are provided to achieve the purposes of the general plan and all land use ordinances, including this title.

10.03.102: APPLICABILITY:

A land use application or building permit application, as applicable, shall be required for the establishment of all uses, expansion of uses, and construction or modifications for all buildings and structures located within the town, unless exempt, as provided by the land use ordinances or building code, as adopted. All use and building permit applications shall be presented to the town on the applicable application forms, provided by the town. The type of application presented is at the sole discretion of the applicant.

10.03.103: APPLICATION FORMS AND PROCEDURES:

The mayor or his/her designee manager shall provide application forms and may identify submittal requirements and processing procedures for the acceptance and filing of all applications required by the land use ordinances and building codes, as adopted.

10.03.104: PERMITS REQUIRED:

The requirements of all land use ordinances and building codes, as applicable, shall apply to all uses, buildings or structures located, or proposed, within the town. No use, building or structure shall be commenced or occupied unless and until all necessary approvals, permits and licenses have been issued in accordance with all requirements of the land use ordinances and building codes, as applicable.

10.03.105: DEVELOPMENT APPLICATION; INITIATION:

The procedures for any required approval, permit or license shall be initiated by submitting the appropriate land use application to the zoning administrator.

10.03.106: DETERMINATION OF APPLICATION COMPLETENESS:

Before a land use application is accepted, the zoning administrator, or his designee, shall determine if the application is complete on its face, i.e., all items listed on the application checklist have been submitted with the application. Only if the application is complete will the application be accepted for review. If the zoning administrator determines that the application is incomplete, the zoning administrator shall identify the application deficiencies and advise the applicant that no action will be taken by the land use authority, as applicable, until all application deficiencies have been corrected.

10.03.107: WITHDRAWAL OF APPLICATION:

An applicant may withdraw a land use application at any time prior to a land use authority decision on the application. Application fees shall not be refundable if prior to withdrawal:

- (1) A review of the application by the zoning administrator or technical review committee has commenced; or
- (2) Required notice of a public hearing or public meeting to consider the application with the land use authority has been provided.

10.03.108: REAPPLICATION FOLLOWING APPLICATION DENIAL:

If a land use application is denied for failure to meet the requirements of the land use ordinances and building codes, a land use application for all or any part of the same property shall not be considered by a land use authority for a period of at least one year from the date of denial, unless the subsequent land use application is substantially different from the previously denied application, the prior denial was based upon a mistake of fact, or on a motion duly passed by the town council to act immediately and identifying a valid public purpose.

10.03.109: INSPECTIONS:

In order to review information relevant to an application, a land use authority, the zoning administrator and/or other town staff may enter upon any land at reasonable times to make examinations and surveys related to the application.

10.03.110: FEES:

The town council shall establish, by resolution, a fee schedule for the processing and review of all land use applications required by all land use ordinances, and designed to recover the actual or anticipated costs for the processing of the land use application. The fee schedule may be included in the town consolidated fee schedule, which schedule may be amended from time to time by resolution of the town council. The fee schedule for the processing and review of all land use applications may include a processing fee and an application fee. Fees shall not be required for land use applications initiated by a land use authority.

PART 2: CONCEPT PLAN

10.03.201: ACTION NOT BINDING:

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.

PART 3: PRELIMINARY PLAN

10.03.301: REVIEW PROCESS:

(1) Staff Review And Report: The preliminary plan will be reviewed by the zoning administrator and town engineer for general compliance with this title, the standard specifications, the design guidelines and all applicable ordinances. If the application is not complete or not in general compliance, the zoning administrator shall notify the applicant in writing and specify the deficiencies in the application. When the application is complete and in general compliance, the zoning administrator shall forward the completed application to other town staff and departments, and affected government entities and public utilities to obtain comment regarding the application. Town staff will review the preliminary plan, make site visits, discuss engineering issues, and check compliance with the general plan, master plans and municipal ordinances to determine the adequacy of public facilities. The zoning administrator and town engineer shall prepare a staff report, which shall include all review comments by other staff members and all other agencies required to review the application and submittals. The zoning administrator shall forward the completed application and the staff report to the planning commission.

PART 4: FINAL PLAT

10.03.401: REVIEW PROCESS:

(1) 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: FINAL PLAT EXPIRATION:

If the final plat is not recorded within one year from the date of approval, the approval shall expire and the final plat shall be null and void. 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: AMENDING RECORDED PLAT:

(1) Any landowner whose land has been platted as provided in this title may, upon application to the town, have such plat or portion thereof, or any street or alley therein contained, altered or amended.

(2) The procedure for amending or altering a subdivision plat is the same as for approval of a new subdivision.

10.03.404: VACATING RECORDED PLAT:

The procedure for vacation of a plat shall be governed by provisions of Utah Code Annotated sections 10-9a-608 and 10-9a-609.

PART 5: DEVELOPMENT AGREEMENT

10.03.501: 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.

10.03.502: 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.

10.03.503: APPROVAL:

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

10.03.504: 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.

CHAPTER 3

SUBDIVISION APPLICATION AND REVIEW PROCESS

Section

PART 1: APPLICATION PROCESS GENERALLY

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- 10.03.102: APPLICABILITY
- 10.03.103: APPLICATION FORMS AND PROCEDURES
- 10.03.104: PERMITS REQUIRED
- 10.03.105: DEVELOPMENT APPLICATION; INITIATION
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- 10.03.108: REAPPLICATION FOLLOWING APPLICATION DENIAL
- 10.03.109: INSPECTIONS
- 10.03.110: FEES

PART 2: CONCEPT PLAN

- 10.03.201: ACTION NOT BINDING

PART 3: PRELIMINARY PLAN

- 10.03.301: REVIEW PROCESS

PART 4: FINAL PLAT

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The requirements of all land use ordinances and building codes, as applicable, shall apply to all uses, buildings or structures located, or proposed, within the town. No use, building or structure shall be commenced or occupied unless and until all necessary approvals, permits and licenses have been issued in accordance with all requirements of the land use ordinances and building codes, as applicable.

10.03.105: DEVELOPMENT APPLICATION; INITIATION:

The procedures for any required approval, permit or license shall be initiated by submitting the appropriate land use application to the zoning administrator.

10.03.106: DETERMINATION OF APPLICATION COMPLETENESS:

Before a land use application is accepted, the zoning administrator, or his designee, shall determine if the application is complete on its face, i.e., all items listed on the application checklist have been submitted with the application. Only if the application is complete will the application be accepted for review. If the zoning administrator determines that the application is incomplete, the zoning administrator shall identify the application deficiencies and advise the applicant that no action will be taken by the land use authority, as applicable, until all application deficiencies have been corrected.

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10.03.109: INSPECTIONS:

In order to review information relevant to an application, a land use authority, the zoning administrator and/or other town staff may enter upon any land at reasonable times to make examinations and surveys related to the application.

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The town council shall establish, by resolution, a fee schedule for the processing and review of all land use applications required by all land use ordinances, and designed to recover the actual or anticipated costs for the processing of the land use application. The fee schedule may be included in the town consolidated fee schedule, which schedule may be amended from time to time by resolution of the town council. The fee schedule for the processing and review of all land use applications may include a processing fee and an application fee. Fees shall not be required for land use applications initiated by a land use authority.

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PART 4: FINAL PLAT

10.03.401: REVIEW PROCESS:

(1) 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: FINAL PLAT EXPIRATION:

If the final plat is not recorded within one year from the date of approval, the approval shall expire and the final plat shall be null and void. 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.

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(1) Any landowner whose land has been platted as provided in this title may, upon application to the town, have such plat or portion thereof, or any street or alley therein contained, altered or amended.

(2) The procedure for amending or altering a subdivision plat is the same as for approval of a new subdivision.

10.03.404: VACATING RECORDED PLAT:

The procedure for vacation of a plat shall be governed by provisions of Utah Code Annotated sections 10-9a-608 and 10-9a-609.

PART 5: DEVELOPMENT AGREEMENT

10.03.501: 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.

10.03.502: 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.

10.03.503: APPROVAL:

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

10.03.504: 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.

CHAPTER 4 SUBDIVISION CONSTRUCTION AND SUPPLEMENTARY REGULATIONS

Section

PART 1: GENERAL PROVISIONS

10.04.101: MUST PROVE RIGHT TO ACCESS
10.04.102: INSPECTIONS

PART 1: GENERAL PROVISIONS

10.04.101: MUST PROVE RIGHT TO ACCESS:

Applications for new developments must show proof that they have secured legal access to their property when their property does not abut to a public road in order to be considered for approval.

10.04.102: INSPECTIONS:

(1) Frequency: Construction work involving the installation of public improvements in subdivisions and other developments shall be subject to the inspection of the public works director and town engineer or his/her designee.

(2) Requests For Inspection: Requests for inspections shall be made to the town engineer by the person responsible for the construction. Requests for inspection on work shall be made one working day prior to the commencement of the work. Inspections shall be made by the town engineer after various phases of the construction work are completed. Any faulty or defective work shall be corrected by the developer or the developer's contractor within a period of thirty (30) days from the date of the town engineer's written notification to the developer that correction of the faulty or defective work is required.