See 84-5

AN ORDINANCE

78-2

AN ORDIANCE ESTABLISHING REQUIREMENTS FOR THE SUBDIVISION OF REAL PROPERTY WITHIN THE LIMITS OF WENDOVER, UTAH

WHEREAS the Wendover City Council has determined that the development and division of land into smaller parcels so as to develop the same has not in the past been executed in an orderly fashion, and that the orderly development of real property is in the best interests of the public at large.

AND, WHEREAS, the orderly development of land can only be accomplished for the benefit of the public if the public's elected representatives establish guidelines and requirements for subdivison of real property supervise the accomplishment of the requirements established.

AND WHEREAS, State law does grant unto Cities & Towns the right to plan for all development of property within its limits,

NOW THEREFORE, THE FOLLOWING IS HEREWITH ORDAINED AS THE SUBDIVISON ORDINANCE OF WENDOVER, UTAH:

Section 1. APPLICATION OF ORDINANCE: No person shall subdivide any tract of land which is located within the City of Wendover, except in conformity with the provisions of this Ordinance. The subdivison plans and plats, proposed improvements to be installed, and all procedures relating there to, shall in all respects be in full compliance with the regulations of this ordinance.

Section 2. GENERAL PROVISIONS:

(A) Whereever any subdivision of land shall hereafter be laid out within the incorporated limits of the City, the subdivider thereof or his agent shall submit both a preliminary and a final plat to the City for approval. The subdivision plats shall in all respects be in compliance with these regulations.

(B) Until the preliminary plat and plans for a subdivision are approved:

(1) No land shall be subdivided, nor any street laid out nor any improvements made to the natural land.

(2) No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.

(3) No improvements-such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service, lighting, grading, paving, or surfacing of streets and right of ways-shall hereafter be made by any owner or owners or his or their agents or by any public service corporation at the request of such owner or owners or his or their agents.

(4) Land subject to flooding or within an area designated as subject to a 100 year flood by the Federal Flood Insurance Program Administrator, and areas subject to poor drainage will not be permitted to be subdivied unless the flooding or drainage problems are properly delt with in the subdivision plan to the satisfaction of the City.

(C) Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the City as a whole, the Planning and Zoning Commission may, before approval, cause to be prepared a plan for the entire unit, such plan to be used by the Planning and Zoning Commission as an aid in judging the merits of the proposed plat.

Section 3. INTERPRETATION:

(A) In interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements.

(B) Where the conditions imposed by any provision of this ordinance upon the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, resolution, rule or regulation of any kind, the regualations which are more restrictive or which impose higher standards or requirements shall govern.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. RULES OF INTERPRETATION:

(A) Words used inthe present tense shall include the future; and words used in the the singular number shall include the plural number, and the plural the singular.

(B) "Shall" is mandatory and not discretionary.

(C) "May" is permissive.

(D) "Lot" shall include the words "plot, piece, and parcel".

(E) "Used for" shall include the phrases "arranged for, designated for , intended for, maintained for, and occupied for."

Section 6. DEFINITIONS: The following definitions shall apply to the application and interpretation of this ordinance:

(A) "Block means a tract of land bounded by streets, or by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, bulkhead lines or shorelines of waterways, lakes, or corporate boundary lines of the Town.

(B) "Building setback line" means a line parallel to the street line at a distance from it, regulated by the front yard requirements of the zoning ordinance or by any other ordinance.

(C) "Crosswalk" means a public right-of-way located across a block to provide pedestrian access to adjacent streets or alleys or to the opposite side of the block.

(D) "Datum plane" means a reference point from which elevations are measured. The datum plane is mean sea level as established by the United States Geodetic Survey.

(E) "Gross land area" means the entire area of a development including lots, streets, and alleys, measured to the center line of any bounding streets.

(F) "Land use plan" means an approved master plan of the City used for development purposes.

(G) "Lot" means a parcel of land legally described as a distinct portion or piece of land of record.

(H) "Official map" means the map showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments or additions thereto resulting from the City Council action or the approval of subdivision plats.

(I) "Roadway" means the paved portion of a street right-of-way intended for vehicular traffic, including all curb and gutter facilities appurtenant to the roadway.

(J) "Street width" means the shortest distance between lines of lots delineating the public street.

(K) "Subdivider" means the person or persons responsible for preparing and recording the plats of subdivisions and for carrying out all appropriate requirements relating thereto as outlined in this chapter.

(L) "Subdivison" and "subdivide" mean the division of a tract or parcel of land into two or more parts for the purpose of sales or building development, either immediate or future. If any person divides any tract into two or more parts, such land shall be deemed a subdivision within the meaning of this ordinance. This definition shall not include a bona fide division or partition of agricultural land into parcels of one or more acres for agricultural purposes, nor shall it include the division of property in commercial or industrial developments where no new streets are required or are to be developed

For public use: nor shall it include or apply to the allocation of land in the settlement of an estate, or to a court decree for the distribution of property.

Section 7. PROCEDURE FOR APPROVAL, OF A SUBDIVISION:

(A) Pre-application Conference: Prior to the submission of an application for the approval of a subdivision, the sub-divider shall confer with the Planning and Zoning commission or their designated representative. The purpose of said pre-application conference is to permit the sub-divider and the City to review the proposed land development activity and its use, the site, area of potential conformity or conflict with the City's development policy, and the process by which the proponent may proceed to seek a permit for the proposed land development activity sought by the sub-divider. The pre-application conference shall be held at a mutually agreeable time of the participants.

(B) Preliminary Plan and Plat: Following the Pre-application conference, the sub-divider shall prepare the preliminary plan documents indicated in Section 8 through Section 10 and the preliminary plat. Five copies of all documents comprising the preliminary plan and five (5) copies of the preliminary plat shall be submitted to the Planning and Zoning Commission at least 24 hours prior to the meeting of said Commission to consider the same. At said meeting, the sub-divider and the commission shall review the preliminary plan and preliminary plat for compliance with these regulations and the other ordinances of the City and shall, within two months of the first regular meeting following said meeting:

Approval or disapprove the proposed preliminary plan and plat or conditionally approve the same subject to specified amendments to be completed prior to submission of the preliminary plat and plan to the City council for consideration. Said approval, disapproval or conditional approval shall be transmitted with explanations to the City council in writing prior to its meeting to consider said subdivision preliminary plan and plat.

Failure of the Planning and Zoning Commission to take action up9on any preliminary plan or plat which it has considered at a regular public meeting within 65 days of said consideration, shall be deemed approval of the same. No plan and plat shall be submitted to the City council for consideration or approval until a final determination of approval, disapproval or conditional approval of the Planning and Zoning commission has been obtained. The Preliminary Plan and Plat shall be submitted in the same five copies to the City council at least 24 hours prior to a meeting which is called to consider the same as part of its public agenda. At said meeting the Council may review the same and either approve, disapprove or conditionally approve the same. When ever a preliminary plan or plat or a final plat is presented to either the Planning and Zoning Commission or the City Council, the Subdivider shall be personally present to present the same for consideration and to answer all questions of the public body. If the subdivider is not present, the plan or plat will not be considered. After the preliminary plat and plan

Is approved by the City Council, the subdivider must either submit the final plat to the council for approval within 365 days or the approval of the preliminary plan and plat shall lapse and be of no further force or effect.

(C) The Final Plat: Following the approval of the preliminary plan or plat, the subdivider shall prepare a final plat indicating theron all of the amendments required by the Planning and Zoning Commission and the City council as well as all other requirements of final plats as indicated by this ordinance or regulations and ordinances of the City of Wendover. The final plat shall be prepared in five copies and submitted to the Planning and Zoning commission at least 24 hours prior to their convening to consider the same. Failure to do so, shall be deemed approval. The approval or disapproval shall be indicated in writing upon the final plat and shall be signed by all members of the Planning and Zoning Commission voting for or against said action, indicating their vote. Written explanation of the vote shall be submitted to the City Council prior to its consideration of the Final Plat. The Final Plat in five copies shall be submitted to the Town Council at least 24 hours prior to its convening to consider the same as a portion of its consideration of the final plat, the Council shall approve or disapprove the same. Failure to so act shall be deemed a disapproval of the final plat, and the same shall not be recordable or valid for the purpose of subdivision of land.

Section 8: REQUIREMENTS OF PRELIMINARY PLAN: No preliminary Plan shall be submitted for consideration by the City of Wendover which does not consist of the following documents:

(A) Letters of feasibility on the letter head stationary of the Tooele County Health Officer and the Utah State Division of Environmental Health indicating the feasibility of the proposed water and sewerage disposal system for the subdivision.

(B) Letter on the Letter head of the State Engineer or certified copies of documents of his office indicating that the subdivider has acquired the right to use sufficient water for culinary purposes of the proposed subdivision use.

(C) The application for Approval form (See Appendix A).

(D) A copy of a Sewage Disposal Report plus (3) extra copies (Appendix B) where on-lot sanitary sewage disposal is proposed.

(E) A Location and Vicinity Map showing the following:

(1) Related existing and planned streets and highway systems.

(2) Subdivision boundary lines.

(3) Zoning districts, taxing districts, and other general or special districts upon the premises.

(4) Site of all water sources upon the premises, with their identification by local name, if any, and State Engineer application or water certificate number

(5) Significant geologic formations and flora upon the premises.

(F) A map at suitable scale showing the following:

(1) Proposed future street layout in dashed line or any portion or parcel of the plan which is not being subdivided at the present time.

(2) Water courses and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas or swamps. Detailed design of drainage structures is not required for approval of the preliminary plat and plan.

(3) Approximate boundaries of areas subject to inundation or storm water overflows of an intensity estimated to occur within a return frequency of once every one hundred years.

(4) Existing buildings, other easements, telephone, gas and electrical lines, structures, etc., on the premises or within 200 feet of its boundaries.

(5) The direction and gradient of the ground slope, including existing embankments or retaining walls, character and location of building, railroads and nearby nonresidential land uses or adverse influences and ownership of adjacent land whether platted or not.

(6) All wooded areas, isolated preservable trees one foot or more in caliper at one foot in caliper one foot above ground level.

(G) An exact copy of a preliminary report of a title insurance company, a title insurance policy or an attorney's

Title opinion brought to date of the submission for approval setting forth the names of all property owner's of property included in the subdivision as shown on the preliminary plat as well as all mortgages, judgments, liens, easements, contracts, and other clouds affecting title to the said premises. The town may require all persons having an interest in the premises, as disclosed by the report, policy or opinion to join in and approve of the subdivision application.

(H) When a street of the subdivision will intersect a state or county highway, or a railroad easement or right-of-way, written consent on the letter head stationary of the affect authority must by submitted with the preliminary plan.

(I) All information required by the FHA when the subdivision will be submitted to that agency for feasibility and approval under a federal loan guarantee or other federal program, including the application for approval by the federal agency.

(J) A letter on the letter head stationary of each utility company to be involved in the subdivision stating that the preliminary plan has been reviewed and stating forth the utility company's comments regarding the utility service design and easements.

Section 9: THE PRELIMINARY PLAT REQUIREMENTS:

(A) Additional copy requirements.

(!) One additional print is required when the property being subdivided abuts a State Highway or County Road.

(2) One additional print is required when any railroad right-of-way or easement.

(3) One additional print is required when on-site sanitary sewage disposal facilities are proposed.

(4) When the proposed subdivision lies wholly or partially within one mile of the corporation limits of the Town, one additional print shall be furnished to the adjacent county or city.

(B) Drawing Requirements. The accuracy of location of alignments, boundaries and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Utah. A workman-like execution of the plat shall be make in every detail. A poorly-drawn or illegible Plat is sufficient cause for rejection. The following data shall be submitted as part of the Preliminary Plat submission.

(1) A vicinity sketch showing perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within a one-half mile distance of the perimeter of the proposed plat.

(2) A traverse map of the perimeter of the proposed subdivision. (If monumented, see the requirements of Appendix D).

The traverse shall have an error of closure of not greater than one part in 10,000. Survey tie into the state grid or other permanent marker established by the County surveyor is required, if the county surveyor finds such to be practical.

(3) The existing contours at two foot intervals for predominant ground slopes within the tract between level and five percent grade and five foot contours for predominant ground slopes within the tract over five percent grade. Elevations shall be based on National Geodetic Survey sea level data. In cases of predominately level topography throughout a subdivision, one foot interval contours may be required.

(4) Lot and street layout, including numbers of the lots.

(5) Dimensions of all lots to nearest foot in numerals.

(6) All easements of utilities within the subdivision including manholes and other appurtenances, indicating the sizes of all water and sewer lines.

(7) Lots and blocks numbered consecutively.

(8) Locations and identification of all existing and proposed public and private easements.

(9) Existing and proposed street names.

(10) Street profiles to show proposed grades.

(11) The plat shall be drawn to a scale not less than one inch equals one hundred feet, and shall indicate the basis of bearings, true north point, name of subdivision, name of municipality, township, range section, and quarter section, block and lot number of the town plat, and for the property to be subdivided.

(12) General location in the subdivision of all trees or other vegetation which the subdivider intends to retain. It is the intent of this requirement to determine the approximate location of trees for design evaluation rather than to require unnecessary surveying of exact tree location.

(13) The location of all public areas, including the required park area to be dedicated to the public.

(14) Sites, if any, for multi-family dwellings, shopping centers, community facilities, industry or other uses not single-family dwelling designated.

(15) Location, function, ownership and manner or maintenance of common open space not otherwise reserved or dedicated for public use.

(16) Sufficient information so as to show the intent of surface drainage on all hand surfaced areas.

(17) Proposed building setback lines.

(18) Name and address of the Subdivider and the planner or engineer preparing the Plat.

Section 10. PRELIMINARY PLAT REVIEW PROCEDURE: When a Preliminary Plat and Plan has been officially submitted and received by the Planning and Zoning commission, it shall be placed on the agenda for the next scheduled meeting of the Commission for which proper notice pursuant to state law may be given. The planning and Zoning commission finds to be developed with the intent, standards and criteria specified in this ordinance and the subdivision regulations of the City of Wendover.

The Commission shall determine from a review of the preliminary plat whether the soil, slope, vegetation, and the drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earth-moving operations in the construction of the subdivision or otherwise entail an erosion hazard, and if so, the Commission shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a person trained and qualified in such matters, as is determined by the Planning and Zoning Commission or by the U.S. Soil Conservation Service, using the County conservation standards. Within the time period provided herein, the Planning and Zoning Commission shall approve, disapprove or conditionally approve the Preliminary Plan and Preliminary Plat. It may postpone said action so a to allow the subdivider time to provide material or additional information required by the Planning and Zoning Commission.

Section 11. THE FINAL PLAT REQUIREMENTS:

(A) Drawing Requirements. The final plat shall have the following standards:

(1) The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work in the State of Utah. A workman-like execution of the plat shall be made in every detail. A poorly-drawn or illegible plat is sufficient cause for disapproval.

(2) The plat shall be delineated in permanent ink on water-proof tracing cloth or mylar.

(3) The bearings, distances and curve data of all perimeter boundary line, not inside the lot dimensions. When the plat is bounded by an irregular shore line or body of water, the bearings and distances of a closing meander cravers shall be given and a notation made that the plat includes all land to the water's edge or otherwise.

(4) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(5) All blocks and all lots within each block shall be consecutively numbered.

(6) On curved boundaries and all curves in the plat, sufficient data shall be given to enable the re-est tablishment of the curves on the ground. This curve

data shall include the following for circular curves:

(a) radius of curve

(b) central angle

(c) arc length

(7) Excepted parcels shall be marked "Not included in this subdivision" and the boundary completely indicated by bearings and distances.

(8) All streets, walkways and alleys shall be designated as such and streets shall be named; bearings and dimensions must be given.

(9) All easements shall be designated as such and bearings and dimensions given.

(10) All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys, or as excepted parcels.

(11) All dimensions fo lots indicated within the lot lines.

(12) All bearings and lengths shall be given for all lot lines.

(13) Parcels not contigious shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgement.

(14) Lenghts shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds.

(15) All informantion required on the Preliminary Plat shall be included on the Final Plat.

(16) The following information shall also be included:

(a) Name of subdivision, astronomic north arrow and basis thereof, and date.

(b) Name and address of owner or owners of record.

(c) Total acreage of subdivision; total number of lots.

(d) Township, range, section, quarter section, town block and lots, if any.

(e) Graphic scale.

(f) Local Engineer and County Surveyors certificate, if the office of said officials is occupied.

(g) Town Attorney's approval certificate.

(h) Planning and Zoning commission approval certificate.

(i) Town Council's approval certificate.

(j) Any additional information required by the city ordinances, or state law.

(17) The dimensions and format of the plat shall be established by the City Council by resolution. Various typical examples are included in Appendix "F" for reference.

(B) Monuments.

(1) Permanent reference monuments, as approved by the local engineer, shall be set on the external boundary of the subdivision, and at all street center line intersections and all beginning and end points of curves, to provide line of sight control for re-establishing the survey.

(2) Block and lot monuments shall be set.

(3) At least one second order benchmark shall be set (where proctical to tie in) within ever subdivison or subsequent filing prior to submission of the final plat for approval.

(4) Detail requirements on monument construction, marking and setting are contained in Appendix D.

(C) Survey Certification. The surveyour making the plat shall certify on the plat that it conforms to the regulations of this ordinance and all other applicable state and local laws and ordinances, and that the monuments described on the plat and in this Ordinance have been set. He shall affix his name and seal.

(D) Supporting Documents. The following documents shall be submitted with the Final Plat and shall be considered part of that submission:

(1) A statement that all utilities shall be underground and that electricity and telephone service will be

provided to each lot. The disapproval of the subdivison and its automatic vacation shall occure if this covenent is breached.

(2) Plan, profile and typical cross-section drawings of the roads, bridges, culverts, sewers, water lines and drainage structures of the subdivision.

(3) Grading and drainage plans. The proposed grading plan shall be indicated by solid-line contours superimposed on dashed-line contours of existing topography for the area of the final plat. Such contours shall be at two foot itervals for predominant ground slopes within the tract between level and five per cent grade, and fove foot contours for predominant ground slopes within the tract over five per cent grade. In case of predominantly level topography throughout the subdivision tract, one foot contour intervals may be required.

(4) Erosion control plan. When the Town shall require an erosioin control plan after review of the Preliminary plat and plan, it shall be submitted with the Final Plat and must be approved before the Final Plat shall be approved. All such plans shall meet the requirements of Section 10.

(5) All documents required as part of the Preliminary Plan shall be resubmitted and if any of them have been changed or amended, copies fo the original submission

shall be attached to the back of the new document for comparison.

(6) A covenant executed by the owners of the subdivision and by the subdivideer that the public park property to be developed by the subdivider shall meet the specifications and standards of the City and shall be maintained by the subdivider for one year after acceptance at the subdivider's expense.

(7) A detailed plan fo the development of the public park premises to be dedicated to the public as part of the subdivision, including the contour data required above, the sprinkler system layout and pipe type, specifications and sizes, the type of recreation equipment that will be installed and the location of each item of equipment and other improvements on the premises.

(8) Where a portion of an existing easement is contigous to a proposed easement or right-of-way of a new subidivision, proof of the deication of the existing easement or right-of-way acceptable to the Planning and Zoning Commission must be submitted.

(9) Where the subdivider is to deicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the public agency receiving the dedication, agreeing to such dedication and stating how applicable improvement standards

will be met. When land within a subdivision is to be purchased by a public agency for public use, a letter of intention to purchase shall be required.

(10) When a new street will intersect with a state highway or will cross a railroad, a copy of the state highway permit or railroad crossing permit shall be submitted.

(11) an agreement or bond for the off-site improvements acceptable to the City Attorney and required by Section 16.

(12) A summary statemant including the following information about the subdivision:

(a) Total development area, and number of proposed dwelling units in the phase being submitted for final approval and in the total future development.

(b) Total number of square feet of non-residential floor space, and purpose of such space.

(c) Total number of off-street parking spaces, excluding those associated with single-family residential development.

(d) Estimated total number of gallons per day of sewage to be generated by the development uses, and by means of disposal.

(e) Estimated total number of gallons per day of culinary and irrigation water consummed by the subdivision uses, and the means of acquisition if not already provided in other documents.

(f) Estimated construction cost and proposed method of financing streets and related facilities, water distribution system, sewage collection system, flood plane protection, storm drainage facilities, and such other facilities as may be required. If improvements are not to be completed prior to approval of the Final Plat, the cost estimates included in this statement shall be identical to those included inthe improvement agreement.

(g) Copies of protective covenants, trust agreements, and homebuyers association articles and by-laws, including those required by the City Council with regard to the criteria and standards of these regulations.

(h) A monument record.

Section 12. FINAL PLAT REVIEW PROCEDURE: The Planning and Zoning commission shall review the Final Plat at a regularly-schduled public meeting. If the Final Plat and all supplementary data complies with the applicable requirements of these regulations and the requirements of the approved Preliminary Plat, the Planning and Zoning Commission shall certify approval of the Plat on the space provided.

Within five days of review of the Final Plat at the public meeting, the Planning and Zoning Commission shall send written notification of its review to the City Council. Required modification of the Final Plat shall also be specified in the notification. A copy of the notification shall be mailed postage prepaid to the subdivider.

The only basis for rejection of the Final Plat shall be its nonconformance to the adopted regulations and ordinances currently in force and affecting the land to be developed and the failure of the plat to contain all requirements of the Preliminary Plat.

The City Council shall review the Final Plat within thiry-five days of reciept of transmittal from the Planning and Zoning commission fo the Notification. The review shall be at a regularly-scheduled or special plublic meeting complying with the requirements of the Utah Open and Public Meetings Law. If the City Council determines that the Final Plat submission complies with applicable requirements of the provisions of this ordinance, it shall certify approval of the plat on the space provided.

The subdivider shall provide an adequate number of approved plats together with official notification o the action of approval to the governing body for its records and files as follows.

(A) One copy to the City Building Offical

(B) One copy to the City Council file

(C) One copy to the City Engineer and County surveyour.

(D) One copy to the Wasatch Front Regional Council, should said council desire a copy.

(E) One copy to each utility company serving the subdivision.

Section 13. RECORDING OF FINAL PLAT: The City Council shall cause the final plat as approved to be recorded within five working days of its approval with the Tooele County Recorder; the subdivider shall pay the expense of the recording.

Section 14. RE-SUBDIVISION OF EXISTING SUBDIVISION: re-subdivison of land or changes to a recorded plat shall be considered a subdivision and shall comply with these regulations, with the following exceptions and conditions:

(A) Lot lines may be revised from those shown onthe recorded plat, provided that in making such changes:

(1) No lot or parcel of land shall be created or sold that is less than the minimum requrements for area and dimension as established by these regulations or other applicable regulations or ordinances.

(2) Drainage easements or rights-of-way reserved for drainage shall not be changed, unless supported by completed engineering datea and required approvals.

(3) Street locations and street rights-of-way shall not be changed.

(4) The plat shall not be altered in any way which will adversely affect the character of the plat already filed.

(B) If it is discovered that there is minor survey or drafting error in a recorded final plat, the subdivider shall be required to file a final plat with an affidavit witnessed by two land surveyors licensed to pratice inthe State of Utah, concerning the change which shall be approved by the Planning and Zoning Commission and the City Council. If, however the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these regulations, then the corrected plat shall require full approval procedures and the recording of a corrected plat.

(B) A copy of all final plat revisions shall be submitted to the Planning and Zoning Commission and City Council for review and approval before recording and commencement of construction.

(C) Where the re-subdivision complies with the appropriate requirements of these regulations, a record plat indicating the re-subdivision shall be submitted to the Planning and Zoning Commission and the City Council for their endorsements, prior to the filing of such plat with the County Recorder. Such plats shall specifically indicate the revisions being made compared to the previously recorded plat.

(D) The City clerk shall maintain an adequate numbered filing system for all subdivisions, including copies of all maps, data, specifications, preliminary plans, and offical subdivision actions; also, a master location map or maps referenced to the filing system, for public use and examination.

Section 14. DESIGN STANDARDS: All subdivisions shall comply with the design standards adopted from time to time by the City Council by resolution, said design standards to be known and designated as appendix "G" of this ordinance.

Section 15. CONSTRUCTION STANDARDS: All subdivisions shall comply with the construction standards, including drawings, tables, charts, references and other regulations adopted by the City Council from time to time by resolution which standards shall be known and designated as appendix "E" of this ordinance.

Section 16. GUARANTEE FOR OFF-SITE IMPROVEMENTS: In lieu of actual installation of the improvements required by this ordinance for off-site improvements, and before the Final Plat is approved by the City Council, the subdivider shall guarantee the installation thereof by one, or a combination of the methods quailified below, in an amount equal to the cost of the improvements as estimated by the City. The guarantee employed shall be approved as to method and form by the City Council and by the City Attorney. The City Council is aurthorized to prescribe

by administrative rule, or regulation, forms and procedures to insure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with the requirements of this ordinance. The forms, rules and regulations so prescribed shall be known as appendix "F" of this ordinance.

(A) The subdivider may post with the City Clerk cash, negotiable sucurities or surety bond with surities acceptable to the city in an amount sufficient to cover the full cost of said improvements as esitmated by the City and conditined upon the completion and acceptance by the City of all improvements within two years from the approval of the final plat. Upon acceptance of such bond, approval of the plans and specifications for all improvements by the City and approval by the Planning and Zoning Commission and the City Council of the final plat, such plat may be recorded.

(B) In lieu of the provisions of paragraph (A) above, the subdivider may submit with his plans and specifications for all improvements and his final plat, evidence of a binding agreement with a responsible financial institution doing business lawfully inthe State of Utah, that it shall hold in escrow or trust such funds as the City shall designate as being necessary to complete the improvements of the subdivision, and will not release such funds without the prior written consent of the City Attorney, on the completion and approval of the improvements.

The final plat may be recorded and building permits issued, only after the execution of the escrow and trust agreement by the Mayor and the City Attorney.

(D) In lieu of the the provisions fo paragraphs (A) and (B) above, the subdivider may petition, in appropriate cases, forthe installation of all improvements by special assessment, and shall provide a purchaser for all special improvement bonds issued pursuant thereto. On a sale of such bonds for part or more and on approval of the final plat by the Planning and Zoning Commission, the final plat may be recorded and building permits issued.

Section 17 GUARANTEE OF IMPROVEMENTS FOR ONE YEAR: The subdivider shall be responsible for the maintenance of all improvements for one year following their acceptance, and shall guarantee such maintenance by posting cash or negotiable securities in the amount of 5% of the cost of such improvements or a surety bond with sureties approved by the City Council and City Attorney in the amount of 5% of the cost of such improvements. The fulfillment of this requirement is a condition precedent to the approval of the final plat by the City Council and is in addition to the requirements of Section 16, above. Final inspection by the City Engineer or Building Official shall be made one year after all work has been completed and before release of the improvement bond, deposit or escrow deposit.

All defects shall be corrected before acceptance by the City Council after written approval is received from the City Engineer or Building Offical.

Section 18 TWO YEARS PERMITTED BEFORE APPLICATION FOR BUILDING PERMIT REQUIRED: If the subdivision or the owners of any lots of the subdivision have not made application for at least 25% of the lots of the said subdivision or any phase thereof, within two years of the recording of the final plat with the Tooele County Recorder, the approval of the final plat does automatically lapse, and is void and of no further force or effect, and the said subdivision is no longer approved. An extention , in unusual circumstances for no more than an additonal six months may be granted by the City Council if application for said two year period. However, all off-site improvements for the area for which building permits have been issued shall be completed prior to the release of the security for the off-site improvements as required by Section 16.

Section 19. PHASE DEVELOPMENT REQUIRED:

(A) The final platting of subdivision containing more than twenty-five lots shall be done in phases, except as provided in paragraph (C) below. Each phase shall consist of the number of lots which can be completely developed with both off-site and on-site improvements within a two year period, or twenty-five lots, whichever is the smaller. "Off-site improvements" are construed to be those improvements such as utilities lines, curb, gutter,

sidewalk, road base and paving as is required by the provisions of his Ordinance or the regulations and provisions of City of Wendover. "On-site improvements" shall be construed to mean the construction or placement of the dwelling and its appurtenant improvements on each lot, including landscaping. The development of the subdivision shall be in an orderly manner and in such a manner as to provide that all phases shall be contiguous to the last completed phase. All off-site improvements shall commence at on point and progress through each phase in such a manner as to provide a contiguous exversion thereof from the point of beginnning.

(B) When the off-site improvements have been one hundred percent completed within the boundries of a recorded phase, and approved by the City and the on-site improvements are seventy per cent completed, the subdivider may submit the next phase of the proposed development in accordance with the rules and regulations of this subdivision ordiance for the approval of final plats.

(C) A final plat including more than twenty-five lots will be accepted only upon the submission of qualified evidence indicating that the market absorption rate is such, and the financial ability ofthe subdivider in such that off-sit improvements for all lots in such phase will be completed within two years, andthat on-site improvements will be completed on at least seventy percent of the lots of the phase within four years of such approval.

Section 20 PARKS, SCHOOLS AND PUBLIC AREAS:

(A) Five percent ofthe total area of a residential subdivision shall be developed as public recreation facilities and deeded to the City so as to meet the public recreational needs of the anticipated residents ofthe subdivision. The Planning and Zoning Commission , considering the advice of the City Engineer, shall designate the general area within the subdivision to be deeded to the City , and the manner in which the subdivider shall develop the same.

(B) When the Planning and Zonng Commission concludes that the impact of the additional residential dwellings of the subdivision will be best served by locating the public recreational facilities one parcel of land located outside a particular proposed subdivision, but within one mile ofthe proposed subdivision, the Planning and Zoning Commission, considering the advice of the City Engineer, may provide that the subdivider shall pay cash tothe City in an amount equal to five percent of the fair market value ofthe improved subdivision tract in lieu of conveyance of a parcel of land within the subdivison as provided in part (A) of this section. The decision of the Planning and Zoning commission confirmed by the City Council shall be binding upon the subdivider as to whether a conveyance of land or an in-lieu payment of cash shall be made to the City.

(C) In-lieu cash payments will be made to the City prior to approval of a final plat by the Planning and Zoning commission, or the City council,and the fair market value per acre of the subdivision land as developed land, as anticipated by the improvements provided on the final plat, shall be the basis upon which the five per cent cash in-lieu payments shall be calculated. Should the City and the subdivider be unable to agree as to that value, each shall employ an experienced real estate broker or appraiser, and the two brokers or appraisers chosen shall elect a third real estate broker or appraiser and the three brokers or appraisal determine the fair market value per acre of the land of the subdivision as developed land. The cost of said appraisal shall be the liability of the subdivider, and no final plat shall be approved or any building permit issued until the subdivider has paid for the cost of said appraisal. No appraisal thus obtained shall be binding upon the City until the same is accepted by formal resolution of the City Council.

(D) Whenever the City Council and the Planning and Zoning Commission determine that public land, in addition to the above five percent requirement is needed to meet the needs of the public as a whole, including those in the subdivision, the City Council may require as a condition precedent to the final approval of the subdivision plat that such areas as the City Council may determine shall be set aside and designated on the final plat as land reserved for future public use. A public body may acquire the

land so designated by purchase or the commencement of condemnation proceedings within thirty-six months form the date of approval of such plat; and if the body fails to do so within said thirty-six month period, the land so designated may be used by the owners thereof in any manner consistent with this chapter, the comprehensive plan of the City of Wendover, and the zoning ordinance of the City so long as recommended preliminary plat and final plat are approved pursuant to the provisions fo this Ordinance regarding the land set aside for public use.

(E) In subdividing any land within the City, due regard shall be shown for all natural features, such as trees, water courses, historic spots, structures or sights, or similar conditions, which, if preserved, would add attractiveness to a proposed subdivision development, a public facility, or other purposes as determined by the City.

Section 21. BUILDING PERMIT NOT ISSUED UNTIL COMPLIANCE: No building permit shall be issued for the construction of any building, structure or improvement on-sit, until all requirements of this ordinance, including the payment of all required fees has been completed.

Section 22. PERMITS AND FEES:

(A) From the effective date of this ordinance, no person shall grant a permit, nor shall any officer of the City of Wendover grant any license or permit for the use of any land or the construction or alteration of any building

or structure on a lot which would be in violation of any provisions of this ordinance or of the subdivision regulations, or on a lot in a subdivision created by judicial decree, until a subdivision plat thereof has been recorded, or approved as required by this ordinance. Any license or permit issued in conflict with such provisions is null and void and of no effect to the applicant or those to whom issued for any purpose.

(B) At the time of filing the Preliminary Plat and Plan, a non-refundable fee must be submitted, payable to Wendover City in accordance with the currently applicable fee schedule as adopted by resolution of the Wendover City Council.

(C) Any violation of the provisons of this ordinance, shall be a class "B" misdemeanor".

WHEREFORE, THE WENDOVER CITY COUNCIL being of the opinion that the foregoing Subdivision Ordinance is necessary for the immediate preservation of peace, health, safety and general welfare of the inhabitants of Wendover City, Tooele County, State of Utah, does herewith declare the adoption of said ordinance an emergency and that this ordinance shall take effect immediately upon its passage.

Passed and adopted by the City Council of Wendover City, Utah, this _____day of _____, 198__.

WENDOVER CITY COUNCIL