

PRELIMINARY SUBDIVISION APPLICATION

Section 301 — Intent:

1. It is the intent of this Ordinance that a Preliminary Subdivision Application decision be a discretionary action by the Council, acting as a Land Use Authority. A decision by the Council related to a Preliminary Subdivision Application shall be accompanied by findings of fact, following the receipt of a Commission recommendation, such recommendation also being accompanied by findings of fact.
2. For the purposes of this Ordinance, the procedures and requirements for the consideration of a Preliminary Subdivision Application are provided to allow for the consideration of all items in relation to the proposed subdivision.
3. The DRC shall identify and address all items applicable to a Preliminary Subdivision Application prior to providing a recommendation to the Commission and Council.
4. The Commission shall identify and address all items applicable to a Preliminary Subdivision Application prior to providing a recommendation to the Council.
5. The Council shall identify and address all items applicable to a Preliminary Subdivision Application prior to approving, approving with requirements, or denying the Preliminary Subdivision Application.

Section 302 — Preliminary Subdivision Application – Requirements:

All Preliminary Subdivision Applications, filed with the Zoning Administrator, shall provide the following information.

1. Preliminary Subdivision Application Form. A Preliminary Subdivision Application Form, provided by the City, shall be completed and signed by all owner(s) with a fee interest in the Subject Property, as identified on the property assessment rolls of Weber County, or the authorized agent of the property owner(s).
2. If the Preliminary Subdivision Application Form is signed by an agent of the owner(s), the Preliminary Subdivision Application Form shall be accompanied by an original notarized affidavit by the owner(s) identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Preliminary Subdivision Application.
3. Preliminary Subdivision Application Fee. The Preliminary Subdivision Application Form shall be accompanied by the Preliminary Subdivision Application fee, as established by a Resolution of the Council.
4. Preliminary Subdivision Plat. A Preliminary Subdivision Plat, prepared by a licensed land surveyor, or engineer, shall be provided. The Preliminary Subdivision Plat shall be prepared in pen and all sheets shall be numbered. A minimum of one (1) 11 inch x 17 inch size and five (5) 24 inch x 36 inch size paper copies, and a digital copy in format acceptable to the City Engineer shall be provided. The Preliminary Subdivision Plat shall show the following:
 - a. A layout plan of the proposed subdivision for the entire Subject Property, at a scale of not more than 1" = 100', or as recommended by the Zoning Administrator and/or City Engineer.
 - b. The name of the proposed Subdivision and the section, City, range, principal median, and County of its location shall be located at the top and center of the Preliminary Subdivision Plat.
 - c. A title block, placed on the right hand side of the Plat showing:

- i. Name and address of the Property Owner(s) of record and the name and address of the licensed surveyor or licensed engineer responsible for preparing the Preliminary Subdivision Plat.
 - ii. Date of preparation of the Preliminary Subdivision Plat, and all revision dates.
 - d. North arrow, graphic and written scale, and basis of bearings used.
 - e. All proposed lots, rights-of-way, and easements created by the proposed subdivision and their bearings, lengths, widths, name, number, or purpose.
 - f. A vicinity map of the Subject Property, at a minimum scale of 1" = 1000'.
 - g. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. The location of the Subject Property with respect to surrounding properties and roads, and the names of all adjoining property owners of record.
 - h. The legal description of the entire Subject Property boundary.
 - i. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of such set aside, and conditions, if any, of the dedication or reservation.
5. Required Subject Property Information.

The following information shall be provided for the Subject Property at the same scale as the Preliminary Subdivision Plat and on separate sheets, as applicable:

- a. The identification of known natural features on a map including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, flood channels as identified by a Federal or State Agency, all water bodies and drainage ways, any sensitive lands, and any potential natural hazards such as ground shaking or liquefaction, and any other natural features for the Subject Property, including the total acres in each.
- b. Existing site contours, at intervals of no greater than one (1) feet, unless otherwise approved by the City Engineer, overlaid with the proposed subdivision layout.
- c. The location of any known man-made features on, or contiguous to the Subject Property, including existing platted lots, utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, road and street rights-of-way and easements, field drains, and well or spring protection areas.
- d. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.
- e. The layout of all existing and proposed overhead and underground utilities such as power, gas, cable, telephone, and other public and private utilities.
- f. All existing and proposed road and street locations and dimensions, with cross sections of all new roads and streets, proposed to be dedicated to the City, showing the grades of all proposed streets and roads, all proposed cuts and fills exceeding three (3) feet, and the proposed radius of all center line curves.
- g. The location and size of existing and proposed culinary water and sanitary sewer lines, the location of all wells and springs, and/or the location of all existing and proposed secondary water system facilities as required by Roy Water Conservancy Subdistrict and City Engineer, as applicable, overlaid with the proposed subdivision layout.
- h. The location and size of existing and proposed storm drainage and flood control facilities including pipe sizes, inlets, detention areas, and identifying all drainage arrows.
- i. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.
- j. Each proposed lot shall identify required setback lines including identifying the required front, side, and rear yard areas, as required by the Zoning District in which the proposed subdivision is located.
- k. The location of existing and proposed land drains systems.

6. Title Report.

A Title Report for the Subject Property, provided by a Title Company within thirty (30) calendar days of the date of the Preliminary Subdivision Application.

7. Tax Clearance.

A tax clearance provided by the Weber County Treasurer within thirty (30) calendar days of the date of the Preliminary Subdivision Application indicating that all taxes, interest, and penalties owing for the Subject Property have been paid.

8. Evidence of Availability of Necessary Services.

The following information shall be provided to establish the availability of services to the proposed subdivision.

- a. Culinary Water. As required and provided by the Act, the Roy City Engineer, is hereby designated as the Culinary Water Authority for the City. It shall be the responsibility of the Applicant(s) to provide all information and materials required by the City Engineer necessary to review the proposed culinary water system and culinary water sources.
- b. Sanitary Sewer. As required and provided by the Act, the Roy City Engineer is hereby designated as the Sanitary Sewer Authority for the City. It shall be the responsibility of the Applicant(s) to provide all information and materials required by the City Engineer, necessary to review and provide a written approval of the feasibility of the proposed sanitary sewer system.
- c. Roads and Streets. The Preliminary Subdivision Application shall identify the proposed road and street layout. Proposed subdivision streets shall make provision for the continuation of existing streets. It shall be the responsibility of the Applicant (s) to provide all information and materials, required by the City Engineer, necessary to review and provide a written recommendation of the proposed road and street system and designs.
- d. Storm Drainage and Flood Control Facilities. The Preliminary Subdivision Application shall identify the proposed storm water management, storm drainage and flood control system. It shall be the responsibility of the Applicant(s) to provide all information and materials, required by the City Engineer, necessary to provide a written recommendation of the proposed storm drainage and flood control system and facilities.
- e. Fire Protection, Suppression, and Access Facilities. The Preliminary Subdivision Application shall identify the proposed fire protection, fire suppression, and fire access facilities. Proposed subdivision fire protection, fire suppression, and fire access facilities shall make provision for the continuation of existing facilities. All fire protection, fire suppression, and fire access facilities shall be designed as required by the City Engineer. It shall be the responsibility of the Applicant(s) to provide information and materials, as required by the City Fire Marshall and City Engineer, necessary to provide a written recommendation of the proposed fire protection, fire suppression, and fire access facilities.
- f. Special Service District or Special Service Area. If the Subject Property is located within the boundaries of a Special Service District or a Special Service Area, a written recommendation shall be provided from the governing board of such District or Area with the Preliminary Subdivision Application materials which may identify any potential impacts resulting from the proposed subdivision.

Section 303 — Preliminary Subdivision Application – Engineering Review Fees:

The Applicant(s) for Preliminary Subdivision Application approval shall pay all costs incurred by the City for the provision of engineering services, provided by a licensed engineer, and necessary to review the Preliminary Subdivision Application materials, for conformity to the requirements of this Ordinance, other applicable Land Use Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering practice.

Section 304 — Zoning Administrator to Determine a Complete Application:

Prior to the DRC considering a Preliminary Subdivision Application, the Zoning Administrator shall determine and find that the Preliminary Subdivision Application is complete and contains all the information and materials as required by Section 302 and necessary for a complete Preliminary Subdivision Application.

Section 305 — Lack of Preliminary Subdivision Application Information and Materials – Determination of an Incomplete Application:

The lack of any information and materials required by Section 302 shall be cause for the Zoning Administrator to find the Preliminary Subdivision Application to be incomplete.

A Zoning Administrator determination of an incomplete Preliminary Subdivision Application shall prohibit the DRC, Commission, or Council from considering any information or material related to the proposed subdivision. The Zoning Administrator shall notify the Applicant(s), in writing, of the required information and material lacking from the Preliminary Subdivision Application. The Zoning Administrator shall allow thirty (30) calendar days, from the date of notification of an incomplete Preliminary Subdivision Application, for the Applicant(s) to provide the required information and material. If the Preliminary Subdivision Application remains incomplete after thirty (30) calendar days from date of notification by the Zoning Administrator, as required herein, the Zoning Administrator shall return the entire incomplete Preliminary Subdivision Application to the Applicant(s) accompanied by any Preliminary Subdivision Application review fees paid.

Any person(s) aggrieved by a decision of the Zoning Administrator related to a Determination of Application Completeness may appeal the Zoning Administrator's decision to the Commission.

Section 306 — Preliminary Subdivision Application Review Procedures:

The review procedures of the City for a Preliminary Subdivision Application are identified in Figures 3-1. Figures 3-2 identifies the procedures for a Determination of Application Completeness.

The Council is identified and authorized to act as the Land Use Authority for a Preliminary Subdivision Application, following the receipt of a Commission recommendation.

1. Determination of a Complete Application.

The Zoning Administrator as provided and identified in Figures 3-2 and Section 304 and Section 305 shall make a determination of a complete Preliminary Subdivision Application. Only after a Preliminary Subdivision Application has been determined to be complete by the Zoning Administrator shall the Zoning Administrator schedule a meeting with the DRC to review the complete Preliminary Subdivision Application.

2. DRC Review.

Following the receipt of the complete Preliminary Subdivision Application from the Zoning Administrator, the DRC shall review the Preliminary Subdivision Application for compliance to all requirements of this Ordinance, all other applicable Ordinances, and all other Federal, State, and Local requirements, as applicable. Following the DRC review, the Zoning Administrator shall provide the DRC comments to the Commission and Council for consideration in the Commission and Council's review of the Preliminary Subdivision Application.

3. Commission Public Hearing.

The Commission shall conduct a public hearing on the Preliminary Subdivision Application. Notice shall be provided for the public hearing as required by Section 500 herein.

4. Commission Review and Recommendation.

Following the close of the public hearing, the Commission shall consider all information, materials, and comment received. The Commission shall formulate and transmit a recommendation to the Council for Council consideration on the Preliminary Subdivision Application, accompanied by findings of fact.

The Commission may recommend onsite and offsite improvements, facilities and amenities, provided one hundred percent (100%) by the Applicant(s) for Preliminary Subdivision Application approval, and determined necessary by the Commission to protect the health, safety, and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the City, including but not limited to:

- a. Road and street improvements, including layout, design, grading and surfacing.
- b. Flood control facilities.
- c. Culinary Water facilities.
- d. Sanitary Sewer facilities.
- e. Storm Drainage facilities.
- f. Erosion Control facilities.
- g. Traffic Circulation and Access Management facilities.
- h. Land Drainage facilities. i Lot and/or Site drainage.
- i. Park and open space areas and facilities.
- j. Fire protection and suppression facilities, including fire hydrants and water storage facilities.
- k. Electrical power, telecommunication, gas, and other utility facilities.
- l. Fencing and buffering treatments.
- m. Street lighting and streetscape enhancements including street trees and park strip improvements.

5. Council Review and Approval, Approval with Requirements, or Denial of the Preliminary Subdivision Application.

The Council shall consider the Preliminary Subdivision Application at a regularly scheduled meeting.

Following the consideration of the Preliminary Subdivision Application, and all information and materials presented, including the recommendations of the DRC and Commission, the Council may approve the Preliminary Subdivision Application, as presented, approve the Preliminary Subdivision Application with requirements, or deny the Preliminary Subdivision Application with findings of compliance or non-compliance with this Ordinance, other Ordinances, or other applicable City, County, State, and Federal requirements. A decision by the Council related to a Preliminary Subdivision Application shall be accompanied by findings of fact.

The Council may require onsite and offsite improvements, facilities and amenities, provided one hundred percent (100%) by the Applicant(s) for Preliminary Subdivision Application approval, and determined necessary by the Council to protect the health, safety, and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the City, including but not limited to:

- a. Road and street improvements, including layout, design, grading and surfacing.
- b. Flood control facilities.
- c. Culinary Water facilities.
- d. Sanitary Sewer facilities.
- e. Storm Drainage facilities.
- f. Erosion Control facilities.

- g. Traffic Circulation and Access Management facilities.
- h. Land Drainage facilities.
- i. Lot and/or Site drainage.
- j. Park and open space areas and facilities.
- k. Fire protection and suppression facilities, including fire hydrants and water storage facilities.
- l. Electrical power, telecommunication, gas, and other utility facilities.
- m. Fencing and buffering treatments.
- n. Street lighting and streetscape enhancements including street trees and park strip improvements.

Section 307 — Effect of Council Preliminary Subdivision Application Approval and Effective Period:

The approval of a Preliminary Subdivision Application by the Council shall not constitute final approval of the subdivision by the City or authorize the division or development of land, but permits the Applicant(s) to proceed with the preparation of the Final Subdivision Application and all required documents.

As provided by the Act, the continuing validity of a Preliminary Subdivision Application approval by the Council shall be conditioned upon the Applicant(s) proceeding with reasonable diligence. For the purposes of this Section, and this requirement, the approval of a Preliminary Subdivision Application shall be effective for a period of one (1) year from the date of approval by the Council, at the end of which time the Applicant(s) shall have submitted a Final Subdivision Application to the Office of the Zoning Administrator. If a Final Subdivision Application is not received by the Zoning Administrator within the one (1) year period, and the Council has not extended the approval of the Preliminary Subdivision Application, the Preliminary Subdivision Application approval for the Subject Property shall be rendered void.

(Ord No 1009, 12-2-2008)

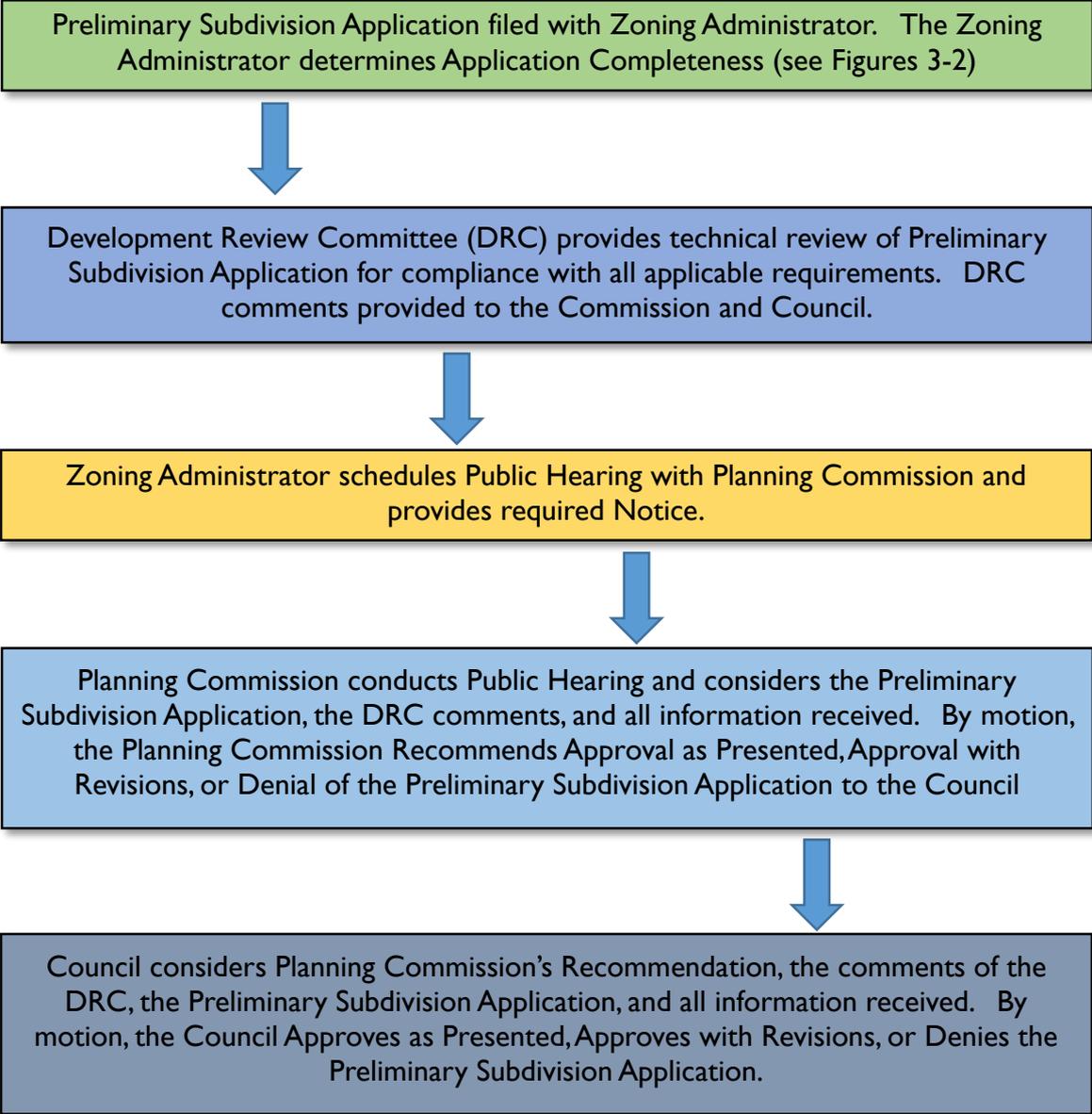
Section 308 — Appeal of Preliminary Subdivision Application Decisions:

Any person(s) aggrieved by a decision of the Council related to a Preliminary Subdivision Application may appeal the Council's decision to District Court, as provided by Chapter 28 of the Roy City Zoning Ordinance.

Section 309 — Site Preparation Work Prohibited:

No excavation, grading or re-grading, and no installation of any subdivision improvements shall take place on any Subject Property until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Weber County Recorder.

FIGURES 3-1 - PRELIMINARY SUBDIVISION APPLICATION



FIGURES 3-2 - DETERMINATION OF APPLICATION COMPLETENESS

