

FINAL SUBDIVISION APPLICATION

Section 401 — Intent:

1. It is the intent of this Ordinance that a Final Subdivision Application decision be an administrative action by the Roy City Mayor (hereinafter "Mayor"), acting as a Land Use Authority. A decision by the Mayor related to a Final Subdivision Application shall be accompanied with findings of fact.
2. For the purposes of this Ordinance, the procedures and requirements for the consideration of a Final 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 Final Subdivision Application prior to providing a recommendation to the Mayor.
4. The Mayor shall identify and address all items applicable to a Final Subdivision Application prior to approving, approving with requirements, or denying the Final Subdivision Application.

Section 402 — Final Subdivision Application - Requirements:

All Final Subdivision Applications, filed with the Zoning Administrator, shall provide the following information;

1. Final Subdivision Application Form. A Final Subdivision Application, provided by the City, shall be completed and signed by the 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). If the Final Subdivision Application Form is signed by an agent of the owner(s), the Final 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 Final Subdivision Application.
2. Final Subdivision Application Fee. The Final Subdivision Application Form shall be accompanied by the Final Subdivision Application fee, as established by the Resolution of the Council.
3. Final Subdivision Plat. A Final Subdivision Plat, prepared by a licensed land surveyor, in a form acceptable to the Weber County Recorder for recordation shall be provided. The Final Subdivision Plat shall be prepared in pen and all sheets shall be numbered. All required certificates shall appear on a single sheet. The final subdivision plat shall be drawn on reproducible mylar. A minimum of one (1) 11 inch x17 inch size, five (5) 24 inch x 36 inch size paper copies, and a digital copy in a format acceptable to the City Engineer shall be provided. The Final Subdivision Plat shall show the same information as required by Section 302 herein, and shall include any revisions or additions, as required by City Council, as part of Preliminary Subdivision Application approval. The Final Subdivision Plat shall show the following:
 - a. Notation of any self-imposed restrictions, including proposed final restrictive covenants, signed by all owners of interest, and bearing the acknowledgment of a public notary, and all other restrictions as required by the Council in accordance with this Ordinance.
 - b. Endorsement by every person having a security interest in the Subject Property subordinating their liens to all covenants, servitudes, and easements imposed on the Subject Property.
 - c. The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted. Bearings shall be shown to the nearest second; lengths to the nearest hundredth of a foot; areas to the nearest hundredth acre.
 - d. The owner's certificate of dedication(s) including the dedication of any public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and

- page number of their recording.
- e. A legal description of the Subject Property.
- f. Signature blocks prepared for the dated signatures of the Mayor, Commission Chair, City Engineer, and City Attorney.
- g. The name and address of the licensed surveyor responsible for preparing the Final Subdivision Plat showing that the surveyor making the Final Subdivision Plat certifies that the surveyor:
 - i. Holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - ii. Has completed a survey of the Subject Property described on the Final Subdivision Plat in accordance with Section 17-23-17, Utah Code Annotated, 1953, as amended, and has verified all measurements; and
 - iii. Has placed monuments as represented on the Final Subdivision Plat.

4. Title Report

If the Final Subdivision Application is filed with the City after one hundred eighty (180) calendar days from the date the Preliminary Subdivision Application is approved by the Council, a new Title Report shall be provided by a Title Company dated not more than thirty (30) calendar days from the date of the Final Subdivision Application.

5. Other Final Subdivision Application Information and Materials.

The following information is required to be presented as part of the Final Subdivision Application:

- a. As required by Section 1000 herein, final design and construction drawings for all proposed or required public improvements, prepared as required by the City Engineer, including, but not limited to, the profiles and cross sections of all proposed streets, and designed as required by the City Engineer, all storm water management and storm drainage and flood control facilities, the elevations and location of fire hydrants, required culinary water facilities, sanitary sewer facilities, and all other provided and required public facilities and improvements.
- b. An engineer's cost estimate of all proposed or required public improvements as may be required in section 405-5-a for review and approval by the City Engineer.

Section 403 — Common Area Parcels on a Plat – No Separate Ownership – Ownership interest equally divided among other parcels on plat and included in description of other parcels

- 1. As provided and required by the Act, a parcel designated as common area on any Final Subdivision Plat recorded in compliance with this Ordinance may not be separately owned or conveyed independent of the other parcels created by the Plat.
- 2. The ownership interest in a parcel described in Subsection (1) shall:
 - a. For purposes of assessment, be divided equally among all parcels created by the Final Subdivision Plat, unless a different division of interest for assessment purposes is indicated on the Plat or an accompanying recorded document; and
 - b. Be considered included in the description of each instrument describing a parcel on the Final Subdivision Plat by its identifying plat number, even if the common area interest is not explicitly stated in the instrument.

Section 404 — Dedication of Streets and Other Public Places:

- 1. Final Subdivision Plats, when made, acknowledged, and recorded according to the procedures specified by this Ordinance, operate as a dedication of all streets and other public places, and vest the fee of those parcels of land with the City for the public for the uses named or intended in those plats.

2. The dedication established by this Section does not impose liability upon the City for any streets and other public places that are dedicated in this manner but are unimproved.

Section 405 — Final Subdivision Application – Engineering Fees:

The Applicant(s) for Final 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 Final Subdivision Application materials, for conformity to the requirements of this Ordinance, other applicable Land Use Ordinances, and other applicable Local, State, and Federal requirements, and accepted civil engineering practice.

Section 406 — Zoning Administrator to Determine a Complete Application:

Prior to the DRC considering the Final Subdivision Application, Zoning Administrator shall determine and find that the Final Subdivision Application is complete and contains all information and materials as required by Section 402 and necessary for a complete Final Subdivision Application.

Section 407 — Lack of Final Subdivision Application Information and Materials – A Determination of an Incomplete Application:

The lack of any information and materials required by Section 402 shall render the Final Subdivision Application incomplete.

A Zoning Administrator determination of an incomplete Final Subdivision Application shall prohibit the DRC or Mayor 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 lacking from the Final Subdivision Application. The Zoning Administrator shall allow thirty (30) calendar days, from the date of notification of an incomplete Final Subdivision Application, for the Applicant(s) to provide the required information and material. If the Final 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 Final Subdivision Application to the Applicant(s), accompanied by any Final 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 408 — Final Subdivision Application Review Procedures:

The Mayor is identified and authorized as the Land Use Authority for Final Subdivision Applications, determining compliance with all applicable requirements of this Ordinance and all requirements for Final Subdivision Application as required by the Council for Preliminary Subdivision Application approval. The review and approval procedures for a Final Subdivision Application are identified in Figure 4-1.

Figures 3-2 identifies the procedures for a Determination of Application Completeness.

The Mayor is identified and authorized to act as the Land Use Authority for a Final Subdivision Application, following the receipt of a DRC recommendation.

- I. Determination of a Complete Application.

The Zoning Administrator as provided and identified in Figures 3-2 and Section 406 and Section 407 shall make a determination of a complete Final Subdivision Application. Only after a Final Subdivision Application has been determined to be complete by the Zoning Administrator then shall the Zoning Administrator schedule a meeting with the DRC to review the complete Final Subdivision Application.

2. DRC Review.

Following the receipt of the complete Final Subdivision Application from the Zoning Administrator, the DRC shall review the Final Subdivision Application and verify compliance of all requirements of the Council for Preliminary Subdivision Application approval, 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 Mayor for consideration by the Mayor for the review of the Final Preliminary Subdivision Application.

3. Necessary Approvals and Recommendations.

Prior to the Final Subdivision Application being scheduled with the Mayor for consideration, the Zoning Administrator, and DRC shall require that the following approvals and recommendations are included with the information and materials considered by the Mayor:

- a. Written approval of the feasibility of the proposed culinary water system and culinary water sources, provided by the City Engineer.
- b. Written approval of the feasibility of the proposed sanitary sewer system, provided by the City Engineer.
- c. A written recommendation of the proposed street and road layout and street and road designs, provided by the City Engineer.
- d. If the proposed subdivision will be accessed from a State Highway, an appropriate access permit, as required by the State of Utah Department of Transportation, shall be provided. If the subdivision will be accessed from a County Road, authorization from Weber County to allow the subdivision access from a County Road shall be provided.
- e. A written recommendation of the proposed storm water management and storm drainage and flood control facilities, provided by the City Engineer.
- f. A written recommendation of the proposed fire protection, fire suppression, and fire access facilities, provided by the City Fire Marshall and City Engineer.
- g. Necessary approvals and/or permits from Federal, State, and Local agencies, as may be applicable.

4. Mayoral Review and Approval, Approval with Requirements, or Denial of the Final Subdivision Application.

Following the receipt of all necessary approvals and recommendations, and the DRC's review comments, the Mayor shall consider the Final Subdivision Application.

Following the consideration of the Final Subdivision Application, and all information and materials presented, the Mayor may approve the Final Subdivision Application, as presented, approve the Final Subdivision Application with requirements, or deny the Final Subdivision Application with findings of compliance or non-compliance with the Preliminary Subdivision Application approval of the Council, this Ordinance, other Ordinances, or other applicable City, County, State, and Federal requirements.

5. Necessary Signatures and Acknowledgements.

All necessary signatures are received and the owner(s) of the Subject Property shall acknowledge the Final Plat before the Mayor, the Mayor being authorized to take the acknowledgement of conveyances of real estate.

6. Recordation of Final Subdivision Plat and all Subdivision Documents.

After:

- a. a Final Subdivision Application has been approved, with or without requirements by the Mayor,

- b. all necessary subdivision improvement guarantees, bonds and agreements have been established and are in place, as required by the Ordinances of the City, including this Ordinance, sufficient to insure the installation and construction of all required subdivision improvements, and
- c. the Final Subdivision Plat has been signed by all required Officials and services providers, the Final Subdivision Plat shall be provided to the City Attorney, for presentation by the City to the Office of the Weber County Recorder for recordation. After the Final Subdivision Plat has been recorded, the Applicant(s) may apply for permits required for the construction and installation of subdivision improvements and building permits consistent with the approved and recorded Final Subdivision Plat and the City's requirements for such permits. The Applicant(s) shall pay all fees, including copies, for the recording of all Final Subdivision documents and the Final Subdivision Plat.

7. Preconstruction Meeting.

Prior to any excavation, grading, re-grading, or the installation of any subdivision improvements, a Preconstruction Meeting shall be conducted by the City Engineer with the Applicant(s), and Applicant(s) contractors, to establish the requirements for all subdivision excavation, grading, re-grading, and the installation of all required subdivision improvements.

Section 409 — Effect of Mayoral Final Subdivision Application Approval and Effective Period:

After the Final Subdivision Plat has been recorded in the Office of the Weber County Recorder, the Applicant(s) may apply for building permits consistent with the approved and recorded Final Subdivision Plat and the City requirements for a building permit.

The approval of a Final Subdivision Application shall be effective for a period of one (1) year from the date the Final Subdivision Application is approved by the Mayor, at the end of which time the Final Subdivision Plat shall have been recorded in the Office of the Weber County Recorder. If the approved Final Subdivision Plat is not recorded within the one (1) year period of date of approval, and the Council has not extended the approval of the Final Subdivision Plat, the Final Subdivision Application approval shall be void, and the Applicant(s) shall be required to submit a new Preliminary Subdivision Application for review by the City, subject to the then existing Preliminary Subdivision Application requirements of this Ordinance and all other applicable Federal, State and Local requirements.

Section 410 — Appeal of Final Subdivision Application Decisions:

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

Section 411 — 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.

FIGURE 4-1 - FINAL SUBDIVISION APPLICATION

