

ARTICLE III
PROCEDURE

Section 300. Introduction.

The procedures hereinafter specified provide for a pre-application procedure, for conditional approval of a preliminary plat, and for the approval of a final plat. The pre-application procedure and the conditional approval of the preliminary flat are optional to the applicant and are not a prerequisite to the approval of the final plat. However, these optional procedures are strongly recommended in that they provide the Subdivider with an opportunity to resolve problems early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing as final plat.

PRE-APPLICATION PROCEDURE

Section 310. Purpose.

1. The purpose of the “Pre-application Procedure” is to afford the Subdivider the opportunity to avail himself of the advice and assistance of the Planning Commission and to consult early and informally before preparation of the Preliminary Plat and before formal application for its approval.
2. During the “Pre-application Procedure”, the Subdivider can advantageously make use of the services of the Planning Commission to help him analyze the problems of the development and plan more adequately for its sound coordination with the community. This preliminary discussion also affords the Planning Commission the opportunity to give informal guidance to the development at a stage when potential points of difference can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay.

Section 311. Procedure.

When pre-application is used, the following procedure shall apply:

1. Prior to the filing of an application for Conditional Approval of the Preliminary Plat, the Subdivider shall submit, at least ten (10) days prior to the meeting of the commission, three (3) copies of the plats and data specified in Article VI, Sections 600 through 602, to the Planning Commission.
2. This step in the procedure does not require formal application, fee, or filing of a formal plat with the Planning Commission.

Section 312 Objections shall be expressed.

1. Within thirty (30) days of the receipt of pre-application plats and data the Commission shall inform the Subdivider that the plats and data as submitted or modified do or do not meet the objectives and requirements of these Regulations.
2. When the Commission finds plats and data do not meet the objectives or requirements of these Regulations, it shall express its reasons therefore in writing and provide the Subdivider with a copy of same.

PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT

Section 320. Preliminary plat required.

On reaching conclusions informally as recommended or required in Section 312 above regarding his general program and objectives, the Subdivider may submit, at least ten (10) days prior to the Secretary of the Commission, three (3) copies of the plats and data specified in Article VI, Sections 603 through 605, to the Planning Commission.

Section 321. State Department of Highways and Soil Conservation Service Review.

If the State Department of Highways had filed with the Planning Commission a map of the territory within one mile on either or both sides of any existing or proposed highway, no Preliminary Layout shall be approved by the Planning Commission until one (1) copy of such Preliminary Layout has been referred to the designated office of the Department of Highways for its review. If the Department of Highways desires to make any recommendations on the plat, it shall communicate such to the Planning Commission within fifteen (15) days from the receipt of the plat.

The Soil Conservation Service shall review, at the request of the Planning Commission, all preliminary plats for recommendations concerning the effects the proposed development would have upon the natural environment.

Section 322. Conditional approval of the Preliminary Plat by the Planning Commission.

1. Following review of the Preliminary Plat and other material submitted for conformity thereof to these Regulations and negotiations with the Subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Commission shall, within thirty (30) days, act thereon as submitted, or modified. If approved, the Commission shall express its approval as Conditional Approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.

2. The action of the Commission including any conditions determined shall be noted on two (2) copies of the Preliminary Plat. One (1) copy of the action and the plat shall be returned to the Subdivider, and the other retained by the Planning Commission.

Section 323.

Preliminary Plat A Guide For Preparation of Final Plat.

Conditional approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather it shall be deemed an expression of approval to the layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat which will be submitted for final approval of the Planning Commission.

PROCEDURE FOR APPROVAL OF FINAL PLAT

Section 330.

Approval of Final Plat.

A plat of a subdivision within the jurisdiction of the Planning Commission shall not be recorded by the County Clerk unless and until it has first been approved by the Planning Commission. The filing and recording of a plat involving the subdivision of lands covered by these Regulations shall be without legal effect unless approved by the Commission: provided, however, that failure to comply with this section shall not invalidate or affect the title to any land within the area of such plat: And provided further, that if such plat shall bear the seal of the Commission it shall be presumed to have been approved thereby.

1. Application for Final Plat Approval. A person desiring the approval of a plat shall submit a written application for a certificate together with three (3) copies of the proposed plat in the form prescribed in Article VI hereof to the Planning Commission. Upon receipt of the application, the Commission if it tentatively approves the application, shall set a date for a hearing, notify the Subdivider Applicant in writing, and notify by general publication or otherwise any person or governmental unit having a probably interest in the proposed plat.
2. General Requirements Prerequisite to Approval of Plats. In determining whether an application for approval shall be granted, the Commission shall determine if the plat provides for:
 - a. Coordination of subdivision streets with existing and planned streets or highways.
 - b. Coordination with an extension of facilities included in the Comprehensive Plan.
 - c. Establishment of minimum width, depth, and area of lots within the projected subdivision.
 - d. Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and

the harmonious development of the city or county.

- e. Fair allocations of areas for streets, parks, schools public and semi-public buildings, homes, utilities, business and industry.

As a further condition of approval of a plat the Commission shall specify:

- f. The manner in which streets shall be laid out, graded and improved.
- g. Provision for water, sewage, and other utility services.
- h. Provision for schools.
- i. Provision for essential municipal services.
- j. Provision for recreational facilities.

- 3. Improvements or Guarantee thereof. Before approving any subdivision plan for recording, the Planning Commission shall either require that all facilities specified in Article IV and V hereof shall have been installed in strict accordance with the standards and specifications of the Commission., or that the Commission be assured by means a proper contract and completion guarantee, as set forth in subsections 4 and 5 of section 330 hereof, that the improvements will subsequently be installed by the Subdivider.

- 4. Agreement to Complete Improvements. In all cases where the necessary grading, paving and other street improvements required herein shall not have been installed prior to final approval in strict accordance with the standards and specifications of the Commission, the Applicant shall enter into a written agreement with the City and/or County in the manner and form approved by the City's or County's Attorney, wherein Applicant shall agree, to the extent applicable.

- a. To construct, or cause to be constructed, at his own expense, all streets, bridges, culverts, curbs, gutters, sidewalks, crosswalks, water systems, drainage facilities, street lighting facilities, street signs, monuments, sanitary sewerage, street shade trees and parks and other improvements shown on said subdivision plan, all in strict accordance with standards and specifications of the Commission or other appropriate public authority and within the time specified in said Agreement.
- b. To make adequate provision with the appropriate authority for the inspection of the construction of the aforesaid improvements to assure strict compliance with the County/City standards and specifications.
- c. To maintain at his own cost the said streets, bridges, culverts, curbs, gutters, sidewalks, crosswalks, water systems, drainage facilities, street lighting facilities, street signs, monuments,

sanitary sewerage, street shade trees, parks and other improvements until the same are accepted or condemned for public use by the County/City or other appropriate public authority, and for a period of one year thereafter to repair and reconstruct the same or any part or one of them when such repair or reconstruction shall be specified by the Planning Commission as necessary by reason of faulty construction, workmanship, or materials.

5. Conditional Approval of Final Plats. The Commission may approve a plat for a subdivision in which the improvements and installations have not been completed by the Applicant as required by these Regulations provided that the Subdivider enters into the Agreement described heretofore and provides a “Letter of Credit” from a bank or a bond which shall:
 - a. Run to the City of the subdivision if located within the corporate limits of Taylorsville or to the County if located outside the corporate limits of Taylorsville.
 - b. Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with these Regulations; to reimburse the City or County; for reasonable legal, engineering and inspection fees, and to obtain the easements required by section 409 thereof.
 - c. Be with surety satisfactory to the Commission.
 - d. Specify the time for the completion of the improvements and installations.
 - e. Letters of Credit or Bonds shall be posted for an initial period of two (2) years. If roads have not been completed within this two (2) year time period, the City or County may, at its discretion, call the letter of credit or bond or may enter into another agreement with the Developer and require another letter of credit or bond.

Any funds received from these bonds or letter of credit shall be used by the City or County only for completion of the improvements and installations for which they were provided, and without prior appropriation.

Section 331.

Commission Action on Plat Approval or Disapproval

After hearing and within a reasonable time after application for approval of the plat, the Commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission’s seal upon the plat. If it disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.

DEDICATION OF IMPROVEMENTS

Section 340. Offer Of Dedication May Be Noted In Record Plan

Streets, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the City or an appropriate governmental agency by notation thereof on the plan, or the subdivider may note on the plan that such improvements have not been offered for dedication to the City or an appropriate governmental agency.

Section 341. Improvements Private Until Dedicated. Condemned or Acquired

Every street, park or other improvement shown on a subdivision plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the County/City and accepted, by resolution, and recorded in the office of the County Clerk, or until it has been condemned for use as a public street, park or other improvement; or until purchased by a governmental agency.

DEVELOPMENT OF SUBDIVISION IN SECTIONS

Section 350. Submission in Sections

The Planning Commission may permit submission of the Final plat in sections provided that such sections conform to all the requirements of these Regulations.