

MIDWAY CITY

Planning Office

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Midway, Utah 84049

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Final Application for Planned Unit Development
Application Fee (Non-Refundable): \$100/Unit + Professional Review Deposit
(\$2,000 minimum or \$400/Unit whichever is greater)

Owner(s) of Record:

Name: _____ Phone: _____ Fax: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

E-mail Address: _____

Applicant or Authorized representative:

Name: _____ Phone: _____ Fax: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

E-mail Address: _____

Project Name: _____

Location: _____

Current Zoning: _____ Number of acres: _____ Estimated miles of new road: _____ Number of units: _____

Civil Engineer or Architect:

Name: _____ Phone: _____ Fax: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

E-mail Address: _____

FOR OFFICE USE ONLY

I fully understand that I am responsible for the payment of any back taxes and declare that I am responsible for all fees incurred.

Signature of Owner or Agent: _____ Date: _____

IMPORTANT: Your application cannot be processed until determined complete by the Planning Staff. An application shall be considered complete when all applicable fees are paid (such as Midway Water Board, Midway Sanitation District, out-of-pocket expenses, etc.) and all items listed herewith are provided or considered not applicable by the Planning Office. All application fees are non-refundable.

Requirements for Final Application for Planned Unit Development

Section 16.16.18 Final Approval Submittal Package

If the Preliminary Plan is approved by the City Council, the developer shall submit three full size copies and fifteen 11" x 17" copies of the proposed final plat and a final approval submittal package to the Planning Commission composed of the following:

CHECKLIST:

- A. All material, studies and requirements as requested by the Planning Commission or City Council as conditions of preliminary approval.
- B. A final plat map in compliance with the approved Preliminary Plan (in PUDs, this includes a final Record of Survey Map in compliance with the approved Preliminary Plan and the State Condominium Ownership Act). This plat is to implement among other things, the approved site plan, buildings, proposed ownership areas, utility easements, public dedications, open space, limited common areas, common areas, roads and private areas.
- C. Detailed landscaping plan and sprinkler plan that implements the approved Preliminary Plan.
- D. Final engineering drawings (plans and profiles) for all public and private improvements, final grading plan, and final drainage and run-off plan with run-off calculations.
- E. All documents and legal material necessary to implement the application for Final Approval as well as those to be recorded.
- F. Deeds of dedication for all public lands as required by the City or other public entity, when such dedications are not shown on a final plat.
- G. An updated title report for all land within the boundary of the final plat.
- H. Provisions for bonding of all improvements including landscaping in a form acceptable to the City. The bond amount is to be 110 per cent of the City Engineer's estimated cost for improvements.
- I. Payment of all required final plat fees and any other outstanding fees.
- J. Phasing plan for final plats.
- K. In the event the project will not be divided into separate ownership, the developer shall submit the same information as requested above except for the Record of Survey Map. A final site plan shall be submitted totally dimensioned conforming to the approved Preliminary Plan.
- L. Will serve letters from Qwest, Questar Gas, Midway Sanitation District, Heber Light & Power, Comcast (cable company), and Midway Postmaster.
- M. Final Approval letters from the Midway Water Advisory Board and the Midway Sanitation District. Final approval letters from the Vision Architectural Committee (VAC), Historic Preservation Committee and the Trails Advisory Committee shall be required at this time, when applicable.
- N. Declaration of Covenants, Conditions and Restrictions for said development (if any) to be recorded with the Wasatch County Recorder's Office with the Final Plat. The following standards shall apply to the Declaration of Covenants, Conditions, and Restrictions recorded in conjunction with any subdivision development:
 1. The Declaration may provide for the creation and perpetual provision of an architectural committee, the number of

members and composition of which shall be clearly stipulated. The Declaration shall also establish design guidelines governing the appearance of the site buildings, signs, lighting, landscaping, street furniture, fencing, and mechanical equipment.

2. The Declaration shall stipulate the method and procedure by which the declaration may be amended.

3. The Declaration shall specify the final conditions of approval of the Planning Commission and City Council.

4. The Declaration may also contain use restrictions which are more restrictive than the City's zoning provisions, but in no case shall they be more permissive.

5. The Declaration shall set up the provisions for maintenance of all open space, common areas and private streets and utilities.

6. The Declaration shall state the following: Midway City shall have the right, but not the duty, to require, and if necessary, perform, at the Association's expense, landscaping, maintenance, and snow removal, as applicable, within the common areas and open space if the Association fails adequately to perform such. In the event Midway City exercises this right, the City shall be entitled to recover any associated costs and attorney fees from the Association. This section shall not be amended or deleted without the approval of Midway City.

7. Transient Rental Declaration. Midway City has established a Transient Rental Overlay District (TROD) to regulate short term rental. Units in a PUD or standard subdivision may not be offered for transient rental unless it is within a TROD. The Homeowners Association is required to declare in its Declaration of Covenants, Conditions and Restrictions (CC&R's) whether or not transient rentals will be allowed as part of the development's final application. Midway City will not allow transient rental in a PUD or standard subdivision, even if it is in a TROD, if the development's CC&R's do not specifically permit such rental.

Section 16.16.19 Development Agreement

An agreement between the developer and the City stating among other things:

A. That the property owners association created by the developer shall in the event of failure of the owners, successors or assigns to maintain the water and sewage facilities, common areas, open space, landscaping or other improvements in good condition, the City may perform the necessary work and for that purpose may enter upon the land and do the work and recover the cost thereof, including reasonable attorney fees, to the owners or their successors or assigns.

B. The obligations of the developer and or other parties under the approval and the obligations of the City under the approval.

C. That the terms of the contract shall be binding upon the heirs, assigns, receivers, and successors of the project for the life of the project or building.

D. If the development is to be phased, a phasing plan showing construction schedule of streets, infrastructure, amenities and other improvements. Said plan shall be made to make each phase stand alone in all requirements of this Title, including, but not limited to open space, traffic safety and circulation, infrastructure requirements and so forth.

E. A development and maintenance schedule for all undeveloped land within any approved Master Plan and throughout the City under the approval.

F. Any other agreements between the developer and the City.

G. An agreement for the developer to provide financial assurances to ensure completion of all required improvements, including landscaping.

Section 16.16.20 Final Plat

In addition to all other requirements, the proposed final subdivision or condominium plat shall show an address block containing addresses for each dwelling unit and for each main building within the plat, subject to approval by the Wasatch County Recorder's office.

Section 16.16.21 Final Approval Recommendation by Planning Commission

After receiving a complete proposed final plat and final approval submittal package, the Planning Commission shall consider the development for final approval. If the Planning Commission finds that all of the requirements of this Title and all the conditions of preliminary approval of the development imposed by the City have been met, the Planning Commission shall recommend final approval of the development to the City Council. If the Planning Commission finds that any requirements or conditions have not been met, the Planning Commission shall continue the matter until such requirements or conditions have been met or forward such information on to the City Council with a recommendation as to how the City Council should act with respect to final approval of the development.

Section 16.16.22 Final Approval by City Council

A. After receiving the recommendation of the Planning Commission with respect to final approval, the City Council shall consider the development for final approval.

B. The City Council shall determine whether the proposed final plat and final submittal package meet all requirements of this Ordinance Title and the conditions of the development's preliminary approval by the City. The City Council shall consider the information and recommendation forwarded to it by the Planning Commission with respect to final approval. Based on all of these criteria, the City Council shall approve, approve the conditions, or deny final approval of the development.

C. If the City Council denies final approval, the City Council shall state in detail the basis for its denial, referring specifically to the requirements of this ordinance Title and the conditions of preliminary approval.

D. For no more than a one-year period after such denial of final approval by the City Council, the applicant may re-apply to the Planning Commission and then to the City Council for final approval pursuant to the above described process, but only if the City Council's reasons for denial have been resolved.

Section 16.16.23 Duration of Final Approval

The duration of final approval shall be for one year from the date of final approval of the development by the City Council. Should a final plat not be recorded by the County Recorder within the one-year period of time, the development's approval shall be voided, and both preliminary and final approvals must be re-obtained, unless, on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that: (a) construction must be conducted according to any new City standards in effect at the time the plat is ultimately recorded; (b) the property must be maintained in a clean, dust-free, and weed-free condition at all times; (c) each extension will be for a one-year period only, after which time an annual review must be presented before the City Council; and/or (d) no more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Section 16.16.24 Plat Recording

No plat shall be recorded until all required water rights and/or water shares have been tendered to the City and assurances are provided to the City to ensure completion of all required improvements, including landscaping. No building permit shall be issued prior to the recording of the plat by the County Recorder.

Section 16.16.25 Completion of Infrastructure Construction and Issuance of Permits

No building permits shall be issued until the infrastructure construction of the development is substantially complete; provided, however, that the developer in whose name the bond for the project is issued may obtain a building permit

once the fire flow mechanisms are installed, operating and approved by the City Engineer. Once installed, operating and approved, fire flows must remain operating continuously thereafter. No certificate of occupancy will be issued until infrastructure construction on the development reaches final completion as determined by the City Engineer.

Section 16.16.26 Landscaping Bond

Before recording any plat or condominium record of survey of map, a bond equal to 110 per cent of the cost for construction and completion of the landscape plan shall be posted.

Section 16.16.27 Construction Bond

Prior to construction of a development and plat recordation, the developer shall submit a Construction Bond to the City in the amount of 110 percent of the cost of all improvements and inspections as determined by the City Engineer. The Construction Bond will include a line item for a weed control plan that has been approved by the City.

Section 16.16.28 Default

In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within one year from the date construction begins, plat recordation, the City Council may declare the bond forfeited and the City may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurances to defray the expense thereof.

Section 16.16.29 Final Disposition and Release

The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the City representatives shall make a preliminary inspection of the improvements and shall submit a letter to the City Council setting forth the conditions of such facilities. If conditions thereof are found to be satisfactory, the City Council shall release the bond or other assurance. If the condition of materials or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, the City Council may declare the developer in default.

Section 16.16.30 Record Drawing Submittal and Contents

Prior to final bond release, an electronic copy of the final drawings in the latest version of AutoCAD or DXF or other acceptable format shall be submitted to the City Engineer. This drawing file needs to include adequate information regarding position and basis of bearing tied to established control as approved by the City Engineer. As-built information shall be overlaid on this final drawing. The as-built drawing must be based upon actual field survey of the items on the following list:

- A. Established survey monuments, benchmark, and permanent horizontal and vertical control.
- B. Water: valves, fire hydrants, blow-offs, flush valves, and water meters.
- C. Sewer: laterals and manholes with rim and inverts elevations.
- D. Storm drain: Catch basins curb inlets, and manholes with rim and inverts elevations, size and type of pipe, storm outlets and detention / retention systems.
- E. Miscellaneous: light pole locations, street sign locations, and utility box/transformer locations.
- F. Pressurized irrigation: valves, blow-offs, flush valves, drains and water lateral locations.

Section 16.16.31 Total Compliance with all Regulations

In case of failure or neglect to comply with any and all conditions as established during the approval process or regulations as identified in this Title, the City may refuse additional building permits and stop construction of all work at the site until such violations or non-compliant conditions have been eliminated.

Section 16.16.32 Warranty Bond

The City Council shall authorize the release of all but 10 percent of the Construction and Landscaping Bond amount, including the weed control plan line item, upon written verification by the City Engineer that all work is complete and acceptable. The remaining 10 percent of the Construction Bond amount shall be retained by the City for a period of two years in order to insure quality of improvements as a Warranty Bond. If improvements are found to be unacceptable to the City at any time during the two-year period, the City may use the bonding funds to replace or repair any improvements not installed acceptable.