CHAPTER 19. SUBDIVISIONS

7-19-1. Application of Chapter.

No person shall subdivide any tract of land which is located within the City of Tooele, whether for residential or non-residential purposes, except in conformity with the provisions of this Chapter. The subdivision plans and plats, proposed improvements to be installed, and all procedures relating thereto, shall in all respects be in full compliance with the regulations of this Chapter.
(Ord. 2023-43, 12-20, 2023) (Ord. 1977-18, 10-19-1977)

7-19-2. General provisions.

(1) Wherever any subdivision of land is proposed within the incorporated limits of the City, the owner or subdivider shall submit both a preliminary subdivision application and a final subdivision application to the City for approval.

(2) Until a preliminary subdivision is approved:

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

(b) 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.

(c) No improvements – such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service, and lighting, grading, paving, or surfacing of streets – may be made by any person or utility.

(d) Land subject to flooding or within any area designated as subject to a 100-year flood by the Floodplain Administrator, and areas subject to poor drainage, will not be permitted to be subdivided unless the flooding or drainage problems are properly dealt with in the subdivision in compliance with state and federal regulations and with Chapter 4-13 of this Code.

(3) 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 land use authority may cause to be prepared, before subdivision approval, a plan for the entire unit, the plan to be used by the land use authority to determine compliance of a subdivision application with City regulations.

(4) Amendments to the City Code enacted by the City Council after the approval of a preliminary subdivision, but prior to the approval of a final subdivision, shall apply to that final subdivision to the extent they do not alter the preliminary subdivision's use, density, or configuration. For purposes of this Chapter, the words "use, density, and configuration" shall refer to the following:

(a) use: the uses allowed by the Tooele City General Plan Land Use Element and the Tooele City land use regulations in effect at the time of complete preliminary subdivision application submission;

(b) density: the number of lots contained in a preliminary subdivision approved by the Planning Commission;

(c) configuration: the general manner in which

the density is laid out in a preliminary subdivision approved by the Planning Commission.

(5) Amendments to the City Code enacted by the City Council shall apply to the use, density, and configuration of an approved preliminary subdivision and to a final subdivision application if the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by the subdivision's use, density, and/or configuration.

(6) Lots and parcels created and divided as allowed under state law without City land use approval pursuant to this Chapter shall not enjoy the rights otherwise vested by compliance with this Chapter. Owners of such lots or parcels may acquire vested rights by obtaining approval of a preliminary subdivision and final subdivision, or a minor subdivision. Such lots or parcels shall be subject to all City regulations concerning the development of subdivided land.
(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-3. Interpretation.

(1) In interpretation and applications, the provisions of this Chapter shall be held to be the minimum requirements.

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

(3) This Chapter shall not abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or private agreements, this Chapter shall govern.
(Ord. 2023-43, 12-20-2023) (Ord. 1977-18, 10-19-1977)

7-19-4. Severability.

If any Section, subsection, sentence, clause, phrase, or portion of this Chapter 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 a holding shall not affect the validity of the remaining portions of the Chapter.
(Ord. 2023-43, 12-20-2023) (Ord. 1977-18, 10-19-1977)

7-19-5. Rules or interpretation.

Words used in the present tense shall include the future. Words used in the singular shall include the plural, and the plural the singular.

(1) "May" is permissive.

(2) "May not" is prohibitive.

(3) "Must" indicates a mandatory requirement.

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

(5) "Used for" shall include the phrases "arranged for, designed for, designated for, intended for, maintained for, occupied for, and similar phrases."
(Ord. 2023-43, 12-20-2023) (Ord. 2013-16, 11-06-2013) (Ord. 1977-18, 10-19-1977)

7-19-6. Property line adjustments.

(1) Staff Authority. The Zoning Administrator or designee shall have the authority to approve or deny a property line adjustment in accordance with the regulations outlined in this Section. Alternatively, the Zoning Administrator may direct that the application follow the standard procedures for subdivision approval, as provided elsewhere in this Chapter. The applicant may appeal the decision of the Zoning Administrator to deny a property line adjustment, as outlined in Chapter 1-27 of the Tooele City Code.

(2) Property Line Adjustments. Applications to adjust property lines between adjacent properties:

(a) where one or more of the affected properties is included within a prior recorded subdivision plat, property line adjustment may only be accomplished upon the recordation of an amended plat that conforms to the standards outlined in this Section and following approval of an amended plat according to the standard plat approval process outlined elsewhere within this Chapter; or,

(b) where all of the affected properties are parcels of record, may be accomplished upon approval, execution, and recordation of appropriate deeds describing the resulting properties, upon compliance with the standards outlined in this Section, and following approval according to the terms of this Section prior to recordation.

(3) Standards. Owners of adjacent properties desiring to adjust common property lines between those properties shall comply with the following standards:

(a) no new lot, parcel, or property results from the property line adjustment;

(b) the adjoining property owners consent to the property line adjustment;

(c) the property line adjustment does not result in remnant land that did not previously exist (a remnant parcel is land that does not comply with the land use regulations of the zoning district where it is located);

(d) the property line adjustment does not result in a land-locked property, and all properties affected by the adjustment have access to a public or private street or right-of-way;

(e) the adjustment does not result in, create, or perpetuate any violation of applicable dimensional zoning requirements of this Title for any parcel involved in the adjustment; and,

(f) the adjustment does not adversely affect any easement or right-of-way on, through, within, or adjacent to the properties involved in the adjustment.

(4) Application. The owners shall file an application requesting a property line adjustment, together with all

required information and documents.

(a) Application procedures and required documents for property line adjustments involving one or more subdivision lots shall be as outlined elsewhere in this Chapter for subdivision approval.

(b) An application for a property line adjustment involving parcels of record shall include at least the following forms and documentation:

(i) a completed application form for a property line adjustment;

(ii) a copy of all deeds and recorded documents establishing each parcel of record in its current state, including property descriptions for each parcel;

(iii) a scaled drawing showing the current state of all parcels involved in the proposed property line adjustment graphically with their respective property descriptions;

(iv) a proposed and recordable deed document, including a legal description, for each parcel involved in the proposed property line adjustment detailing the proposed layout for the parcel, including its proposed property description, which has been signed by all involved property owners, and notarized; and,

(v) a scaled drawing showing the proposed layout of all parcels involved in the proposed property line adjustment graphically with their respective property legal descriptions.

(5) Zoning Administrator Review for Property Line Adjustments Involving Only Parcels of Record. The Zoning Administrator shall review all information and documents to determine if they are complete, accurate, and that they comply with the requirements set forth in this Section. If the Zoning Administrator determines that the documents are complete and the proposed property line adjustment complies with the standards set forth in this Section, the Zoning Administrator shall approve the property line adjustment. If the Zoning Administrator determines that the documents are not complete or the proposed property line adjustment does not comply with all of the standards set forth in this Section, the Zoning Administrator shall not approve the property line adjustment.

(6) Notice of Approval and Conveyance of Title. After approval by the Zoning Administrator, the applicant shall:

(a) record the appropriate deeds which convey title as approved by the Zoning Administrator; and,

(b) record a Notice of Approval with the deed for each parcel within the property line adjustment application that:

(i) is prepared, signed, and executed by the Zoning Administrator;

(ii) contains the notarized signature of each property owner involved in the property line adjusmtent; and,

(iii) recites the lrgal description and parcel number of both of the original parcels and of the parcels created by the property line adjustment.

(7) Inclusion of a property in a property line adjustment shall not grant entitlements or vesting of any kind that did not already exist for the property.

(8) All property line adjustment shall preserve existing easements and provide for new easements for public improvements and other utilities serving the affected parcels.

(9) In the alternative to this Section, property owners may accomplish a lot line adjustment following the procedures established by State of Utah statute.

(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2013-16, 11-06-2013)

7-19-6.1. Property combinations.

Property combinations or consolidations may be reviewed and approved in the same manner, by the same standards, and by the same process outlined for property line adjustments in Section 7-19-6 of the Tooele City Code. Property combinations or consolidations may be approved only for a reduction in the number of properties through inclusion of one or more properties into another property and shall be applied for, reviewed, and approved separately from any other land use application.

(Ord. 2023-43, 12-20-2023) (Ord. 2013-16, 11-06-2013)

7-19-6.2. Non-standard divisions of land.

(1) A non-standard division of land is not a subdivision under this Title.

(2) A non-standard division is a bona fide division of land by deed or other instrument where the division of land:

(a) is unassociated with a land use application on the divided parcels;

(b) does not confer any land use approvals; and,

(c) has not been approved by the land use authority.

(3) Before a parcel of land involved in a non-standard division can receive a land use approval, the owner must comply with all the requirements of this Code for land use approvals, including, but not limited to, all land use regulations, subdivision, public improvements bonding and construction, conveyance of water rights, payment of impact fees, etc.

(Ord. 2025-07, 04-02-2025)

7-19-7. Dedications.

Every person who must dedicate any right-of-way, street, alley, or other land interest for public use, as part of a land use approval, may do so by way of a recorded final subdivision plat or by conveyance of a deed of dedication acceptable to the City.

(Ord. 2023-43, 12-20-2023) (Ord. 2010-05, 06-02-2010) (Ord. 1981-24, 06-11-1981)

7-19-8. Procedure for approval of preliminary subdivision.

(1) Purpose and Scope. The purpose of the

preliminary subdivision application and review is to verify the proposed subdivision complies with all City regulations for the subdivision of land. The scope of the preliminary subdivision shall include primarily the uses of land, and the density and configuration of those uses. All application requirements are intended to address that scope.

(2) Pre-application Review. For all proposed subdivisions, a subdivider may schedule a pre-application meeting with the Community Development Department. The purpose of the meeting is to assist the subdivider by discussing in general terms the City's requirements for a proposed subdivision, and to identify any major impediments to the subdivision's approval as proposed. A conceptual illustration and narrative shall be submitted to the City prior to the meeting. This submission is not a land use application. The City makes no commitments, grants no approvals, makes no appealable decisions, and vests no rights during this review.

(3) Land Use Application.

(a) The subdivider seeking preliminary subdivision approval shall submit a preliminary subdivision application. The application shall comply with all City land use, density, and configuration requirements of the General Plan and this Code.

(b) A complete preliminary subdivision land use application shall include the following:

(i) an application on an approved City preliminary subdivision application form;

(ii) all data and information listed on the City preliminary subdivision application checklist;

(iii) a preliminary subdivision plat, not to be recorded, containing the information and formatting required by this Chapter and by the preliminary subdivision checklist;

(iv) payment of the preliminary subdivision review fee, water modeling fee, and sewer modeling fee; and,

(v) evidence that the subdivider owns or has the ability to acquire municipal water rights sufficient for the development and construction of the subdivision.

(4) Land Use Authority.

(a) The land use authority for a preliminary subdivision application shall be the Tooele City Planning Commission.

(b) Prior to Planning Commission review, the applicant shall deliver copies of the proposed preliminary subdivision plat to the Community Development Department that demonstrates a signed review by, and any comments from, the Tooele Post Office, Tooele County School District, County Surveyor, County Recorder, Health Department, and all non-City utilities anticipated to provide utility service to the subdivision.

(c) A preliminary subdivision application complying with all Tooele City regulations shall be approved. Any application not complying with all City regulations may not be approved.

(d) The Planning Commission chair shall sign the approved preliminary subdivision plat, except that if the chair voted against approval, the senior approving member shall sign the plat.

(5) Duration of approval – extension – phasing.

(a) Approval of the preliminary subdivision shall be effective for a maximum period of one year unless, prior to the one-year period lapsing, the Planning Commission grants an extension in a public meeting, not to exceed six months, upon written request and payment of an extension review fee by the subdivider. If a complete application for final subdivision approval is not submitted to the Community Development Department prior to the expiration of the one-year period, plus any extension, which begins to run from the date that the preliminary subdivision is approved by the Planning Commission, the approval of the preliminary subdivision shall lapse automatically and shall be void and of no further force or effect. Thereafter, the subdivider must submit a new preliminary subdivision application, including the payment of all fees.

(b) Where a preliminary subdivision contemplates more than one final subdivision phase, the subdivider shall submit a completed final subdivision application for a second or subsequent phase within the scope of the same preliminary subdivision within two years of acceptance of public improvements from the previous final subdivision phase. Prior to the two years expiring, the land use authority may grant an extension in a public meeting, not to exceed six months, upon written request of the subdivider and payment of the extension review fee. Failure to timely submit the second or subsequent final subdivision application shall cause the approval for all un-platted portions of the preliminary subdivision to automatically lapse and expire and become of no further force or effect. Thereafter, the subdivider must submit a new preliminary subdivision land use application, including the payment of all fees.

(6) Appeal Authority. The appeal authority for the preliminary subdivision decisions of the Planning Commission shall be a three-person committee selected by the Community Development Director and Public Works Director, with committee members possessing qualifications relevant to the preliminary subdivision purpose and scope identified in this Section. A unanimous decision is not required. Approval requires the signatures of any two of the three committee members. Appeal procedures shall be those contained in Chapter 1-28 of this Code.

(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998) (Ord. 1998-17, 07-01-1998) (Ord. 1977-18, 10-19-1977)

7-19-9. Plats and data for approval of preliminary plan. (Repealed.)

(Ord. 2023-43, 12-20-2023) (Ord. 2021-03, 01-20-2021) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010)

(Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998)

7-19-10. Procedure for approval of the final subdivision.

(1) Purpose and Scope. The purpose of the final subdivision application and review is to verify that the application complies with all City regulations for the subdivision of land. The scope of the final subdivision review shall include all those technical, engineering, design, construction, and other details necessary for recordation of the final subdivision plat and construction of the platted subdivision. All application requirements are intended to address that scope.

(2) Conformity to preliminary subdivision. The final subdivision shall conform substantially to the uses, densities, and configurations of the approved preliminary subdivision. Substantial nonconformity shall include increases in density of five percent or more, changes in use requiring a change of zoning, and any substantial reconfiguration of public streets.

(3) Phasing. The final subdivision may constitute only that portion of the approved preliminary subdivision which the subdivider proposes to record and construct as a single development project. For purposes of this Section, the word "construct" shall refer to the construction of public improvements and not of structures for occupancy.

(4) Land Use Application.

(a) The subdivider seeking final subdivision approval shall submit a final subdivision application. The application shall comply with all City requirements of this Code for the subdivision and development of land.

(b) A complete final subdivision application shall include the following:

(i) an application on an approved City final subdivision application form;

(ii) all data and information listed on the City final subdivision application checklist;

(iii) the payment of final subdivision review fees; and,

(iv) evidence that the subdivider owns municipal water rights sufficient for the development and construction of the subdivision.

(5) Land Use Authority.

(a) The land use authority for approval of a final subdivision shall be a three-person committee consisting of the Community Development Director, the Public Works Director, and the City Engineer. The approving signatures of at least two members of the land use authority shall be required to approve a final subdivision.

(b) Any final subdivision application complying with all Tooele City regulations shall be approved. Any application not complying with all City regulations may not be approved.

(6) Duration of approval – extension. Each approved final subdivision shall have the durations of approval described in Section 7-19-8 (Procedure for approval of the preliminary subdivision).

(7) Plat signatures. Upon approval of the final subdivision by the land use authority, and delivery of the final subdivision plat mylar to the Community Development Department, the Department shall secure the final subdivision plat mylar signatures of the land use authority.

(8) Plat Recordation – deadline – revocation – costs.

(a) The subdivider shall deliver to the City the fully executed final subdivision plat mylar within 90 days of final subdivision approval. Failure of the subdivider to fully execute the final plat mylar, or to deliver the fully executed final plat mylar to the City, within the specified 90 days, shall result in the automatic revocation of, and shall void, the final subdivision approval.

(b) No changes to the approved final subdivision plat mylar may be made without the written approval of the City.

(c) Tooele City shall promptly record an approved, fully-executed final subdivision plat mylar with the Tooele County Recorder upon the occurrence of the following:

(i) a statement from the subdivider of desired timing for recording the plat;

(ii) execution of a bond agreement, as applicable, pursuant to Section 7-19-12, above;

(iii) payment of all fees associated with the recordation of the final subdivision plat mylar;

(iv) conveyance of water rights pursuant to Chapter 7-26; and,

(v) all City signatures on the final subdivision plat mylar.

(9) Appeal Authority. The appeal authority for appeals from final subdivision decisions shall be a three-person committee consisting of a licensed Utah engineer selected by the City, a licensed Utah engineer selected by the subdivider, and a third licensed Utah engineer selected by the first two. A unanimous decision is not required. Approval requires the signatures of any two of the three committee engineers. Appeal procedures shall be those contained in Chapter 1-28 of this Code.

(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 2004-02, 01-07-04) (Ord. 1998-35, 10-07-1998) (Ord. 1998-16, 07-01-1998) (Ord. 1978-28, 11-21-1978) (Ord. 1977-18, 10-19-1977)

7-19-11. Plats, plans, and data for final approval. (Repealed.)

(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998) (Ord. 1993-04, 05-04-1993)

7-19-12. Public Improvements – bonds and bond agreements – warranty.

Public improvements shall be completed pursuant to the following procedure:

(1) As part of the final subdivision application review, the subdivider shall submit plans and specifications for all public improvements to the Community Development Department.

(2) No public improvements may be constructed prior to final subdivision approval.

(3) All public improvements shall be completed within one year from the date of final subdivision approval. The final subdivision land use authority may grant a maximum of two six-month extensions upon receipt of a written petition and payment of an extension review fee, and upon a finding of unusual circumstances. Petitions for extension must be filed with the Community Development Department prior to expiration of the one-year period, if no extension has been approved, or of an approved six-month extension. If the public improvements are not completed with the time allowed under this Section, further final subdivisions may not be approved within the preliminary subdivision in which the public improvements are incomplete. When the public improvements have been 100% completed and accepted within the final subdivision, another final subdivision for another phase within the same preliminary subdivision may be requested.

(4) (a) Except as provided below, all public improvements associated with a final subdivision must be completed, inspected, and accepted pursuant to Section 7-19-32 prior to the recordation of that final subdivision plat.

(b) A final subdivision plat mylar may be recorded prior to the completion, inspection, and acceptance of the final subdivision's public improvements where the subdivider submits a bond and executes a bond agreement compliant with this Section. The purpose of the bond and bond agreement is to insure timely and correct construction of all public improvements required in the subdivision, and to warrant their construction.

(c) Where public improvements are constructed prior to plat recordation, without a bond and bond agreement, under no circumstances may they be connected to the City's existing water distribution, sewer collection, storm drain collection, and streets systems located within City rights-of-way or easements without bonding under this Section for the connections.

(5) Bond agreements shall be in the form and contain the provisions approved by the City Attorney. The agreement must be signed by the Mayor and the City Attorney. The agreement must include, without limitation, the following:

(a) Incorporation by reference of the final subdivision documents, including the final subdivision plat, public improvements plans and specifications, and all data required by this Chapter which are used by the City Engineer to review the cost estimate for the public improvements construction.

(b) Incorporation by exhibit of the City Engineer's approved estimate of the cost of the public improvements construction.

(c) Completion of the public improvements within the period of time described in this Section.

(d) Completion of the public improvements in accordance with the final subdivision approval, City standards and specifications, and the approved engineering plans and specifications associated with the final subdivision.

(e) Establishment of the bond amount. The bond amount shall include the following:

(i) the subdivider design engineer's estimated cost of the public improvements to be constructed, as reviewed and approved by the City Engineer or designee; and,

(ii) a reasonable contingency of 10% of the estimated cost, intended to cover the costs of inflation and unforeseen conditions or other circumstances should the City need to complete the public improvements under the terms of the bond agreement.

(f) The City shall have exclusive control over the bond proceeds, which may be released to the subdivider only upon written approval of the City Attorney.

(g) The bond proceeds may be reduced upon written request of the subdivider as whole systems of improvements (e.g., sidewalks) are installed and upon approval by City inspectors on a Certificate of System Completion for Bond Reduction with a City inspection report form. The amount of the reduction shall be determined by reference to the cost estimate attached to the bond agreement, with assistance from the City Engineer, as necessary. Such requests may be made only once every 30 days. All reductions shall be by the written authorization of the City Attorney.

(h) Bond proceeds may be reduced by no more than 90% of the total bond amount, the remaining 10% being retained to guarantee the warranty and maintenance of the improvements as provided in this Section and Section 7-19-32. Any bond amount reduction shall not be deemed an indication of public improvement acceptance.

(i) If the bond proceeds are inadequate to pay the cost of the completion of the public improvements, for whatever reason, including previous bond reductions, the subdivider shall be responsible for the deficiency. Until the public improvements are completed or, with City Attorney approval, a new bond and bond agreement have been executed to insure completion of the remaining improvements:

(i) no further final subdivisions may be approved within the preliminary subdivision or project area in which the improvements are to be located; and,

(ii) no further building permits shall be approved in the subdivision.

(j) If the bond proceeds are not transferred to the City within 30 days of the City's written demand, the City's

costs of obtaining the proceeds, including the City Attorney's Office costs and any outside attorney's fees and costs, shall be deducted from the bond proceeds.

(k) The subdivider agrees to indemnify and hold the City harmless from any and all liability and defense costs which may arise as a result of those public improvements which are installed until such time as the City accepts the public improvements as provided in Section 7-19-32.

(6) Bond agreements shall be one of the following types:

(a) An irrevocable letter of credit with a financial institution federally or state insured, upon a current standard letter of credit form, or including all information contained in the current standard letter of credit form.

(b) A cashier's check or a money market certificate made payable only to Tooele City Corporation.

(c) A guaranteed escrow account from a federally or state insured financial institution, containing an institution guarantee.

(7) Warranty.

(a) The subdivider shall warrant and be responsible for the maintenance of all improvements for one year following their acceptance, and shall guarantee such warranty and maintenance in the above-described bond agreements. The City may extend the warranty period upon a determination of good cause that the one-year period is either inadequate to reveal public improvement deficiencies anticipated based on known substandard materials or construction, or inadequate to protect the public health and safety.

(b) The one-year warranty period shall commence on the date of a Certificate of Completion and Acceptance signed by the following:

(i) Mayor;

(ii) Director of Public Works or designee;

(iii) Director of Community Development or designee; and,

(iv) City inspector responsible for inspecting the warranted public improvements.

(c) A Certificate of Completion and Acceptance shall not be deemed an acceptance of defects in materials or workmanship that are determined to exist in the public improvements before the end of the one-year warranty period. Written notice to the subdivider of the defects, delivered prior to the end of the warranty period, shall operate to extend the warranty period until the defects are corrected or resolved.

(d) The one-year warranty period will be considered successfully concluded only upon the occurrence of the following:

(i) an end-of-warranty inspection signed by a City inspector indicating that the public improvements are free of defects in materials and workmanship; and,

(ii) the signature of the Public Works Director on an End-of-Warranty Certificate.

(8) The final subdivision applications for two or more final subdivision phases may be approved, and the entirety of the property within those phases developed, simultaneously where all public improvements associated with the subdivisions are bonded for and constructed as if they were one phase. An application for final subdivision approval of multiple phases shown on the approved preliminary subdivision may also be approved under a single application when the final subdivision reflects all requested phases as a single phase in the overall configuration of the approved preliminary subdivision.

(9) The subdivider's bond in no way excuses or replaces the obligation to complete public improvement construction as required in this Section. Nothing in this Section shall require the City to liquidate bonds, spend bond proceeds, or complete public improvements. Any undertaking on the part of the City to liquidate a bond, spend bond proceeds, or complete public improvements shall not relieve the subdivider of the consequences of non-completion of public improvements.

(10) The City Attorney may sign the final subdivision plat mylar upon 100% of the public improvements being completed and/or bonded in accordance with this Section, and with the warranty bond amount received.

(Ord. 2023-43, 12-20-2023) (Ord. 2021-11, 05-05-2021) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2013-10, 06-05-2013) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 2000-24, 12-06-2000) (Ord. 1998-21, 07-01-1998) (Ord. 1996-26, 12-04-1996) (Ord. 1977-18, 10-19-1977)

7-19-13. Applications for Reimbursement.

(1) Definitions. All words and phrases in this Section beginning in capital letters shall have the meanings given them in Tooele City Code Section 7-1-5.

(2) Application for Reimbursement. Developers required to install Eligible Public Improvements may be entitled to reimbursement pursuant to this Section, provided that:

(a) the Construction Costs of the Eligible Public Improvements required by the City as a condition of development approval exceeds the Construction Cost of the City's required minimum standards and specifications for the Eligible Public Improvements by 10% or more; and,

(b) the Cost Differential exceeds $5,000; and

(c) the Eligible Public Improvements are constructed within the Tooele City Corporate Limit; and

(d) the Subsequent Developer's development receives City approval within eight years from the date of City approval of the development for which the Eligible Public Improvements were required; and,

(e) the Prior Developer files an Application for Reimbursement in the office of the Director of Public Works or City Engineer.

(3) Application for Reimbursement.

(a) Developers satisfying the above criteria may apply for reimbursement for recovery of a pro-rata share of

the Cost Differential, minus the Depreciation Value, from a Subsequent Developer to the extent that the Subsequent Developer did not share in the Construction Cost of the Eligible Public Improvements.

(b) Notwithstanding other provisions of this Section to the contrary, subdivisions of ten lots or less, or single-lot developments, that are required by the City to fully improve a road right-of-way (i.e. road base, road surface, curb, gutter) are eligible to apply for and receive reimbursement for the Construction Cost of that portion of the road improvements that directly benefit subsequent development located adjacent to the road improvements, minus the Depreciation Value.

(4) The Application for Reimbursement shall be made on a form approved by the City Attorney, and shall include the following information:

(a) a brief description of the Eligible Public Improvements which may directly benefit future development; and,

(b) an engineer's written estimate of the Construction Cost of the Eligible Public Improvements, or an affidavit of the actual Construction Cost of the Eligible Public Improvements plus copies of receipts and paid invoices. Both the estimated and /or actual Construction Cost must be approved by the Director of Public Works or City Engineer.

(5) An Application for Reimbursement is not retroactive and may not seek reimbursement for uses or land development activities which exist as of, or have been approved by the City Council prior to, the effective date of the Application for Reimbursement.

(6) After an Application for Reimbursement is filed, the Prior Developer shall be under an affirmative duty to deliver to the City written notice of the identity of any development which the Prior Developer has knowledge or reason to believe will benefit from Public Improvements installed by the Prior Developer, and whether and to what extent the Subsequent Developer should share in the Cost Differential. The notice must be delivered to the Public Works Director or City Engineer prior to or with the benefitting development's final subdivision plat application or, in the case of a site plan, prior to the issuance of a building permit.

(7) When the Prior Developer has complied with the provisions of this Section, the City will make a reasonable effort to collect the Subsequent Developer's pro-rata share of the Cost Differential, minus the Depreciation Value, on behalf of the Prior Developer.

(8) Before making any payments to the Prior Developer pursuant to this Section, the City shall retain from amounts collected from a Subsequent Developer an administrative fee in the amount of 10% of said amounts collected, with a minimum administrative fee of $100.

(9) Before making any payments to the Prior Developer pursuant to this Section, the City shall make a determination whether the Prior Developer has any outstanding financial obligations towards, or debts owing to, the City. Any such obligations or debts, adequately documented, shall be satisfied prior to making payment to the Prior Developer, and may be satisfied utilizing amounts collected by the City on behalf of the Prior Developer pursuant to a Reimbursement Application.

(10) The City reserves the right to refuse any incomplete Application for Reimbursement. All completed Applications for Reimbursement shall be made on the basis that the Prior Developer releases and waives any claims against the City in connection with establishing and enforcing reimbursement procedures and collections.

(11) The City shall not be responsible for locating any beneficiary, survivor, assign, or other successor in interest entitled to reimbursement. Any collected funds unclaimed after one year from the expiration of the Application for Reimbursement shall be returned to the Subsequent Developer from which the funds were collected minus the City administration fee. Any funds undeliverable to a Prior Developer, or to a Subsequent Developer from which the funds were collected, whichever the case, shall be credited to the City enterprise fund corresponding to the Eligible Public Improvements for which the funds were collected, as determined by the Finance Director.

(12) Political subdivisions of the state of Utah (e.g. Tooele City Corporation) that construct Eligible Public Improvements shall be considered Prior Developers for purposes of this title, and may file Reimbursement Applications and receive reimbursement under the provisions of this Chapter.

(13) Public Improvements required as a condition of annexation are not eligible for reimbursement pursuant to this Section.

(14) All City development approvals, including, but not limited to, subdivisions and site plans, shall be conditioned upon and subject to the payment of appropriate reimbursement amounts as determined in accordance with this Section.

(15) A Subsequent Developer may protest in writing the assertion of a Prior Developer that the Subsequent Developer will benefit from Eligible Public Improvements constructed by the Prior Developer. Protests should be delivered to the Public Works Director or City Engineer, and must include documentation sufficient to demonstrate that the Subsequent Developer's development will derive no benefit, or a lesser benefit than asserted, from the Prior Developer's Eligible Public Improvements. The Public Works Director or City Engineer will decide the matter, whose decision shall be final.

(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2005-06, 05-18-2005) (Ord. 1999-35, 12-01-1999) (Ord. 1998-35, 10-07-1998) (Ord. 1997-13, 04-02-1997)

7-19-14. Failure to act – effect.

(1) City. Should the land use authority fail to act upon any preliminary or final subdivision application within the

time periods established by State law, the application shall be deemed denied.

(2) Application. Should the applicant for any preliminary or final subdivision application fail to resubmit corrected plans or application materials from any City review of the application within 180 calendar days from the return of that City review, the application shall be deemed abandoned and lapsed for lack of diligence. Prior to an application being deemed abandoned, the Community Development Department shall provide to the applicant a notice of potential abandonment at least 30 calendar days prior to abandonment. Following abandonment, the City shall determine the expended portion of fees paid through all efforts involved with the application up to and including the process of abandonment. All unexpended application fees will be refunded to the applicant. For the purpose of entitlements by this Chapter, abandoned applications shall be considered as if having never been submitted for review. An abandoned application may be resubmitted as a new application at any time following abandonment, including the payment of new application fees and a complete new package of application materials, and shall be subject to all regulations and requirements applicable on the date of the new application submission.

(Ord. 2023-43, 12-20-2023) (Ord. 2021-02, 01-20-2021) (Ord. 2020-05, 04-01-2020) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-15. Phased development.

Each final subdivision within a preliminary subdivision or project area shall be considered a phase of the preliminary subdivision and shall be developed in a logical and orderly manner based on the subdivision's uses, densities, configuration, and utility systems. All phases shall be contiguous, so that all public improvements shall be contiguous and continuous from their point of beginning in the development throughout the balance of the development.

(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1998-33-B, 10-07-1998) (Ord. 1977-18, 10-19-1977)

7-19-16. Design standards. (Repealed.)

(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-17. Streets.

(1) The arrangement of streets in a new development shall provide for the continuation of existing streets in adjoining areas at the same or greater widths, unless altered by the Planning Commission, as the preliminary subdivision land use authority, upon the positive recommendation of the Directors of the Community Development and Public Works Departments. All streets shall comply with this Section and with the provisions of Title 4 Chapter 8 of the Tooele City Code and the current Tooele City Transportation Master Plan, including the Tooele City Transportation Right-of-Way Master Plan.

(2) An exception to the general rule for road cross sections or right-of-way improvements required by Title 4 Chapter 8 of the Tooele City Code may be granted by the Planning Commission, as the preliminary subdivision land use authority, for major collector or arterial streets adjacent to the proposed subdivision. Streets of lesser classification, and streets interior to a subdivision or between phases of a subdivision, may not be excepted. In no case may the pavement width of an excepted street be less than 30 feet. Exception requests must be submitted in writing to the Directors of the Community Development and Public Works Departments prior to the Planning Commission's review of the preliminary subdivision. The Directors shall provide a written recommendation on the exception request to the Planning Commission for its review with the preliminary subdivision application. The recommendation may be based on a professional traffic study. Any exception shall be based on the following factors:

(a) the overall safety of the area for transit, vehicular, bicycle, and pedestrian traffic, including crossings of the road or right-of-way;

(b) existing transit, vehicular, bicycle, and pedestrian traffic in the area;

(c) anticipated transit, vehicular, bicycle, and pedestrian traffic impacts from the proposed subdivision on the existing traffic loads of the area;

(d) the ability for existing right-of-way improvements to accommodate anticipated transit, vehicular, bicycle, and pedestrian traffic loads;

(e) the degree to which the exception would prevent completion or connection to other right-of-way improvements in the area;

(f) existing right-of-way improvements in the area;

(g) the degree to which the rights-of-way leading to and from the area requested for exception have been developed and completed;

(h) the mechanisms, proposals submitted, and timing by which the excepted improvements will be completed in the future;

(i) the degree to which the entirety of the rights-of-way have been dedicated and improved outside of the area requested for an exception;

(j) land uses in the area, including but not limited to schools, recreational opportunities, and public facilities, that may have the potential to affect the existing improvements' ability to accommodate all anticipated transit, vehicular, bicycle, and pedestrian traffic loads;

(k) phasing and a phasing schedule for the proposed subdivision;

(l) any development agreement with terms affecting right-of-way improvements duly executed by the Mayor for the exception-requesting subdivision or other developments in the area; and,

(m) documented history of vehicle-vehicle, vehicle-bicycle, and vehicle-pedestrian conflicts and accidents.

(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2008-13, 11-05-08) (Am. Ord. 1998-32, 10-07-1998) (Ord. 1998-25, 08-05-1998) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-17.1. Double-frontage lots – definitions – design – maintenance.

(1) Definitions. For purposes of this Section, the following terms shall be defined as follows.

(a) Double-frontage lot: a residential lot that abuts more than one public right-of-way or private road on opposite sides of the lot. "Double-frontage lot" includes corner lots adjacent to other double-frontage lots. "Double-frontage lot" does not include lots whose secondary frontages are on roads that are designated as alleys that do not require sidewalk access and that serve primarily as private access to the rear of lots.

(b) Primary frontage: the portion of a residential lot abutting a public right-of-way or private road that contains the main pedestrian entry to a residence.

(c) Secondary frontage: the portion of a residential lot abutting a public right-of-way or private street that is not the principle frontage.

(2) Design Standards. The secondary frontage of any double-frontage lot shall include the following design elements located within the public right-of-way or private street.

(a) Park strip. The park strip located between the curb and the sidewalk shall be of colored, texture-stamped concrete, which shall differ in color and texture from the adjacent sidewalk.

(i) The concrete color shall be of earth-tones, to include tan, light brown, beige, and similar colors, but shall not include yellow, pink, blue, green, and similar bright colors.

(ii) The concrete texture shall simulate cobblestone, variegated slate squares and rectangles, brick, or similar pattern.

(iii) The park strip concrete thickness shall be a minimum of four inches.

(iv) The park strip shall contain a decorative metal grate around each park strip tree. The grate shall be chosen from a list of City-approved grate types, the list being on file with the Public Works Department.

(b) Park strip trees. Trees shall be planted in the park strip as follows.

(i) Park strip trees shall be chosen from the Tooele City Street Tree Selection Guide.

(ii) Park strip trees shall be spaced not more than 40 feet apart and not less than 30 feet apart, or as called for in the Tooele City Street Tree Selection Guide.

(iii) Park strip tree size, bonding, and other details not address in this Section shall be as provided in Tooele City Code Sections 4-11a-2 and 7-19-26, as amended.

(iv) The park strip shall include an irrigation system for park strip tree irrigation. The underground piping shall be placed within conduit located beneath the park strip. The irrigation system shall include meters, meter vaults, power, valve boxes, irrigation heads, and other necessary components to provide a fully functioning irrigation system. Irrigation to park strip trees shall be a drip-style irrigation system.

(c) Sidewalk. Sidewalk shall be as required by Tooele City Code and Policy.

(d) Fencing wall. The secondary frontage shall be fenced and screened with a masonry wall possessing the following design elements.

(i) The wall shall be six feet in height except as required under Tooele City Code Section 7-2-11 Clear vision area at intersecting streets.

(ii) The wall materials shall be masonry block or prefabricated decorative masonry panels chosen from a list of City-approved wall material types, the list being on file with the Public Works Department. The wall shall be uniform within each subdivision phase.

(iii) The wall shall include capped pillars spaced at even intervals, not to exceed 20 feet. The pillar materials shall be similar to those comprising the wall.

(iv) No portion of the wall shall contain cinderblock, smooth-faced block, or cast-in-place concrete.

(v) All fencing walls shall receive a City-approved anti-graffiti seal coat upon their construction and prior to acceptance by the City.

(e) Gates. Gates in the fencing wall or otherwise accessing the secondary frontage shall not be allowed.

(f) Special Service District Standards. Where a double-frontage lot is included in an existing special service district that imposes its own design standards for double frontage lots, the district design standards shall apply.

(g) The final determination of whether an application complies with the design standards of this Section shall be made by the City Planner. The determination is appealable to the Community Development Director.

(3) Bonding. Park strips, park strip trees, park strip irrigation systems, and fencing walls discussed in this Section shall be included in the definition of public improvements. As such, they shall be bonded for in the manner provided in Tooele City Code Section 7-19-12, as amended, except that park strip trees shall be bonded for in the manner provided in Tooele City Code Chapter 4-11a, as amended.

(4) Maintenance. Because of the added burdens upon the City caused by double-frontage lots, and because residents are disinclined to maintain the secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be

maintained as follows.

(a) Home Owners Association. As a condition of final subdivision plat approval, every subdivision with double-frontage lots shall be required to form and fund a home owners association (HOA). At a minimum, the HOA shall maintain and perform at its cost, for the life of the HOA, the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal. The HOA articles shall provide for a minimum HOA existence of 30 years.

(b) Covenants, Conditions, and Restrictions. As a condition of final subdivision plat approval, every subdivision with double-frontage lots shall be required to record against all lots within the subdivision covenants, conditions, and restriction (CCRs). A copy of the recorded CCRs will be provided to the City. At a minimum, the CCRs shall provide for the perpetual maintenance and maintenance funding of the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal.

(c) If the HOA fails to enforce the CCRs pertaining to maintenance and maintenance funding for a period of three months or more, the City may bring an action in court to compel the HOA to fund and perform its maintenance obligations.

(d) Special Service District Maintenance. Where a double-frontage lot is included in an existing special service district that maintains some or all of the public improvements adjacent to a secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained in perpetuity by the district.

(Ord. 2023-43, 12-20-2023) (Ord. 2023-22, 06-07-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2008-04, 11-05-2008)

7-19-18. Easements.

(1) Easements across lots or centered on rear or side lot lines shall be provided for utilities, except where deemed unnecessary, and shall be at least ten feet wide.

(2) Easements shall be designed to provide continuity from block to block.

(3) Where subdivisions and/or parcels abut a watercourse, drainage way, channel, or stream, storm water easements or drainage rights-of-way shall be provided.

(4) Obtaining new easements or preserving existing easements shall be a requirement of all boundary line adjustments under this Chapter.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-19. Blocks.

Subdividers shall adhere to the provisions of Title 4 Chapter 8 of the Tooele City Code regarding blocks.

(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-20. Lots.

(1) The lot dimensions and layouts shall conform to the requirements of this Title.

(2) Lots abutting a watercourse, drainage way, channel or stream shall have a minimum width or depth, as required, to provide an adequate building site and to afford the minimum usable area required by ordinance for front, side, and rear yards.

(3) All corner lots shall be sufficiently larger than others so as to allow for building set-back lines on both streets as provided in Section 7-6-6 of the Tooele City Code.

(4) All lots shall abut on an adequate public or private access, as approved by the City Engineer, Public Works Director, or Community Development Director.

(5) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation or residential development from highways or primary thoroughfares or to overcome specific disadvantages of topography and orientation.

(6) Side lot lines shall be substantially at right angles or radial to street lines.

(7) See also the lot standards contained in Chapter 7-2 of this Code.

(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2003-05, 06-04-2003) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-20.1. Flag Lots.

(1) Flag or L-shaped lots (hereinafter "flag lots") may be allowed in certain locations to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this Title or other ordinances adopted by the City. The primary purpose of this Chapter is not to make development of property easier. Rather, it is to serve as a "last resort" for property for which there is no other reasonable way to develop.

(2) Flag Lots. In order to encourage the more efficient use of land, flag lots are allowed subject to the following conditions:

(a) A flag lot shall be comprised of a staff portion contiguous with the flag portion thereof (hereinafter the "staff" and "flag", respectively).

(b) The staff shall intersect with and be contiguous to a dedicated public street. The minimum paved width of the staff portion of flag lots shall be 20 feet where the maximum staff length is less than 150 feet, and 26 feet where the staff length is greater than 150 feet but less than 220 feet maximum, unless otherwise approved by the Planning Commission and fire department upon a showing of unusual circumstances.

(c) The staff shall be improved with concrete or asphalt surface capable of supporting the weight of the City's fire fighting apparatus.

(d) No structures, trees, parked vehicles or stored materials shall be allowed within the Fire Access Restricted

Area, and the staff shall be marked with "No Parking" signs.

(e) The front side of the flag shall be deemed to be that side nearest to the dedicated public street upon which the staff portion intersects.

(f) The staff shall be deemed to end and the flag shall be deemed to commence at the extension of the front lot line across the staff.

(g) The flag square footage shall be the same or greater than the minimum square footage as required in the underlying zone, exclusive of the staff.

(h) The minimum front setback for all building shall be 30 feet, excluding the staff, from the front lot line of the flag. All other setbacks shall be those of the underlying zone.

(i) The building setbacks shall provide 20-foot minimum vehicle parking in front of the garage, exclusive of the Fire Access Restricted Area.

(j) No more than two flag lots may be served by one staff.

(k) Except in In-Fill Geographic Areas A and B, no more than two flag lots may be contiguous to each other where the common or separate staffs connect to the same public street.

(l) No staff may be contiguous to another staff.

(m) Figures 1 and 2 are examples of "flag lot" requirements and are included herein for illustration purposes.

(n) A fire hydrant shall be installed at the public ROW portion of the staff, unless otherwise approved by the Fire Department.

(o) A turn-around must be provided at the flag portion of the lot where the staff length exceeds 150 feet. Hammerheads are acceptable with a minimum width of 20 feet, without parking within 60 feet of the staff. The turning radius on any hammerhead shall not be less than 28 feet. Figure 3 is included to illustrate the hammerhead requirements.

(p) A maximum slope of 10% shall be allowed within the staff portion of the flag lot and 4% within the turn-around portion of the Fire Access Restricted Area.

(q) All provisions of the currently applicable fire code shall be met, particularly those regarding the distance a primary structure can be located from a fire hydrant, and fire apparatus access ways and turnarounds.

(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2009-07, 04-01-2009)

FIGURE 1
(Staff Length < 150')

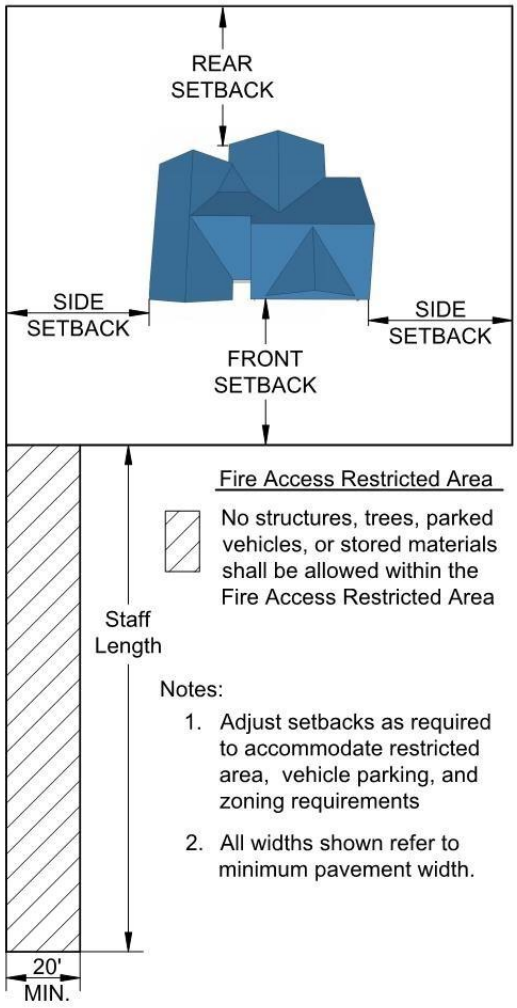


FIGURE 2
(150' < Staff Length < 220' max.)

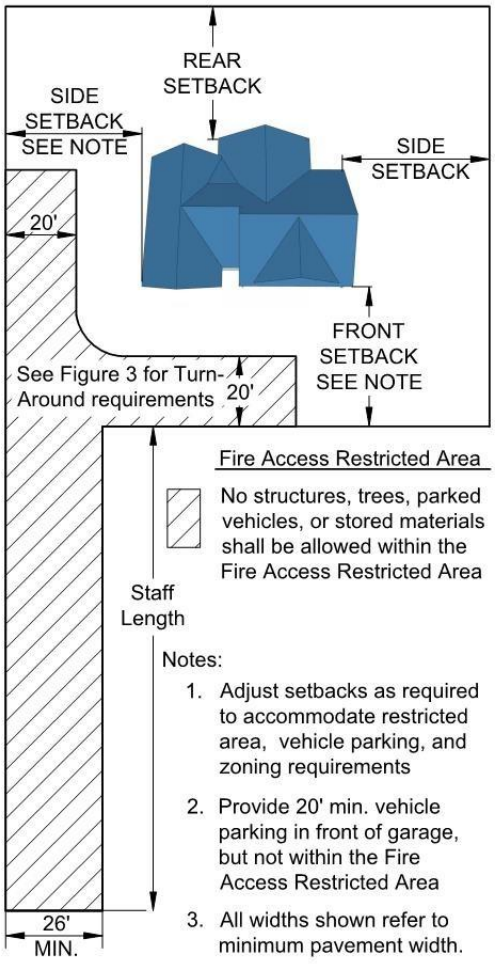
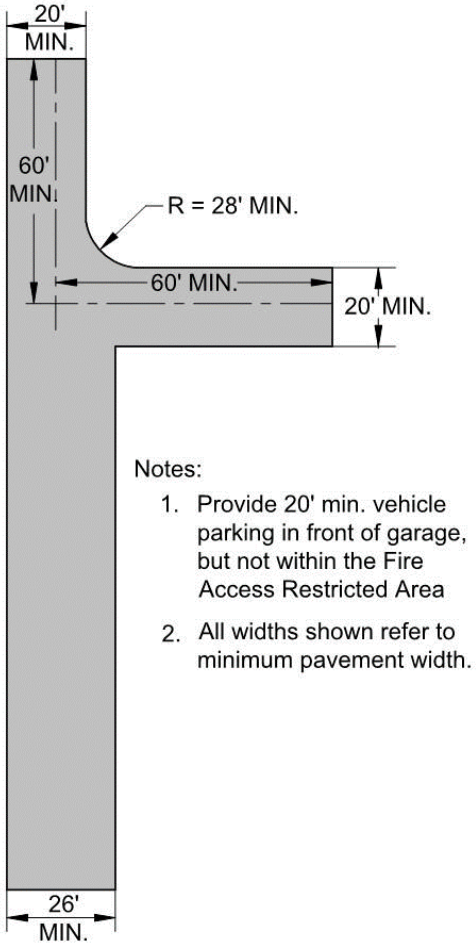


FIGURE 3
Flag Lot Turn-Around Dimensions



7-19-21. Required land improvements. (Repealed.)
(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1998-33-B, 10-07-1998) (Ord. 1977-18, 10-19-1977)

7-19-22. Street signs. (Repealed.)
(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-23. Monuments and markers.

Monuments shall be placed at all corners and angle points of the outside boundary but not farther than one-quarter mile apart. The monuments shall be of concrete, not copper dowel, three inches long cast in place. Iron pipe or steel bars not less than one-half inch in diameter and 24 inches long shall be set at the intersection of street center lines and at all corners of lots not marked by monuments. The monuments and markers shall be set level with the finished grade.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-24. Public utilities.

(1) All subdividers shall provide detailed utility plans showing all existing and proposed utilities within and serving the subdivision.

(2) All utility facilities for telephone, electricity, cable television, natural gas service, street lights, and other utilities shall be placed entirely underground throughout areas of existing, proposed, or anticipated subdivision.

(3) All transformer boxes and pumping facilities shall be located so as to minimize harm to the public.

(4) Utility lines shall be parallel to and not less than 12 inches from the property lines.
(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-25. Sidewalks required - Specifications. (Repealed.)
(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-26. Park Strip Landscaping in Commercial, Light Industrial and Industrial Service zoned Subdivisions.

(1) All park strip areas in commercial and industrial subdivisions, with the exception of paved drive approaches and sidewalks as approved in the site plan, shall be landscaped and perpetually maintained by the owner of the appurtenant property with low or no water use materials and plantings with drip-style irrigation systems for trees and where irrigation is necessary. The use of seeded or sodded lawn grasses in park strips areas of non-residential subdivisions shall be prohibited. The decorative aesthetic or appearance of lawn grass may be accomplished through the use of artificial turf.

(2) (a) The commercial or industrial subdivision developer shall be responsible for the cost of purchasing and planting trees on both sides of all proposed subdivision streets within all park strip areas, except where there are existing trees acceptable to the Director of the Parks and Recreation Department. Newly planted trees shall not be farther apart than 35 feet. Trees planted in park strip areas shall be of a type listed in the Tooele City Street Tree Selection Guide. Newly planted trees shall not be less than two inches in caliper, measured one foot from the ground, and shall not be shorter than eight feet in height. Trees shall be planted during a season of the year when it reasonably can be expected that they will survive. In no case shall trees be planted sooner than seven days prior to the issuance of an occupancy permit for any structure on the property appurtenant to the park strip.

(b) Commercial or industrial subdivision developers shall do one of the following to ensure compliance with the park strip tree requirement:

(i) post a bond in accordance with the provisions of Section 7-19-12 of the Tooele City Code, in the amount of $200 per required park strip tree; or

(ii) make a non-refundable payment to Tooele City in the amount of $200 per required tree, which shall be used by the Director of the Parks and Recreation Department to plant trees within the park strips of the subdivision.

(3) Protective screen planting may be required to secure a reasonably effective physical barrier between residential properties and adjoining uses which minimizes adverse visual, auditory, and other conditions. The screen planting plan shall be approved by the land use authority upon the recommendation of the Community Development and Parks and Recreation Departments.
(Ord. 2024-29, 10-16-2024) (Ord. 2023-43, 12-20-2023) (Ord. 2023-22, 06-07-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-10) (Ord. 2005-03, 02-02-05) (Ord. 2000-10, 06-21-2000) (Ord. 1998-26, 08-05-1998) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)
(Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-26.1. Park Strip Landscaping in Industrial Subdivisions.

All Properties located within the Industrial zoning district shall be exempt from all landscaping requirements provided the following are completed:

(i) All areas disturbed by construction shall be reclaimed with a seed mixture composed of native Utah grasses and shrubs.

(ii) A disturbed area reclamation plan is provided in lieu of a landscape and irrigation plan during the site plan review process.
(Ord. 2024-29, 10-16-2024)

7-19-27. Sanitary sewers.

Sanitary sewers and service laterals shall be installed to serve all properties and lots in the subdivision, including properties reserved for public use or purchase. The provisions of Title 8 of the Tooele City Code, shall apply to the installation design and construction of all sanitary sewers and service laterals in subdivisions.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-28. Engineering specifications.

The owner or subdivider shall install sanitary sewers, water supply system, right-of-way improvements, crosswalks, public utilities, and street lighting in accordance with applicable ordinances, standards, and specifications for construction in the City.
(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-29. Water service.

(1) The provisions of Title 9 Chapter 4 of the Tooele City Code, shall apply regarding all pipes, service laterals and appurtenances provided in a subdivision.

(2) All lots and properties including property reserved for public use or purchase shall be supplied with water service sufficient to meet the future anticipated uses of said property.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-01-1988) (Ord. 1977-18, 10-19-1977)

7-19-30. Trench backfill.

All trench work shall conform to the provisions of Title 4 Chapter 9 of the Tooele City Code.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-19, 10-19-1977)

7-19-31. Filing of engineering plans.

One complete set of engineering plans and specifications, as well as an AutoCAD copy, for required land improvements together with an estimate of the cost of

the improvements, said plans and specifications to bear the seal of a Utah registered professional engineer along with a signed statement to the effect that such plans and specifications have been prepared in compliance with this Chapter and pursuant to good engineering practices shall be submitted to the Community Development Department prior to the approval of the final subdivision. Said plans shall be drawn to a minimum horizontal scale of five feet to the inch. Plans shall show profiles of all utility and street improvements with elevations referring to the U.S.G.S. Datum.
(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-32. Acceptance of public improvements.

(1) Public improvements shall be deemed completed and accepted only upon the occurrence of all of the following:

(a) the completion of the construction of all required public improvements, in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications;

(b) the submission to the City Engineer or Public Works Director by the design engineer engaged by the subdivider, builder, or land developer of three certified sets of as-built plans, as well as an AutoCAD copy of such as-built plans associated with the land use application;

(c) a start-of-warranty inspection by a City inspector indicating that the public improvements have been satisfactorily completed in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications; and,

(d) a fully signed Certificate of Completion and Acceptance referencing the completed public improvements.

(2) Completed and accepted public improvements shall not be deemed dedicated or conveyed to the City prior to recordation of the approved final subdivision plat mylar in the office of the Tooele County Recorder.
(Ord. 2023-43, 12-20-2023) (Ord. 2021-11, 05-05-2021) (Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-33. Building permits.

(1) Except as required by Utah statute, no building permit shall be approved for the construction of any residential building, structure, or improvement to land or to any lot within a residential subdivision as defined herein, which has been approved for platting, until all requirements of this Chapter have been complied with.

(2) The Building Official may approve building permits for noncombustible residential construction when a justification is entered into the City address file. Permits may be issued after the finished street, curb and gutter, and all public improvements and utilities under the street are constructed and have been approved by a qualified City inspector.

(3) A building permit may be issued for noncombustible commercial construction prior to all requirements of this Chapter being completed after all of the following conditions are met:

(a) all public utilities required to be within the road right-of-way have been completed, compacted, tested, inspected, and certified;

(b) the complete width and depth of required road base has been installed, compacted, tested, inspected, and certified to grade, with all test results turned into the Public Works Department;

(c) the developer shall make available tire cleaning areas where the road is accessed; and,

(d) a road width of not less than 28 feet shall be maintained throughout the project until the finished road surface is in place.

(4) Prior to the finished surface being added to the road, a certified geotechnical report shall be obtained from a qualified engineer and turned in to the Public Works Department. The report shall stipulate that the minimum road base is in place, is compacted, is free of contamination, and will support the load for which it was designed.

(5) Notwithstanding Chapter 7-22, herein, under no circumstances will any Certificate of Occupancy be issued for any building, structure, or improvement until all requirements of this Chapter have been complied with, including expressly the requirement to complete all public improvements.

(6) The issuance of a building permit or an occupancy permit within a subdivision shall not be deemed an indication that the public improvements within the subdivision are completed or accepted by the City.
(Ord. 2023-43, 12-20, 2023) (Ord. 2021-11, 05-05-2021) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-17, 06-15-2005) (Ord. 1977-18, 10-19-1977)

7-19-34. Final plat execution, delivery, and recordation. (Repealed.)
(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-35. Minor Subdivision.

(1) A minor subdivision may combine the preliminary subdivision and final subdivision requirements for approval of the subdivision into a single application and review process. A subdivision is considered a minor subdivision and exempt from a separate preliminary subdivision review process if:

(a) it contains no more than six lots;

(b) it does not contain a public right-of-way dedication; and,

(c) it does not involve off-site water or sewer

utilities.

(2) Information normally required as part of the preliminary and final subdivision applications may be required by the Community Development Department as part of a minor subdivision application.

(3) Land use authority. The land use authority for a minor subdivision shall be the same as for a final subdivision.

(4) Appeal authority. The appeal authority for appeals from land use authority decisions on minor subdivisions shall be the same as for a final subdivision.

(Ord. 2025-13, 05-21-2025) (Ord. 2023-43, 12-20, 2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010)

7-19-36. Effect of revocation and voiding.

Any preliminary or final subdivision approval revoked or rendered void pursuant to the provisions of this Chapter shall cause any new application of approval to be subject to the laws, ordinance, fees, and policies of Tooele City current as of the date of the completed new application.

(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2004-02, 01-07-2004)