



CITY OF NORTH SALT LAKE  
COMMUNITY & ECONOMIC DEVELOPMENT

10 East Center Street, North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

**NORTH SALT LAKE PLANNING COMMISSION  
NOTICE & AGENDA  
February 11, 2020  
6:30 p.m.**

Notice is given of a public meeting of the North Salt Lake Planning Commission to be held on the above noted date and time in the North Salt Lake City Council chambers located at 10 East Center Street. The agenda will be as follows:

Welcome, Pledge, and Introduction

- 1) Public comments
- 2) Consideration of proposed subdivision title amendments
- 3) Discussion of Form Based Code and schedule of review
- 4) Report on City Council actions on items recommended by Planning Commission
- 5) Approval of minutes:
  - a. January 28, 2020

Adjourn

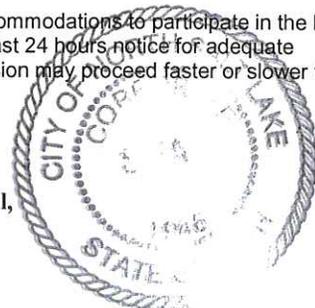
The public is invited to attend all Planning Commission meetings. If you need special accommodations to participate in the Planning Commission meeting, please call the City offices at (801) 335-8700. Please provide at least 24 hours notice for adequate arrangements to be made. Times noted on the agenda are estimates only – the Commission may proceed faster or slower than these estimates indicate.

**Notice of Posting:**

I, the duly appointed recorder for the City of North Salt Lake, hereby certify that the foregoing agenda was posted on the Utah Public Notice website, at city hall, and sent to the required newspapers this 6<sup>th</sup> day of February, 2020.

Dated this 6<sup>th</sup> day of Feb., 2020.

Lynde Horrocks





# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Sherrie Llewelyn, Community Development Director  
**DATE:** February 11, 2020  
**SUBJECT:** Consideration of code amendments pertaining to subdivisions

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### RECOMMENDATION

The Development Review Committee (DRC) recommends approval of the proposed code amendments with the following findings:

1. The proposed amendment is in accord with the comprehensive general plan, goals and policies of the city.
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.

### BACKGROUND

On August 6, 2019 the City Council approved ORD2019-09 enacting temporary zoning regulation on new application for development in the R1-7, RM-7, and RM-20 zones. The council directed staff to draft changes to the subdivision ordinance, specifically addressing the base density and its calculation for subdivisions and PUD subdivisions. The existing city code contains regulations pertaining to subdivisions in 3 separate chapters and numerous sections. The subdivision ordinance also required updating to conform with state code amendments pertaining to subdivisions and conditional uses. Therefore the staff took the opportunity to extract all subdivision regulations and compile them in a new Title 13 of the city code. The proposed draft will modernize the subdivision approval process and clarify previously conflicting sections and regulations.

### REVIEW

Following is an outline of the new title and highlights of the proposed amendments:

**13-1: GENERAL PROVISIONS**

**13-2: ADMINISTRATION AND APPLICATION**

**13-3: CONCEPTUAL PLAN:**

**13-4: MINOR SUBDIVISIONS**

**13-5: MAJOR SUBDIVISIONS**

**13-6: PLANNED UNIT, CONDOMINIUM, RECREATIONAL VEHICLE AND MOBILE HOME DEVELOPMENTS**

### **13-7: PLAT AMENDMENTS & LOT LINE ADJUSTMENTS**

### **13-8: GENERAL REQUIREMENT**

### **13-9: ESSENTIAL IMPROVEMENTS**

1. Chapter 1, General Provisions defines subdivisions, clarifies the purpose the regulations, and provides appeal procedures.
2. Chapter 2, Administration and Application defines what land changes require subdivision approval, the penalties for not obtaining approval and the requirements for building permits.
3. Chapter 3, Conceptual Plan defines the process for obtaining conceptual plan approval, required document submittals, and public notice. All concept plans must be recommended for approval by the Planning Commission and approved by the City Council.
4. Chapter 4 Minor Subdivisions provides a streamlined approval process for small subdivisions 10 lots or less, with no required street dedication.
5. Chapter 5 Major Subdivisions provides the process for all other subdivisions including preliminary and final plat approval and bonding. The proposed ordinance empowers the Planning Commission to grant these approvals as these actions are administrative in nature and cannot be denied if the applicant meets the minimum standards of the ordinance.
6. Chapter 6 addresses Planned Unit Developments, RV & Mobile Home Subdivisions and Condominium Subdivision.

The proposed changes related to PUDs:

1. Minimum street standards for private streets;
2. Requiring sidewalk and park strip on at least one side of the street;
3. Calculating density based upon net acreage (not including streets or other infrastructure)
4. Perimeter setbacks of 15'
5. Building setbacks from other buildings

The proposed changes to Condominium Subdivisions:

1. Updating to meet fair housing requirements
2. Matching the process for regular subdivisions

The proposed changes to RV & Mobile Home Subdivisions:

1. Updating to meet fair housing requirements
2. Adds requirements for capital facility and maintenance funds of common areas

7. Chapter 7 Plat Amendments streamlines the process for simple plat amendments and routine lot line adjustments.
8. Chapter 8 General Requirements outlines the standards required for subdivisions related to layout, design, blocks, lot shapes, street widths, utilities and easements, and public dedications. Significant changes include prescribed right of way widths for private streets, requiring private streets or other private infrastructure to be built to the same standard as public improvements. The changes also consolidate the bulk of the subdivision regulations, provide modernization,

conformance to state code, and reduces the maximum grade of new roads to comply with Fire Code standards.

9. Chapter 9 Essential Improvements provides the direction to the city standards and specifications, specifically prepared for all essential infrastructure whether public or private. It further describes the required infrastructure to be installed by the developer and provides a mechanism for payback agreements, where the developer can recover certain costs for upgraded infrastructure from future developers who will benefit from the installation of said improvements.

The Planning Commission tabled action and review on the Subdivision Title at the January 28, 2020 meeting. The attached copies of the code include changes discussed at the meeting and those at the request by the City Engineer. Those changes are highlighted in blue. Highlights in yellow are for reference to existing code locations and items which require specific discussion on recommended policy changes.

### **POSSIBLE MOTION**

I move that the Planning Commission recommend for approval the proposed amendments to the Subdivision regulations and residential zones with the following findings:

1. The proposed amendment is in accord with the comprehensive general plan, goals and policies of the city.
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.

### Attachments

- 1) Proposed Subdivision Title 13-Redline
- 2) Proposed Subdivision Title 13-Clean

**TITLE 13 SUBDIVISION REGULATIONS**  
**(CLEAN 02.06.2020)**

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**13-1: GENERAL PROVISIONS**

- 13-1-010: SHORT TITLE:
- 13-1-020: INTRODUCTION:
- 13-1-030: PURPOSE AND INTENT:
- 13-1-040: INTERPRETATION, CONFLICT, AND SEVERABILITY:
- 13-1-050: DEFINITIONS:
- 13-1-060: SAVING PROVISION, RELATIONSHIP TO PREVIOUS ORDINANCE:
- 13-1-070: CONSIDERATIONS:
- 13-1-080: GENERAL RESPONSIBILITIES:
- 13-1-090: APPEAL OF PLANNING COMMISSION DECISIONS:
- 13-1-100: APPEAL FROM CITY COUNCIL DECISION:

**13-2: ADMINISTRATION AND APPLICATION**

- 13-2-010: SUBDIVISION CONTROL:
- 13-2-020: REQUIRED PLAT APPROVAL:
- 13-2-030: TRANSFER OF LAND:
- 13-2-040: TRANSFER OF LAND; VOIDABLE:
- 13-2-050: BUILDING PERMITS:
- 13-2-060: CERTIFICATES OF OCCUPANCY:
- 13-2-050: PENALTIES:

**13-3: CONCEPTUAL PLAN:**

- 13-3-010: CONCEPTUAL PLAN:
- 13-3-020: STAFF CANNOT BIND CITY:
- 13-3-030: VESTED RIGHTS:
- 13-3-040: SUBMISSION:
- 13-3-050: NOTIFICATION:
- 13-3-060: REVIEW BY THE PLANNING COMMISSION:
- 13-3-070: APPROVAL BY THE CITY COUNCIL:
- 13-3-080: EXPIRATION OF CONCEPTUAL PLAN APPROVAL:

**13-4: MINOR SUBDIVISIONS**

- 13-4-010: PURPOSE:
- 13-4-020: REQUIREMENTS FOR MINOR SUBDIVISIONS:
- 13-4-030: APPLICABILITY:
- 13-4-040: CONCEPTUAL PLAN REQUIRED:
- 13-4-050: MINOR SUBDIVISION APPLICATION:
- 13-4-060: DEVELOPMENT REVIEW:
- 13-4-070: PLANNING COMMISSION ACTION:
- 13-4-080: EXPIRATION OF FINAL APPROVAL:
- 13-4-090: BOND AGREEMENT:
- 13-4-100: PLAT REQUIREMENTS:
- 13-4-110: RECORDING OF PLAT:

**TITLE 13 SUBDIVISION REGULATIONS**  
**(CLEAN 02.06.2020)**

45 **13-5: MAJOR SUBDIVISIONS**

- 46       13-5-010: PRELIMINARY DESIGN PLAN; PURPOSE:  
47       13-5-020: APPLICATION AND FEES:  
48       13-5-030: PRELIMINARY DESIGN PLAN; PREPARATION AND REQUIRED INFORMATION:  
49       13-5-040: EVALUATION OF PRELIMINARY DESIGN PLAN:  
50       13-5-050: PLANNING COMMISSION ACTION; PRELIMINARY DESIGN PLAN:  
51       13-5-060: NOTIFICATION OF ACTION:  
52       13-5-070: EFFECT OF APPROVAL OF THE PRELIMINARY DESIGN PLAN:  
53       13-5-080: FINAL PLAT; PURPOSE:  
54       13-5-090: FILING DEADLINE, APPLICATION AND FEES:  
55       13-5-100: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:  
56       13-5-110: EVALUATION OF FINAL PLAT:  
57       13-5-120: PLANNING COMMISSION ACTION; FINAL PLAT:  
58       13-5-130: DISAPPROVAL BY THE PLANNING COMMISSION:  
59       13-5-140: SECURITY BOND; DEVELOPER:  
60       13-5-150: DELAY AGREEMENT:  
61       13-5-160: RECORDING OF PLAT:  
62       13-5-170: EXPIRATION OF FINAL APPROVAL:

63 **13-6: PLANNED UNIT, CONDOMINIUM, RECREATIONAL VEHICLE AND MOBILE HOME**  
64 **DEVELOPMENTS**

- 65       13-6-010 : PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:  
66       13-6-020 : CONDOMINIUM SUBDIVISIONS  
67       13-6-030 : MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE  
68       PARKS; SPECIAL REQUIREMENTS:

69 **13-7: PLAT AMENDMENTS & LOT LINE ADJUSTMENTS**

- 70       13-7-010: PLAT AMENDMENTS  
71       13-7-020: EXEMPTION FROM PLAT REQUIREMENT  
72       13-7-030: ROUTINE AND UNCONTESTED LOT LINE ADJUSTMENTS:  
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74 **13-8: GENERAL REQUIREMENTS**13-8-010: GENERAL STANDARDS

- 75       13-8-020: SUBDIVISION LAYOUT:  
76       13-8-030: BLOCKS:  
77       13-8-040: LOTS:  
78       13-8-050: FLAG LOTS:  
79       13-8-060: STREETS:  
80       13-8-070: LANDSCAPING:  
81       13-8-080: UTILITIES AND EASEMENTS:  
82       13-8-090: WATERCOURSES:  
83       13-8-100: WARRANTY PERIOD:  
84       13-8-110: DEDICATIONS OF STREETS AND TRAILS  
85       13-8-120: RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:  
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88 **13-9: ESSENTIAL IMPROVEMENTS**

89 **13-9-010: DESIGN STANDARDS & SPECIFICATION:**

90 **13-9-020: REQUIRED IMPROVEMENTS:**

91 **13-9-030: CURB, GUTTER, SIDEWALK AND ASPHALT PAVING:**

92 **13-9-050: STORM DRAINAGE:**

93 **13-9-050: UNDERGROUND UTILITIES AND SANITARY SEWER:**

94 **13-9-060: FENCING OR PIPING OF HAZARDS:**

95 **13-9-070: MONUMENTS:**

96 **13-9-080: COMPLETION:**

97 **13-9-090: PAYBACK AGREEMENTS FOR IMPROVEMENTS:**

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**TITLE 13 SUBDIVISION REGULATIONS**

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**13-1: GENERAL PROVISIONS**

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- 13-1-010: SHORT TITLE:**
- 13-1-020: INTRODUCTION:**
- 13-1-030: PURPOSE AND INTENT:**
- 13-1-040: INTERPRETATION, CONFLICT, AND SEVERABILITY:**
- 13-1-050: DEFINITIONS:**
- 13-1-060: SAVING PROVISION, RELATIONSHIP TO PREVIOUS ORDINANCE:**
- 13-1-070: CONSIDERATIONS:**
- 13-1-080: GENERAL RESPONSIBILITIES:**
- 13-1-090: APPEAL OF PLANNING COMMISSION DECISIONS:**
- 13-1-100: APPEAL FROM CITY COUNCIL DECISION**

**13-1-010: SHORT TITLE:**

This title shall be known as title 13, or the *SUBDIVISION ORDINANCES OF THE CITY OF NORTH SALT LAKE*, and may be so cited and pleaded.

**13-1-020: INTRODUCTION:**

A. Scope Of Subdivisions, Generally: Subdivisions in the City shall be designed for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace. Land should not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage and capital improvements, such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or cannot be provided for, the subdivision will not be allowed.

B. Conformance To Adopted Standards: Proposed essential infrastructure improvements shall conform to adopted City standards, specifications, and ordinances.

C. Burden Of Proof: For all proceedings in regard to development approval under this title or amendments to this title, the burden of proof showing satisfaction of all requirements shall rest with the applicant or authorized agent of the proposed development or amendment. The requirements and standards set forth herein are the minimum acceptable standards for land use applications within the City.

D. Assumption Of Validity: The City will assume that all information provided is accurate and valid. If any information provided to the City is found to be outdated, false or in any way misleading, the application for development approval may be denied or revoked by the City Council regardless of previous approvals.

**13-1-030: PURPOSE AND INTENT:**

A. I Purpose: [existing language from 10-7-7(B)]

**TITLE 13 SUBDIVISION REGULATIONS**

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- 139 1. The purpose of this section and the intent of the city in its adoption is to promote the health,  
140 safety, convenience and general welfare of the present and future inhabitants of the city.
- 141 2. This section will accomplish this purpose by:
- 142 a. Providing policies, standards, requirements and procedures to regulate and control the design  
143 and improvements of all developments.
- 144 b. Assisting in the implementation of the objectives, policies and programs of the general plan  
145 by ensuring that all proposed developments, together with provisions for their design and  
146 improvements, are consistent with the general plan and all applicable specific plans.
- 147 c. Preserving and protecting, to the maximum extent possible, unique and valuable natural  
148 resources and amenities, including topographic and geologic features, beaches and natural  
149 watercourses, fish and wildlife habitats, historical and cultural places, and scenic vistas and  
150 attractions; and improving the public access to and enjoyment of such resources and amenities  
151 through the dedication or continuance of appropriate public easements thereto.
- 152 d. Preserving and protecting the special environmental quality and aesthetic character of all  
153 hillside and mountainous areas; preventing detrimental impacts on the soil mantle, vegetative  
154 cover and other environmental factors; reducing the hazards of life and property from fire,  
155 flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a  
156 development to the slope of the natural terrain.
- 157 e. Encouraging the clustering of housing and building developments where subdivisions or other  
158 developments are permitted in hillside and mountainous areas, minimizing grading, preserving  
159 the natural terrain and enlarging the open spaces.
- 160 f. Relating land use intensity and population density to existing developments, street capacity  
161 and traffic access, the slope of the natural terrain, the availability and capacity of public facilities  
162 and utilities, and open spaces.
- 163 g. Providing lots of sufficient size and appropriate design for the purposes for which they are to  
164 be used.
- 165 h. Providing streets of adequate capacity and design for the traffic that will utilize them, and  
166 ensuring maximum safety for pedestrians and users of vehicles.
- 167 i. Ensuring adequate access to each building site.
- 168 j. Providing sidewalks, pedestrian ways, bike paths, and equestrian and hiking trails for the  
169 safety, convenience and enjoyment of residents of new developments.
- 170 k. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street  
171 lighting and other utilities needed for public health, safety and convenience.
- 172 l. Providing adequate sites for public facilities needed to serve residents of new developments.
- 173 m. Ensuring that costs of providing land for streets, alleys, pedestrian ways, bike paths,  
174 easements and other rights of way and for the improvements therein needed to serve new  
175 developments are borne by the developer.

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176 n. Preventing land which is actually or potentially dangerous by reason of flood hazard,  
177 inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage  
178 facilities or hazardous geological conditions from being developed for any use or in any manner  
179 tending to create an increased detriment to the public health, safety or welfare.

180 o. Ensuring that, insofar as possible, land is developed in a manner that will promote the public  
181 health, safety, convenience and general welfare and the physical, social and economic  
182 development of the area in conformance with the general plan, and provide access for solar and  
183 other renewable energy sources to the maximum extent possible, and encourage energy  
184 conservation through design, layout, "siting" and other techniques.

185 p. Preserving and protecting to the maximum extent possible, solar access to structures and  
186 encourage and promote/require energy conservation and the use of renewable energy sources.

187 q. Providing space for parking bays (off street parking as needed).

188 r. Providing space for bike paths and jogging trails.

189 B. Intent: This title is designed to inform the developer and public of the requirements and conditions  
190 necessary to obtain approval of a subdivision. To this end, all requirements, where possible, are  
191 expressly delineated in this title or other applicable ordinances.

192 **13-1-040: INTERPRETATION, CONFLICT, AND SEVERABILITY:**

193 A. Interpretation: These regulations shall be held to be the minimum requirements for the promotion of  
194 the public health, safety and general welfare. The burden of proof shall, in all proceedings pursuant to  
195 this title, rest with the proponent of an application for development approval. Any dispute arising from  
196 the administration of this title shall be forwarded to the city council for resolution.

197 B. Conflict With Other Provisions:

198 1. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule,  
199 regulation, statute or provision of law. Where any provision of these regulations imposes a  
200 restriction different from those imposed by other provision, ordinance, rule, regulation or law,  
201 whichever provision is more restrictive or imposes higher standards shall control.

202 2. Further, these regulations are not intended to abrogate any easement, covenant, private  
203 agreement or restriction, including, but not limited to, restrictive covenants and declarations of  
204 covenants, conditions and restrictions; provided, however, that the city is under no obligation to  
205 enforce private covenants or agreements.

206 C. Severability: If any part or provision of these regulations or application thereof to any person or  
207 circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined  
208 in its operation to the part, provision or application directly involved in all controversy in which such  
209 judgment shall have been rendered and shall not affect or impair the validity of the remainder of these  
210 regulations or the application thereof to other persons or circumstances.

211 **13-1-050: DEFINITIONS:**

## **TITLE 13 SUBDIVISION REGULATIONS**

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212 Whenever any word or phrase used in this title is not defined herein, but is defined in related sections of  
213 Utah Code Annotated or in the City of North Salt Lake City Land Use Ordinance (Title 10), such  
214 definitions are incorporated herein and shall apply as though set forth herein in full, unless the context  
215 clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the  
216 present tense include the future, the singular includes the plural, the term "shall" is mandatory and the  
217 term "may" is permissive.

### **218 13-1-060: SAVING PROVISION, RELATIONSHIP TO PREVIOUS ORDINANCE:**

219 A. These regulations shall not be construed as abating any action under, or by virtue of, prior existing  
220 subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about  
221 to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the  
222 municipality under any section or provision existing at the time of adoption of these regulations, or as  
223 vacating or annulling any rights obtained by any person, firm or corporation by lawful action for the  
224 municipality, except as shall be expressly provided for in these regulations.

225 B. The procedures set forth in this title are intended to supersede any inconsistent procedural provisions  
226 in the previous development ordinances. The substantive requirements of the application form and the  
227 review process shall remain unchanged, but all final actions under that ordinance are subject to the  
228 appeal processes set forth herein. All applications for subdivision approval are subject to termination as  
229 set forth herein.

### **230 13-1-070: CONSIDERATIONS:**

231 A. General Plan: The general plan shall guide the use of all land within the corporate boundaries of the  
232 city. The size and design of lots, the nature of utilities, the design and improvement of streets, the type  
233 and intensity of land use, and the provisions for any special facilities in any subdivision shall conform to  
234 the land uses shown and the standards established in the general plan, the land use ordinance and other  
235 applicable ordinances.

236 B. Natural Landscape: Trees, native land cover, natural watercourses and topography shall be preserved  
237 when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the  
238 landscape in conformance with the sensitive lands and geologic hazards ordinances (Title 10 Chapter  
239 12). The design of new subdivisions shall consider, and relate to, existing street widths, alignments and  
240 names.

241 C. Community Facilities: Community facilities, such as parks, recreation areas, trails and transportation  
242 facilities shall be provided in the subdivision in accordance with general plan standards, this title, and  
243 other applicable ordinances and resolutions. This title establishes procedures for the referral of  
244 information on proposed subdivisions to interested boards, bureaus and other governmental agencies  
245 and utility companies, both private and public, so that the extension of community facilities and utilities  
246 may be accomplished in an orderly manner, coordinated with the development of the subdivision. In  
247 order to facilitate the acquisition of land areas required to implement this policy, the developer may be  
248 required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds,  
249 public ways, utility easements and other public purposes as specified.

### **250 13-1-080: GENERAL RESPONSIBILITIES:**

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251 A. Developer: The developer shall prepare a plat consistent with the standards contained herein and  
252 shall pay for the design and inspection of the essential infrastructure improvements required. The city  
253 shall process said plats in accordance with the regulations set forth herein. The developer shall not alter  
254 the terrain or remove any vegetation from the proposed subdivision site or engage in any site  
255 development until the necessary approvals as outlined herein have been obtained.

256 B. Development Review Committee (DRC): The development review committee, consisting of  
257 representatives from city departments as required by the City Manager and as applicable to each  
258 development application, shall review the plats for design; for conformity to the general plan, town  
259 center master plan, or other applicable plans, and to the land use ordinance; for the environmental  
260 quality of the subdivision design; and shall process the subdivision plats and reports as provided for in  
261 this title.

262 C. Other Agencies: Plats of proposed subdivisions may be referred by the development review  
263 committee to such special districts, governmental boards, bureaus, utility companies and other agencies  
264 which will provide public and private facilities and services to the subdivision for their information and  
265 comment. Developers shall be responsible for distributing plans to and coordinating the comments  
266 received from all public and private entities and obtaining will-serve letters or permits, as applicable.

267 D. Public Works And Engineer: The public works department and city engineer shall make comments as  
268 to engineering requirements for street widths, grades, alignments and flood control, whether the  
269 proposed essential infrastructure improvements are consistent with this title and other applicable  
270 ordinances and shall be responsible for the inspection and approval of all construction of essential  
271 improvements. Street layout and overall circulation shall be in accord with adopted transportation plans  
272 and sound transportation planning principles.

273 E. Planning Commission: The planning commission shall act the land use authority for minor  
274 subdivisions, preliminary and final plats, and plat amendments which do not include the vacation of any  
275 public right of way, public trail or municipal utility easement. The planning commission shall act as an  
276 advisory agency to the city council for conceptual subdivision plans and plat amendments which include  
277 the vacation of any public right of way, public trail or municipal utility easement. It is charged with  
278 making investigations, reports and findings on proposed subdivisions as to their conformance to the  
279 general plan, town center master plan and land use ordinance, and other pertinent plans, ordinances, or  
280 regulations.

281 F. City Attorney: The city attorney shall verify, prior to recordation of a plat, that the form of the final  
282 plat is correct and acceptable, that the developer dedicating land for use of the public is the owner of  
283 record, and that the land is free and clear of unacceptable encumbrances, tax clearances according to  
284 the title report submitted by the developer.

285 G. City Manager: The city manager acts as liaison between the planning commission, development  
286 review committee, and the city council. Prior to preliminary approval for a subdivision, the city manager  
287 may review the proposed plat and receive written comments from the city council on the plat. The  
288 comments may then be forwarded to the planning commission for evaluation.

289 H. City Council: The city council has final jurisdiction in the approval of conceptual plans and plat  
290 amendments which include the vacation of any public right of way, public trail or municipal utility

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291 easement, the establishment of requirements and design standards for essential infrastructure  
292 improvements, and the acceptance of lands and essential infrastructure improvements that may be  
293 proposed for dedication, and shall consider appeals regarding the administration of this title as provided  
294 herein.

295 **13-1-090: APPEAL OF PLANNING COMMISSION DECISIONS:**

296 A. City Council: Appeal may be made to the city council from any decision, determination or  
297 requirement of the planning commission under this title by filing with the city recorder a notice thereof  
298 in writing within fifteen (15) days after such decision, determination or requirement is made. Such  
299 notice shall set forth in detail the action and grounds upon which the developer, or other interested  
300 person, deems himself or herself aggrieved. In the event of an appeal, application deadlines set forth in  
301 this title shall be extended to incorporate the time necessary to hear and consider such appeals.

302 B. Hearing: The city recorder shall set the appeal for hearing before the city council to be held within a  
303 reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be continued  
304 by order of the city council. The appellant shall be notified of the appeal hearing date at least seven (7)  
305 days prior to the hearing. After hearing the appeal, the city council may affirm, modify or overrule the  
306 decision, determination or requirement appealed and enter any such order or orders as are in harmony  
307 with the spirit and purpose of this title. The filing of an appeal shall stay all proceedings and actions in  
308 furtherance of the matter appealed, pending a decision of the city council.

309 **13-1-100: APPEAL FROM CITY COUNCIL DECISION: [existing language from 10-7-7(I)]**

310 A. If the petitioner, or any notified individual or organization disagrees with the city council decision, a  
311 written objection, clearly specifying the reasons therefor, shall be filed with the city recorder within ten  
312 (10) days following the city council decision.

313 B. The objection shall be heard before the hearing officer at a scheduled meeting. (Ord. 2012-07, 4-30-  
314 2012)

315

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316 **13-2: ADMINISTRATION AND APPLICATION**

317 **13-2-010: SUBDIVISION CONTROL:**

318 **13-2-020: REQUIRED PLAT APPROVAL:**

319 **13-2-030: TRANSFER OF LAND:**

320 **13-2-040: TRANSFER OF LAND; VOIDABLE:**

321 **13-2-050: BUILDING PERMITS:**

322 **13-2-060: CERTIFICATES OF OCCUPANCY:**

323 **13-2-070: PENALTIES:**

324

325 **13-2-010: SUBDIVISION CONTROL:** [existing language from 10-7-7(A)]

326 A. Compliance Required: No person shall subdivide or otherwise develop any tract of land which is  
327 located wholly or in part within the City, except in compliance with this title, and with the development  
328 regulations adopted by the City Council.

329 B. Applicability:

330 1. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part  
331 of a development of a larger tract of land, nor offer for recording in the Office of the County  
332 Recorder any deed conveying such parcel of land, or any interest therein, unless such development  
333 has been created pursuant to and in accordance with the provisions of this title and local  
334 regulations; provided, that this title shall not apply to any lot or lots forming a part of a  
335 development created and recorded according to then applicable law prior to the effective date  
336 hereof, except as specifically provided in this title.

337 2. This title shall apply, however, to lots created prior to adoption of this title and not in compliance  
338 with then applicable law.

339 C. Approval Required: No lot within a development created and recorded prior to the effective date  
340 hereof or approved by the Planning Commission and City Council and recorded in the County Recorder's  
341 Office under the provisions of this title, shall be further divided, rearranged, added to or reduced in  
342 area, nor shall any boundaries of any lot be altered in any manner so as to create more lots than initially  
343 recorded, or any nonconforming lot, without first obtaining the approval required herein.

344 D. Restricted Lots: Restricted lots are prohibited unless geotechnical design solutions to problems  
345 associated with such lots have been prepared by a qualified professional team and approved by the  
346 Planning Commission in accordance with Title 10 Chapter 12 Sensitive Lands Overlay and Geologic  
347 Hazards.

348 **13-2-020: REQUIRED PLAT APPROVAL** [existing language from 10-7-7(C)]

349 A.. Content: Whenever any lands are laid out and platted, the owner of those lands shall cause an  
350 accurate plat to be made of them that sets forth and describes:

351 1. All parcels of ground laid out and platted, by their boundaries, course and extent, and whether  
352 they are intended for streets or other public uses, together with any areas that are reserved for  
353 public purposes; and

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354 2. All blocks and lots intended for sale, by number, and their precise length and width.

355 B. Acknowledgment Required: The owner of the land shall acknowledge the plat before an officer  
356 authorized by law to take acknowledgment of conveyances of real estate:

357 1. The surveyor making the plat shall certify it.

358 2. The city council shall approve the plat as provided by law.

359 C. Filing And Recording: After the plat has been acknowledged, certified and approved, the city recorder,  
360 shall file and record it in the county recorder's office in the county in which the lands platted and laid  
361 out are situated. The owner shall pay the expense of such recording.

362 D. PLAT EXPIRATION The recording of the final plat is to be done within one hundred eighty (180)  
363 calendar days of the completed approval of the final plat by the land use authority. Failure to record the  
364 final plat within the allotted time required shall void all approvals for the subdivision. Prior to the  
365 expiration of the final plat approval, the owner or developer may request a onetime extension of one  
366 hundred eighty (180) days, by submitting to the land use authority a written request of the owner or  
367 developer explaining the reasons for the delay. The development review committee shall prepare an  
368 analysis of any amendments to the city code regulations or standards and their effect on the  
369 subdivision. If such amendments to the city regulations or standards are essential to protecting the  
370 health, safety, and welfare of the citizens, the land use authority shall not grant the extension unless the  
371 final plat conforms to the new regulations or standards.

372 E. Subdivision Approval Procedure: No one may file or record a plat of a subdivision of land in the county  
373 recorder's office unless:

374 1. Approval Required: It has been approved by:

375 a. The city council, acting as the city land use authority; or

376 b. Other land use authority that the city council designates in an ordinance; and

377 2. Written Approval: The approvals are entered in writing on the plat by the mayor or by other  
378 officers designated in the ordinance.

379 **13-2-030: TRANSFER OF LAND:**

380 Land shall not be transferred, sold or offered for sale, nor shall a building permit be issued for a  
381 structure thereon, until the final subdivision plat is recorded in the county recorder's office in  
382 accordance with this title and any applicable provisions of state law, and until the improvements  
383 required in connection with the subdivision have been constructed or guaranteed as provided herein.

384 **13-2-040: TRANSFER OF LAND; VOIDABLE:**

385 No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions  
386 of this title. Any deed or conveyance, sale or contract to sell made contrary to the provisions of this title  
387 is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal  
388 representative, or trustee in bankruptcy, within one year after the date of execution of the deed of  
389 conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon  
390 any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those

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391 above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or  
392 devisee.

393 **13-2-050: BUILDING PERMITS:**

394 A. Requirements:

395 1. No building permit shall be issued for any structure within a subdivision until the final subdivision  
396 plat is recorded in the county recorder's office, a bond is provided acceptable to the city ensuring  
397 the adequate installation of required essential infrastructure improvements and utilities, and the  
398 required improvements and utilities have been installed and are operable as provided herein and as  
399 deemed essential infrastructure (defined by State Code 10-9a-802, as amended) which is necessary  
400 to meet the requirements for of the building code and fire code.

401 2. No building permit shall be issued for any structure within a subdivision until all sanitary sewer,  
402 storm sewer, culinary water lines, pressure irrigation (if applicable), fire hydrants, curb and gutter,  
403 streets, other underground utilities located under the street surface, and required grading and  
404 drainage improvements, are installed and fully functional, as determined by the city, providing  
405 continuous access and/or service to the lot.

406 3. Notwithstanding the foregoing, for lots fronting existing streets that obtain access only from that  
407 street and have existing fully functional utilities, the building official may issue permits, subject to  
408 compliance with applicable requirements, including adequate access for emergency vehicles.

409 B. Issuance Prior To Street Surfacing: A building permit may be issued by the city for the construction of  
410 a structure within a subdivision prior to application of hard surfacing of the streets within the  
411 subdivision under the following conditions:

412 1. The street improvements are being constructed during the months when cold weather prohibits  
413 the laying of a hard surface on the street.

414 2. The streets shall be completed with all utilities, rough grading, and all weather road base  
415 sufficient for emergency vehicle access and construction traffic. Sufficiency of the road base,  
416 including road base gradation and thickness, shall be determined by the city engineer upon review  
417 and consideration of applicable soils reports, drainage factors and existing topographic conditions of  
418 the property.

419 3. The developer enters into an agreement with the city that the developer will take responsibility to  
420 ensure that the road is accessible for emergency vehicles and construction traffic at all times,  
421 including snow removal and other required maintenance.

422 4. The developer enters into an agreement with the city that developer will hard surface the road as  
423 soon as weather permits and as authorized by the city. If developer fails to do so, the city can  
424 declare the developer in default of the applicable improvements bond agreement and may  
425 withdraw any or all of the funds from the bond and cause the improvements to the street to be  
426 constructed, completed and/or repaired in accordance with the terms and procedures set forth in  
427 the bond agreement for the withdrawal of funds.

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428 5. The building contractor, property owner and building permit applicant enters into an assumption  
429 of risk agreement acknowledging the lack of hard surface streets within the subdivision and  
430 developer's obligation regarding maintenance and access of the same and assuming the risk of  
431 proceeding with construction under such circumstances pursuant to the terms and conditions set  
432 forth herein.

433 6. Prior to hard surfacing road, the city engineer shall inspect road conditions for road base  
434 contamination, rutting, or other deficiencies. Any deficiencies found shall be repaired in a manner  
435 required by the city engineer and approved prior to any paving.

436 7. No certificate of occupancy shall be granted by the city for any structure within the subdivision  
437 until all streets are hard surfaced.

438 **13-2-060: CERTIFICATES OF OCCUPANCY:**

439 No building within a subdivision shall be occupied until a certificate of occupancy has been issued for  
440 such structure by the city. No certificate of occupancy shall be issued for any structure within a  
441 subdivision by the city until all required improvements for the subdivision are complete, including the  
442 hard surfacing of the streets, all required street signs are installed for the subdivision and house  
443 numbers are placed on the structure, all required utilities are installed providing service to the structure,  
444 and all other applicable ordinance provisions have been satisfied.

445 **13-2-070: PENALTIES:**

446 Any person found in violation of this title shall be subject to penalty as provided in Title 12 of this Code  
447 or may be subject to criminal prosecution as a class C misdemeanor. In addition to any criminal  
448 prosecution, the city may pursue any other legal remedies provided by law to ensure compliance with  
449 this title, including, but not limited to, instituting an injunction, mandamus, abatement or other  
450 appropriate actions, or proceedings to prevent, enjoin, abate or remove the unlawful use or act.

451

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452 **13-3: CONCEPTUAL DEVELOPMENT PLAN:**

453 **13-3-010: CONCEPTUAL PLAN:**

454 **13-3-020: STAFF CANNOT BIND CITY:**

455 **13-3-030: VESTED RIGHTS:**

456 **13-3-040: SUBMISSION:**

457 **13-3-050: NOTIFICATION:**

458 **13-3-060: REVIEW BY THE PLANNING COMMISSION:**

459 **13-3-070: APPROVAL BY THE CITY COUNCIL:**

460 **13-3-080: EXPIRATION OF CONCEPTUAL PLAN APPROVAL:**

461 **13-3-010: CONCEPTUAL PLAN:**

462 A conceptual development plan shall be required of all developers. This provides the developer with an  
463 opportunity to consult with and receive assistance from the city regarding the regulations and design  
464 requirements applicable to the subdivision of property and facilitates resolution of problems and  
465 revisions before the preparation of a preliminary design plan. The conceptual plan should be based on  
466 an accurate survey showing boundaries, topography, important physical features, adjacent properties  
467 and the sketch of the proposed subdivision. The applicant or applicant's duly authorized agent shall  
468 submit an application to the community development department for conceptual plan approval and at  
469 the same time, the applicant shall pay an application fee as provided in the city's consolidated fee  
470 schedule.

471 **13-3-020: STAFF CANNOT BIND CITY:**

472 The conceptual plan requirement is designed to provide the developer with helpful information and  
473 suggestions before the expense and time involved in preparing a preliminary design plan is incurred.  
474 However, only the city council may bind the city and the planning commission can make official  
475 recommendations to the city council. City employees and all other officers of the city act in advisory  
476 capacity to the city council and have no authority to make binding decisions or to make authoritative  
477 representations, approvals or determinations. Employees and officers of the city may make  
478 recommendations, suggestions, and dispense information regarding city ordinances, the general plan, or  
479 other adopted policy documents, but such comments shall in no way whatsoever be binding on the city.

480 **13-3-030: VESTED RIGHTS:**

481 Submission of a conceptual plan shall in no way confer any vested rights upon the developer. Vested  
482 rights may attach only upon the filing of a subdivision plan under [chapter 4](#), [5](#), [6](#) or [7](#) of this title, and the  
483 subdivision being able to meet the requirements of this title and other applicable ordinances at the time  
484 of the application. However, if there is a compelling, countervailing public interest or the city has  
485 initiated proceedings to amend this title or other applicable ordinances at the time of the application,  
486 then there shall be no vested rights.

487 **13-3-040: SUBMISSION:**

488 A. The developer shall submit the proposed conceptual plan which will enable a review of a proposed  
489 project for general scope and conditions which might impact the proposed project and the city. The  
490 community development department will determined if the appropriate plan and application is

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491 submitted, if the application is complete and if all the fees have been paid. If the application is deemed  
492 to be incomplete the applicant shall be notified in writing within ten (10) days of the application date, or  
493 as reasonably practical upon discovery of a deficiency. The planning commission shall either  
494 recommend the plan or recommend the plan with conditions to the city council, or reject the concept  
495 plan. The city council shall either approve the concept plan or approve the concept plan with conditions  
496 or reject the concept plan.

497 B. Document Requirements: The following items shall be submitted to the community development  
498 department for conceptual plan review:

499 1. An application form, as provided by the city detailing the proposed development and addressing  
500 the following:

501 a. A general explanation of the project size, scope, and land uses;

502 b. Identification of any potential impacts or conflicts with adjacent land uses, along with  
503 proposed mitigation all adverse aspects of the plan;

504 c. Identification of any known or potential geologic hazards on the property or within the  
505 development area in general;

506 d. A statement regarding the proposed development, it's conformance to the existing zoning  
507 and general plan or other adopted plans or policies, and identifying any opportunity for the  
508 provision of housing which meet the goals and objectives of the city's moderate income housing  
509 plan.

510 e. Any additional pertinent information related to the project.

511

512 2. Two (2) 24" x 35" copies and one (1) 11" x 17" copy of the conceptual plan and one electronic  
513 copy of all required documents.

514 3. Stamped, addressed envelopes for property owners within 300 feet of the boundary of the  
515 proposed subdivision and all property owners within the project boundary.

516

517 4. Conceptual plan set shall include the following:

518 a.. Cover Sheet which includes the following:

519 (1) The proposed project name, approximate address of the project, and the relevant  
520 parcels within the project;

521 (2). Vicinity plan. An aerial map at a scale of one inch equals one hundred feet (1" = 100') or  
522 other competent base map showing the area within six hundred feet (600') of the project  
523 boundaries giving context to the proposed development;

524 (3) Drawing index;

525 (4) Developer name, address, and phone number;

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526 (5) Property owner name, address, and phone number, if different from the developer;

527 (6) General Notes regarding the project; and

528 (7) Boundaries of zoning districts, Taxing and other special districts

529 (8) The name, address, and phone number of the engineer or surveyor who prepared the  
530 conceptual plan set.

531 b. Existing Conditions or Demolition Plan. The following shall be drawn to scale:

532 (1) Existing topographic contours at no greater interval than two feet (2')

533 (2) Existing buildings, utilities, and improvements;

534 (3) Location of existing culinary and irrigation water systems and points of proposed  
535 connection and extension;

536 (4) Location and size of existing utility services and proposed connection and extension  
537 (sewer, power, gas, telephone cable);

538 (5) Watercourses, impoundments, streams, springs, wells, floodplains, and areas subject to  
539 continuous or occasional flooding, including those portions of the property which are  
540 included in the most recent flood insurance rate maps prepared by FEMA;

541 (6) Significant vegetative patterns;

542 (5)i. Geologic hazards, formations and soils type;

543 (7) Public and private easements related to site, including trails and parks as identified  
544 within the adopted general plan or other adopted plans or policies documents; (8) Existing  
545 survey monuments;

546 c. Conceptual Site Plan. The following elements shall be drawn to a scale of a minimum 1"=30':

547 (1) North arrow and scale;

548 (2) Names of all abutting property owners;

549 (3) The dimensions of the site and total acreage, with proposed density;

550 (4) A proposed lot layout showing approximate size of each lot;

551 (5) Location of existing and proposed streets, trails, and sidewalks;

552 (6) Proposed buildings, or building envelopes, as applicable;

553 (7) Proposed public facilities and open spaces;

554 (8) Location of proposed parking;

555 (9) Preliminary location of all proposed on site uses and desired improvements, including  
556 any off site improvements if considered essential to the project.

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557 (10) Any additional information which will convey information that is necessary to  
558 determine feasibility and identify problems that need to be addressed on the preliminary  
559 design plan.

560 (4)

561 .

562 (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

563 **13-3-050: NOTIFICATION:**

564 A. Upon receipt of the complete concept plan application, the community development director shall  
565 distribute copies of the conceptual plan application to the development review committee, and other  
566 agencies and, as applicable, to the parks, trails, arts and recreation advisory board for review and  
567 comment. (Ord. 05-14, 12-13-2005; amd. 2012 Code; Ord. 2014-01, 1-7-2014)

568 B. Public Comment Period. The community development department shall notify all appropriate  
569 agencies or other parties with legitimate interests and all landowners of property located within three  
570 hundred feet (300') of the boundary of the proposed development. Notified parties shall have fourteen  
571 (14) days to submit written comments limited to environmental concerns on the following topics:

- 572 1. Erosion, dust, soils and topsoil loss;
- 573 2. Grades, slope stability and geologic hazards;
- 574 3. Groundwater, watercourses, flood hazards and areas;
- 575 4. Vegetative types;
- 576 5. Wildlife and habitat;
- 577 6. Essential urban services presently available;
- 578 7. Fire potential;
- 579 8. Accumulation of solid and liquid wastes;
- 580 9. Potential area wide economic impact of the development.

581 **13-3-060: REVIEW BY THE PLANNING COMMISSION:**

582 A. Scope Of Review: Conceptual plan shall be reviewed for compliance with the city general plan, land  
583 use ordinance, this title, and other appropriate regulations. The planning commission may recommend  
584 approval or denial to the city council, and shall make findings regarding the submitted conceptual plan,  
585 specifying any inadequacy in the information submitted, noncompliance with city regulations,  
586 questionable or undesirable design and/or engineering, and the need for any additional information  
587 which may assist the planning commission to evaluate the proposed subdivision and in making a  
588 recommendation to the city council.

589 B. The development review committee (DRC) shall review the conceptual plan application for  
590 compliance with all applicable regulations and shall notify the developer of the concept plan review

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591 findings, redlines and comments, and identify any other information necessary for review by w the  
592 planning commission to evaluate the proposed development.

593 C. The developer shall be afforded a reasonable period of time to submit corrected drawings and  
594 documents which address the DRC findings, redlines comments, and requested information.

595 D. The DRC shall review any corrected drawings or documents within ten (10) days of receipt and  
596 provide additional feedback to the developer regarding findings of compliance with city regulations and  
597 confirming the date for review by the Planning Commission.

598 E. If the DRC finds that the application is not in compliance with city regulations for conceptual plan  
599 review, the developer shall be provided notice in writing of corrective actions required prior to  
600 placement on the planning commission agenda.

601 F. Timely review:

602 1. If the developer disagrees with the DRC regarding compliance with city regulations for conceptual  
603 plan review, the developer may file a written request for formal review by the planning commission  
604 and final decision within forty-five (45) days of the submittal of the written request [USC 10-9a-  
605 509.5(2)]. The planning commission shall review the application for compliance with city regulations  
606 and shall within thirty (30) days from the written request take one of the following actions:

607 a. Upon request by the developer and in deference to the required forty-five (45) day final  
608 approval deadline, table action on the conceptual plan application to allow modifications to the  
609 plan by the developer for further review;

610 b. Recommend to the City Council denial of the conceptual plan and provide written findings  
611 demonstrating the city regulations which are not in compliance; or

612 c. Recommend to the City Council approval of the conceptual plan with findings of compliance  
613 and where applicable conditions necessary to ensure compliance with city regulations.

614 2. If a developer files a written request for final action in accordance with USC 0-9a-509.5(2), as  
615 amended, the City Council shall take final action on the conceptual plan application within forty-five  
616 (45) days of the date of the written request.

617 F. Additional Information: The planning commission may require additional information, data or studies  
618 to be provided to the planning commission by the developer for the overall development before any  
619 recommendation is given by the planning commission to the city council and the planning commission  
620 may include requirements for the overall development as part of its findings on the concept plan.

621 G. Where the proposed development boundaries are within the city sensitive lands area, conceptual  
622 plan approval shall be conditioned upon submittal and approval of a geologic hazards report as outlined  
623 in the North Salt Lake City Code Title 10, Chapter 12 .

624 **13-3-070: APPROVAL BY THE CITY COUNCIL:**

625 A. Scope Of Approval: After receiving a recommendation from the planning commission, the city council  
626 may grant or deny conceptual plan approval for the proposed subdivision and may adopt, amend or

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627 reject any of the findings and conditions made by the planning commission regarding the submitted  
628 conceptual plan.

629 B. Denial: If the city council denies conceptual plan approval, no further review of the proposed  
630 subdivision shall be made by the city council, and a new conceptual plan submittal shall be required to  
631 reinstate the subdivision process.

632 C. Limitation of Approval: Granting of or denial of a conceptual plan by the city council shall not  
633 constitute an absolute approval or disapproval of the proposed development, but rather shall operate in  
634 a manner as to give the developer general guidance as to the requirements and constraints for  
635 development within the city. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

636 **13-3-080: EXPIRATION OF CONCEPTUAL PLAN APPROVAL:**

637 Once conceptual plan approval has been granted, the developer may apply for preliminary design plan  
638 approval consistent with the conceptual plan. If preliminary design plan approval for any portion of an  
639 approved conceptual plan has not been obtained within twelve (12) months of the date on which  
640 conceptual plan approval was granted, a resubmittal and reapproval of the conceptual plan shall be  
641 required by the city.

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**13-4: MINOR SUBDIVISIONS**

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- 13-4-010: PURPOSE:
- 13-4-020: REQUIREMENTS FOR MINOR SUBDIVISIONS:
- 13-4-030: APPLICABILITY:
- 13-4-040: CONCEPTUAL PLAN REQUIRED:
- 13-4-050: MINOR SUBDIVISION APPLICATION:
- 13-4-060: **DEVELOPMENT** REVIEW:
- 13-4-070: PLANNING COMMISSION ACTION:
- 13-4-080: EXPIRATION OF FINAL APPROVAL:
- 13-4-090: BOND AGREEMENT:
- 13-4-100: PLAT REQUIREMENTS:
- 13-4-110: RECORDING OF PLAT:

658 **13-4-010: PURPOSE:**

659 The intent of this chapter is to provide an efficient review process for minor subdivisions. Minor  
660 subdivisions include those developments of less than ten (10) lots which also meet the requirements set  
661 forth herein. In this process, the preliminary and final plats, required for most subdivisions, are  
662 simplified and combined.

663 **13-4-020: REQUIREMENTS FOR MINOR SUBDIVISIONS:**

664 An owner of property located within the City of North Salt Lake may submit an application for a minor  
665 subdivision; provided, that the property to be subdivided meets the following conditions:

666 A. Less than ten (10) lots shall be created in the subdivision;

667 B. The subdivision shall not require the dedication of any land for public streets or other public  
668 purposes;

669 C. The area to be subdivided shall be immediately adjacent to existing public streets and utilities and  
670 shall not require the extension of any such streets or utilities. The developer shall be required to  
671 complete any essential infrastructure improvements on an existing street which are not in place at the  
672 time the application to develop a minor subdivision is made. Such improvements shall include any  
673 necessary storm drainage facilities, curb, gutter, sidewalk, trail, park strip, including landscaping, and  
674 asphalt paving;

675 D. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general  
676 plan;

677 E. The proposed minor subdivision shall conform to the general character of the surrounding area. New  
678 lot lines shall conform to the general pattern of existing lot lines;

679 F. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall  
680 conform to the applicable provisions of the zoning ordinance; and

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681 G. Utility easements shall be dedicated.

682 **13-4-030: APPLICABILITY:**

683 The procedures set forth in this chapter shall govern the processing of, and the requirements pertaining  
684 to, minor subdivisions, and shall take precedence over any other provisions to the contrary.

685 **13-4-040: CONCEPTUAL PLAN REQUIRED:**

686 Prior to filing a minor subdivision application, all developers of proposed minor subdivisions shall be  
687 required to complete a conceptual plan as set forth in this title.

688 **13-4-050: MINOR SUBDIVISION APPLICATION:**

689 All developers of proposed minor subdivisions shall submit a minor subdivision application on a form  
690 provided by the city. The application shall include two (2) 24" x 35" copies and one (1) 11" x 17" copy of  
691 the plat and one electronic copy of all required documents meeting the requirements of section 13-4-  
692 100 of this chapter. If essential infrastructure improvements, as specified within this chapter, are  
693 required, the application shall be accompanied by improvement drawings for such improvements. The  
694 city engineer may require that a soil report be provide which meets the requirements set forth in  
695 section 13-5-040 of this title be provided. At the time the application is submitted, the developer shall  
696 pay the appropriate application fee as set forth in the city's consolidated fee schedule.

697 The community development department will determined if the appropriate plan and application is  
698 submitted, if the application is complete and if all the fees have been paid. If the application is deemed  
699 to be incomplete the applicant shall be notified in writing within ten (10) days of the application date, or  
700 as reasonably practical upon discovery of a deficiency.

701 **13-4-060: DEVELOPMENT REVIEW:**

702 Within a reasonable time after receipt of a minor subdivision application and comments and/or  
703 approval from all appropriate reviewing entities, the development review committee shall include the  
704 application on the planning commission agenda and prepare a report on the application's compliance  
705 with the general plan, city ordinances, rules and regulations. The developer's application and the report  
706 of the community development department shall then be presented to the planning commission.

707 **13-4-070: PLANNING COMMISSION ACTION:**

708 A. Scope Of Action: Within a reasonable time following the receipt of an application for minor  
709 subdivision approval from the community development department, the planning commission shall act  
710 thereon. The planning commission shall assure that the plat is in conformity with the requirements of  
711 this chapter and title, other applicable ordinances or regulations, and any conditions of approval  
712 deemed necessary by the planning commission. If the planning commission finds that the proposed plat  
713 complies with the requirements of this title and that it is satisfied with the plat of the subdivision, it shall  
714 approve or approve with conditions the minor plat subdivision.

715 B. Disapproval: If the planning commission determines that the proposed plat is not in conformity with  
716 the ordinances of the city or any reasonable conditions imposed, it shall not approve the plat, specifying  
717 the reasons for such disapproval. If a proposed plat is disapproved by the planning commission, no

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718 further plat shall be submitted and a new minor subdivision application shall be required to initiate  
719 minor subdivision approval, including the payment of the required fee.

### **720 13-4-080: EXPIRATION OF FINAL APPROVAL:**

721 If the plat is not recorded within six (6) months from the date of planning commission approval, such  
722 approval shall be null and void. This time period may be extended for additional six (6) month periods by  
723 the city manager. The developer must petition for an extension, prior to the expiration of the original six  
724 (6) months, or an extension previously granted. An extension may be granted only if it is determined  
725 that it will not be detrimental to the city. If any of the fees charged as a condition of subdivision  
726 approval, including, but not limited to, inspection fees, park fees, impact fees, as well as the amounts  
727 the city uses to estimate bonds to insure completion of improvements have increased, the city manager  
728 may require that the bond estimate be recalculated and that the developer pay any applicable fee  
729 increases as a condition of granting the extension.

### **730 13-4-090: BOND AGREEMENT:**

731 In the event essential infrastructure improvements are required within the subdivision, the developer  
732 shall comply with the bond requirements of section 13-5-140 of this title.

### **733 13-4-100: PLAT REQUIREMENTS:**

734 A. Contents: Each plat submitted under this chapter shall, at a minimum, contain the following:

- 735 1. The boundaries, courses and dimensions of the parcels of ground to be subdivided;
- 736 2. The number, address and length and width of the blocks and lots intended for sale;
- 737 3. Existing right of way and easement grants of record for underground facilities, as defined in Utah  
738 Code Annotated section 54-8a-2, and for other utility facilities;
- 739 4. An acknowledgment from the owner(s) of the property to be subdivided acknowledging the  
740 preparation of the plat and the owner's consent to subdivide the parcel as shown on the plat;
- 741 5. A certification from the surveyor preparing the plat; and

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743 6. Davis County shall be added to all angle points to the exterior boundary of the subdivision.

744 B. Additional Requirements: In addition to the plat requirements of subsection A of this section, the plat  
745 shall comply with any of the requirements set forth in section 13-5-110 of this title.

### **746 13-4-110: RECORDING OF PLAT:**

747 Upon approval of a minor subdivision application under this chapter, and approval of a proposed plat  
748 prepared in accordance with this chapter, the developer shall provide the city with a current title report  
749 to be reviewed by the city attorney. A "current title report" is considered to be one which is prepared

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750 and dated not more than thirty (30) days before the proposed recordation of the final plat. Once title to  
751 the property has been approved by the city attorney, the approved plat shall be signed by the mayor  
752 and may then be recorded with the Davis County recorder's office.

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**13-5: MAJOR SUBDIVISIONS**

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13-5-010: **PRELIMINARY DESIGN PLAN**; PURPOSE:

13-5-020: APPLICATION AND FEES:

13-5-030: **PRELIMINARY DESIGN PLAN**; PREPARATION AND REQUIRED INFORMATION:

13-5-040: EVALUATION OF **PRELIMINARY DESIGN PLAN**:

13-5-050: PLANNING COMMISSION ACTION; **PRELIMINARY DESIGN PLAN**:

13-5-060: NOTIFICATION OF ACTION:

13-5-070: EFFECT OF APPROVAL OF THE **PRELIMINARY DESIGN PLAN**:

13-5-080: FINAL PLAT; PURPOSE:

13-5-090: FILING DEADLINE, APPLICATION AND FEES:

13-5-100: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

13-5-110: EVALUATION OF FINAL PLAT:

13-5-120: PLANNING COMMISSION ACTION; FINAL PLAT:

13-5-130: DISAPPROVAL BY THE PLANNING COMMISSION:

13-5-140: SECURITY BOND; DEVELOPER:

13-5-150: DELAY AGREEMENT:

13-5-160: RECORDING OF PLAT:

13-5-170: EXPIRATION OF FINAL APPROVAL:

**13-5-010: PRELIMINARY DESIGN PLAN PURPOSE:**

The purpose of the **preliminary design plan** is to require formal preliminary approval of a major subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The **preliminary design plan** and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this title and any other applicable ordinances.

**13-5-020: APPLICATION AND FEES:**

The developer of a major subdivision, after completing the conceptual plan required by this title, shall file an application for **preliminary design plan** approval on a form provided by the city. The application shall include two (2) 24" x 35" copies and one (1) 11" x 17" copy of the preliminary plat & **preliminary design plans** and one electronic copy of all required documents. At the same time, the developer shall pay an application fee as published in the consolidated fee schedule of the city. The community development department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the community development department, and the developer shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities.

**13-5-030: PRELIMINARY DESIGN PLAN; PREPARATION AND REQUIRED INFORMATION:**

A. Form: The **preliminary design plan** shall be clearly and legibly drawn with approved waterproof drawing ink at a scale not less than one inch equaling one hundred feet (1" = 100'). The plat shall be so drawn that the top of the sheet is either north or **west**, whichever accommodates the drawing best. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and seconds.

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794 (The sections below are from current code 10-3-4)

795 B. Document Requirements: The following items shall be submitted in an application for preliminary plat  
796 review:

797 1. A preliminary title report covering the entire land in the proposed project, or other approved  
798 evidence of title insurability.

799 2. Evidence that the applicant has sufficient control and financial capability over the land to  
800 effectuate the proposed use.

801 3. When applicable, letters from the public agencies which will provide water and sewer service  
802 to the proposed development. The letter should state what type, if any, of interim system will  
803 be allowed until full service can be provided by the public agency; and that potable water will be  
804 available to the developer in quantities and quality as required by state requirements for the  
805 project.

806 4. Statement of the estimated starting and completion dates for each phase of development,  
807 including proposed grading work and any landscape work.

808 5. A copy of proposed protective covenants, articles of incorporation, association or  
809 condominium.

810 6. Tabulations showing the square footage and percent of total area proposed in:

811 a. Off street parking;

812 b. Streets;

813 c. Developed parks;

814 d. Natural open spaces or undeveloped parks.

815 7. Tabulations showing the square footage and percent of area covered by buildings.

816 8. Tabulations showing the square footage and total floor space by type of use, i.e., residential,  
817 commercial, industrial, etc.

818 9. Copies of any agreements with adjacent property owners relevant to the proposed  
819 subdivision.

820 10. An adequate traffic report prepared by a qualified traffic engineer when required by the city  
821 engineer or planning commission.

822 C. Required Information: The following information shall be included on the preliminary plat or within  
823 the preliminary design plan set:

824 1. A vicinity map of the proposed subdivision, drawn at a scale of five hundred feet to the inch  
825 (1" = 500'), which defines the location of the subdivision within the city;

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- 826 2. The proposed name of the subdivision. Such subdivision names shall not duplicate or nearly  
827 duplicate the name of any subdivision in the city or in the incorporated and unincorporated area of  
828 Davis County;
- 829 3. The names and addresses of the developer or agent, if applicable, the engineer and surveyor of  
830 the development, and the owners of the land immediately adjoining the land to be developed. If the  
831 developer is represented by an agent, there shall be a statement from the recorded owner  
832 authorizing the agent to act
- 833 4. The date, north **arrow**, written and graphic scales.
- 834 5. The boundary lines of the tract to be subdivided, with all dimensions shown and a legal  
835 description to defining the location and boundaries of the proposed subdivision;
- 836 6. The location, widths and other dimensions of proposed streets, alleys, easements, or other public  
837 or private rights of ways;
- 838 7. The location and size of all sites proposed to be dedicated or reserved for parks, open spaces,  
839 common area, or other recreational uses. All sites shall be clearly labeled as proposed for public or  
840 private dedication and use.
- 841 8. Boundary lines of adjacent subdivisions and the names of owners of adjacent unplatted land  
842 within one hundred feet (100') of the tract proposed for subdivision, showing ownership and  
843 property monuments.
- 844 9. A contour map at one foot (1') intervals, for predominant ground slopes within the subdivision  
845 between level and five percent (5%), and at two foot (2') intervals, for predominant ground slopes  
846 within the subdivision over five percent (5%), showing all unusual topographic features with  
847 verification by a qualified engineer or land surveyor. Such contours shall be based on Davis County  
848 datum. The closest **Davis County section corner** shall be used and its elevation called out on the  
849 map. Survey monument information shall be obtained from the Davis County surveyor or city  
850 engineer;
- 851 10. Grading plan showing existing and proposed contour lines at no greater than two foot (2')  
852 intervals at a scale of not less than one inch equals one hundred feet (1" = 100').
- 853 11. For developments that are not within the sensitive lands overlay area, a soils data report from a  
854 registered soils engineer, engineering geologist or other qualified person, based upon adequate test  
855 boring or excavations within the proposed project. (Ord. 01-05, 4-3-2001) The soil report shall  
856 include, among other things, a description of the soil types and characteristics on the site, describe  
857 whether or not groundwater was encountered in any of the test borings and at what elevation it  
858 was encountered, and shall identify the location of any seismic zones or flood zones on the  
859 property.
- 860 a. Investigation: If the soil report indicates the presence of critically expansive soils, high water  
861 table, the presence of toxic or hazardous waste, or other soil problems which, if not corrected,  
862 would lead to structural defects of the proposed buildings, damage to the buildings from the  
863 water, premature deterioration of the essential infrastructure improvements, or which would  
864 represent a public health hazard, a soil investigation of each lot in the subdivision may be

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865 required by the city engineer. The soil investigation shall recommend corrective actions  
866 intended to prevent damage to proposed structures and/or essential infrastructure  
867 improvements. The fact that a soil report has been prepared shall be noted on the final plat and  
868 a copy attached to the preliminary design plan application.

869 12. A geologic hazard study prepared in accordance with Title 10, Chapter 12 for all developments  
870 on properties: within the sensitive lands overlay area; with an average slope of fifteen percent  
871 (15%) or greater; with known, suspect, or probable geologic hazards; critical wildlife habitat or  
872 natural features; critical drainage channels; or other vital infrastructure.

873 13. The boundaries of areas subject to 100-year flooding or stormwater overflow, as determined by  
874 the city, and the location, width and direction of flow of all watercourses, including all existing and  
875 proposed irrigation and natural runoff channels and courses within the subdivision or within two  
876 hundred feet (200') thereof, and all known wells or springs (consult state engineer's office).

877 14. The existing use or uses and zoning of the property and the outline of any existing buildings and  
878 their locations in relation to existing or proposed street and lot lines drawn to scale;

879 15. The location, proposed names, widths and a typical cross section of curbs, gutters, sidewalks and  
880 other improvements of the proposed street and access easements and names of all existing or  
881 recorded streets, alleys and easements, both within the proposed project and within one hundred  
882 feet (100') of the boundary thereof, showing whether recorded or claimed by usage;

883 16. The location and dimensions to the nearest existing bench mark or monument, and section line;  
884 the location and principal dimensions of all watercourses, public utilities, and other important  
885 features and existing structures within the land adjacent to the tract to be developed, including  
886 railroads, power lines and exceptional topography.

887 17. Layout of all lots, including the average and minimum lot size, lot divisions and consecutive  
888 numbering;

889 18. Proposed off site and on site culinary and secondary water facilities, sanitary sewers, storm  
890 drainage facilities, fire hydrants, and any other public or private utility, as applicable.

891 19. Existing off site and on site culinary and secondary water facilities, sanitary sewers, storm  
892 drainage facilities, subdrains, fire hydrants, and any other public or private utility within the tract or  
893 within one hundred feet (100') thereof.

894 20. Location and size of all existing and proposed easements, dedications, and deed restrictions,  
895 including solar, public utility lines, water and sewage lines, storm drains and facilities, watercourses,  
896 irrigation systems, land drains, etc.

897 21. Stormwater drainage plan and management plan in accord with 8-5-21 by which the developer  
898 proposes to handle stormwater drainage for an event with a ten (10) year return period for all storm  
899 drain pipe, and for an event with a one hundred (100) year return period for all storm drain  
900 detention basins. (Ord. 07-01, 1-9-2007) The calculation must size the detention basin, size the  
901 orifice plate and determine the amount of flow which can be released (the release rate can be 0.2  
902 cfs/acre). Detention basin shall retain the required 24-hour storm equivalent, as required under the  
903 Utah Pollutant Discharge Elimination System (UPDES) general discharge permit. All development

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904 and redevelopment that warrants compliance with the UGCP regulation must include an LID analysis  
905 that meets the objective of mirroring the predevelopment hydrology and meets the objective of  
906 retaining on site, with no discharge, **in accordance with the adopted standard by the Utah Division**  
907 **of Water Quality.**

908 22. If the site requires substantial cutting, clearing, grading or other earthmoving operations in the  
909 construction of improvements, the application shall include a soil erosion and sedimentation control  
910 plan prepared by a registered civil engineer.

911 23. Dimensioned parking layout showing location of individual parking stalls, driveways and other  
912 areas of ingress and egress.

913 24. Landscaping plan. Generalized landscaping plans for the site and, if appropriate, information  
914 relating to the landscaping on adjacent or surrounding areas affected by the proposed development.  
915 Such landscaping plans shall be prepared by a qualified professional team showing:

916 a. Distribution of plant material, existing trees, as related to energy conservation and solar  
917 access, and work involved as related to slope control and/or physical environment;

918 b. Special effects and decorative materials;

919 c. Automatic irrigation systems (sprinkler, bubbler, etc.);

920 d. Recreation equipment. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

921 25 The location of the development as it forms part of a larger tract or parcel. The submittal shall  
922 include a concept of the prospective future street system of the unplatted portion of the property,  
923 and the street system of the part submitted shall be considered in light of adjustments and  
924 connections with the future street system of the surrounding area and in accordance with the city  
925 general plan.

926 26. Certification of the accuracy of the preliminary plat of the development and any traverse to  
927 permanent survey monuments by a land surveyor, registered to practice in the state.

928 27. If it is contemplated that the development will proceed by phases, the boundaries of such  
929 phases shall be shown on the **preliminary design plan** along with the estimated construction  
930 schedule for each phase;

931 28. The words "Preliminary Plat - Not To Be Recorded" shall be shown on the plat.

932 **13-5-040: EVALUATION OF PRELIMINARY DESIGN PLAN:**

933 **(Previous Code 10-3-3(B))**

934 A. The community development department will determined if the appropriate plan and application is  
935 submitted, if the application is complete and if all the fees have been paid. If the application is deemed  
936 to be incomplete the applicant shall be notified in writing within ten (10) days of the application date, or  
937 as reasonably practical upon discovery of a deficiency. Upon receipt of the complete preliminary design  
938 plan submission, the department shall distribute copies of the plan to the city engineer and to other  
939 members of the development review committee, and to such other governmental departments and

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940 agencies for review and comment as necessary and in the public interest. (Ord. 93-5, 7-6-1993, eff. 7-15-  
941 1993; amd. 2012 Code)

942 B. The developer shall distribute plans for comment to all appropriate public or private agencies or  
943 utilities for review and approval and obtain letters of approval as required. After reviewing the plans,  
944 each of the agencies and utilities will provide the acknowledgment letter to the developer indicating  
945 whether the plans are acceptable or need to be revised, and may forward to the developer a written  
946 report of its findings and recommendations. These agencies shall include, but are not necessarily limited  
947 to, water and sewer improvement districts, and the metro fire agency.

948 C. Failure of any of the recipient departments or agencies to respond to the city with comments  
949 concerning the development within fourteen (14) days of receipt of a copy of the preliminary design  
950 plan shall be construed as indicating that such agency or department has no adverse concern with the  
951 proposed development.

952 D. The development review committee (DRC) shall review the preliminary design plan application for  
953 compliance with all applicable regulations and shall notify the developer of the preliminary design plan  
954 review findings, redlines and comments, and identify any other information necessary for review by the  
955 planning commission to evaluate the proposed development.

956 C. The developer shall be afforded a reasonable period of time to submit corrected drawings and  
957 documents which address the DRC findings, redlines comments, and requested information.

958 D. The DRC shall review any corrected drawings or documents within ten (10) days of receipt and  
959 provide additional feedback to the developer regarding findings of compliance with city regulations and  
960 confirming the date for review by the Planning Commission.

961 E. If the DRC finds that the application is not in compliance with city regulations for preliminary design  
962 plan review, the developer shall be provided notice in writing of corrective actions required prior to  
963 placement on the planning commission agenda.

964 **13-5-050: PLANNING COMMISSION ACTION; PRELIMINARY DESIGN PLAN:**

965 A. Within a reasonable time after the filing of a preliminary design plan application and any other  
966 information required, the planning commission shall consider the application for approval. If the  
967 planning commission finds that the proposed plat complies with the requirements of this chapter and  
968 that it is satisfied with the plat of the subdivision, it shall approve, or approve with conditions, the plat. If  
969 the planning commission finds that the proposed plat does not meet the requirements of this title or  
970 other applicable ordinances, it shall deny approval of such plat.

971 B. Findings: The planning commission may approve or deny the preliminary design plan and shall make  
972 findings regarding the submitted plat, specifying any inadequacy in the information submitted,  
973 noncompliance with city regulations, inconsistencies with the conceptual plan, and the need for any  
974 additional information which may assist the planning commission to evaluate the preliminary design  
975 plan and in making a final determination. The planning commission shall approve only those preliminary  
976 design plans which the commission finds:

977 1. To be developed in accordance with the intent, standards and criteria specified in this title and  
978 other applicable regulations.

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- 979           2. To conform to an approved conceptual plan.
- 980           3. To create no substantial financial hardship to the city.
- 981           4. To create no substantial environmental consequence which will adversely impact upon adjacent  
982 properties and the health, safety or welfare of the inhabitants of the city when weighed against the  
983 positive impacts of such development.
- 984           5. To mitigate possible adverse impacts from the proposed development, the planning commission  
985 shall determine from a review of the preliminary design plan whether the soil, slope, vegetation and  
986 the drainage characteristics of the site are such as to require substantial cutting, clearing, grading,  
987 and other earthmoving operations in the construction of the development, or otherwise threaten an  
988 erosion hazard and, if so, the planning commission shall require the developer to provide soil  
989 erosion, geological hazard and sedimentation control plans and specifications. Such control plans  
990 and specifications shall be prepared by a qualified professional team with the costs of preparation of  
991 such plans and specifications being borne by the developer. Also, when in the opinion of the  
992 planning commission public facilities should be constructed within the boundaries of a proposed  
993 development for the benefit of the community as established in the comprehensive general plan of  
994 the city, the developer shall reserve a site appropriate in area and location for such public facility.
- 995   C. Examination Of Plat: Upon receipt of the preliminary design plan, the planning commission shall also  
996 examine the plat to determine whether the plat is consistent with the concepts set forth in the  
997 approved conceptual plan and with all changes requested and all requirements imposed as conditions of  
998 acceptance. In the event that the preliminary design plan has been altered substantially from the  
999 approved conceptual plan, at the discretion of the planning commission chair, with the recommendation  
1000 of the community development department, the chair may suspend planning commission review of the  
1001 preliminary design plan and require that the developer resubmit the plan subject to the conceptual plan  
1002 review process. The chair may also defer such decisions related to conceptual plan resubmittal and/or  
1003 preliminary design plan review to the planning commission for its approval.
- 1004   D. Substantial Change: The planning commission shall determine whether a proposed modification to an  
1005 approved conceptual plan is a "substantial" change. Alterations of the following types shall define a  
1006 substantial change:
- 1007           1. A significant change to the roadway alignment or configuration;
- 1008           2. Significant changes to lot areas or lot configuration;
- 1009           3. Any increase to the number of lots;
- 1010           4. Any change to the configuration and amount of open space required;
- 1011           5. A significant change to culinary water, sanitary sewer, or storm drain plans related to the  
1012 application;
- 1013           6. Any deviation from the approved conceptual plan as determined by the provisions set forth in  
1014 this title;
- 1015           7. A modification of any other aspect of the conceptual plan that would significantly change its  
1016 character.

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1017 **13-5-060: NOTIFICATION OF ACTION:**

1018 The community development department shall notify the developer, in writing, of the action taken by  
1019 the planning commission. Notification of the approval of the preliminary design plan shall be  
1020 authorization for the developer to proceed with the preparation of detailed plans and specifications for  
1021 the improvements required by city ordinances and the planning commission, and with the preparation  
1022 of the final plat.

1023 **13-5-070: EFFECT OF APPROVAL OF THE PRELIMINARY DESIGN PLAN:**

1024 Approval of the preliminary design plan shall in no way relieve the developer of the responsibility to  
1025 comply with all required conditions and ordinances, and to provide the improvements and easements  
1026 necessary to meet all city standards.

1027 **13-5-080: FINAL PLAT; PURPOSE:**

1028 The purpose of the final plat is to require formal approval by the planning commission before a major  
1029 subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all  
1030 respects be in compliance with the provisions of this title. The final plat and improvement plans  
1031 submitted shall conform in all respects to those regulations and requirements specified during the  
1032 preliminary design plan procedure. Pursuant to Utah Code Annotated section 10-9a-604, as amended,  
1033 the planning commission designates the planning commission chair as its agent to sign final subdivision  
1034 plats. The planning commission chair shall not sign any final plat until such plat has been approved by  
1035 the planning commission in accordance with the provisions set forth herein.

1036 **13-5-090: FILING DEADLINE, APPLICATION AND FEES:**

1037 The developer shall file an application for final plat approval with the community development  
1038 department on a form prescribed by the city, together with one reproducible copy and prints of the final  
1039 plat, the number of which shall be determined by city staff, and all required fees. The preliminary design  
1040 plan shall become null and void unless the developer submits an application for and obtains final plat  
1041 approval for all phases encompassing the area of the preliminary design plan within twelve (12) months  
1042 after approval or conditional approval of the preliminary design plan by the planning commission,  
1043 except as otherwise provided for by written agreement with the city. This time period may be extended  
1044 for up to twelve (12) months for good cause shown if the developer petitions the planning commission  
1045 in writing for an extension prior to the expiration date of the preliminary design plan together with any  
1046 applicable fees. Only one extension of the preliminary design plan approval may be granted. In the event  
1047 the final plat approval expires, or the city does not grant an extension of final plat approval, or the city  
1048 does not reapprove a previously approved final plat, the preliminary design plan approval shall also  
1049 expire, unless twelve (12) months has not lapsed from the date of its approval and/or a twelve (12)  
1050 month extension of time has been granted as provided herein.

1051 **13-5-100: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:**

1052 A. The final plan shall provide technical and engineering solutions to all identified problems as required  
1053 by the planning commission. The following items shall be submitted to the community development  
1054 department for final plat review:

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1055 1. The developer of a major subdivision, after completing the preliminary design plan required by  
1056 this title, shall file an application for final plat approval on a form provided by the city. The  
1057 application shall include two (2) 24" x 35" copies and one (1) 11" x 17" copy of the final plat and final  
1058 construction drawings and one electronic copy of all required documents. At the same time, the  
1059 developer shall pay an application fee as published in the consolidated fee schedule of the city. The  
1060 community development department will determine if the appropriate plan is submitted, if the  
1061 application is complete and if all the fees have been paid. If all requirements are met, a letter of  
1062 acknowledgment will be provided by the community development department.

1063 2. A certificate of title insurance for any land to be dedicated to the city via the city council.

1064 3. Trust agreement for perpetual care funds when required as a condition of approval.

1065 B. Final Plat Drawing Requirements:

1066 1. Drawings shall be prepared and certification made as to plat accuracy by a registered professional  
1067 licensed to do such work in the state of Utah. A workmanlike execution of the plat shall be made in  
1068 every detail. A poorly drawn or illegible plan is sufficient cause for final plat rejection.

1069 2. The final plat shall consist of a sheet of approved mylar to the outside or trim line dimensions of  
1070 nineteen inches by thirty inches (19" x 30") and the border line of the plat shall be drawn in heavy  
1071 lines leaving a space of at least one and one-half inches (1½") on the left side and at least one-half  
1072 inch (½") margin on the other sides. The plat shall be so drawn that the top of the drawing faces  
1073 either north or west, whichever accommodates the drawing best. All lines, dimensions and markings  
1074 shall be made on the mylar, or comparable material, with approved waterproof black ink.

1075 3. The plat shall be made to a scale large enough to clearly show all details, and in any case not  
1076 smaller than one hundred feet to the inch (1" = 100'), and workmanship on the finished drawing  
1077 shall be neat, clean cut and readable.

1078 4. An accurate and complete survey to second order accuracy shall be made of the land to be  
1079 subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed  
1080 from field measurements on the ground, shall close within a tolerance of one foot (1') to twenty  
1081 thousand feet (20,000'). A survey tie into two (2) legal section corners or other permanent markers  
1082 established, or approved by the Davis County survey, is required.

1083 5. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside  
1084 the boundary line, not inside with the lot dimensions, and tied to two (2) existing land monuments  
1085 within the subdivision shall show the calculated Davis County coordinates. When the plat is  
1086 bounded by an irregular shoreline or a body of water, the bearings and distances of a closing  
1087 meander traverse should be given and a notation made that the plan includes all land to the water's  
1088 edge or otherwise.

1089 6. If a plat is revised, the redlined copy of the old plat shall be returned for comparison purposes.

1090 7. In subdivisions, all blocks and all lots within each block shall be consecutively numbered.

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- 1091 8. On curved boundaries and all curves in the plat, sufficient data shall be given to enable the  
1092 reestablishment of the curves on the ground. This curve data shall include the following for circular  
1093 curves:
- 1094 a. Radius of curve;
  - 1095 b. Central angle;
  - 1096 c. Tangent;
  - 1097 d. Arc length;
  - 1098 e. Chord (bearing and length).
- 1099 9. Excepted parcels shall be marked "not included in this development" and the boundary  
1100 completely indicated by bearings and distances.
- 1101 10. All streets within the project shall be numbered (named streets shall also be numbered) in  
1102 accordance with and in conformity with the adopted street numbering system adopted by the city.  
1103 Each lot shall show the street addresses assigned thereto, by and shall be according to the standard  
1104 addressing methods approved by the city. In the case of corner lots, the address will be assigned **to**  
1105 **the street frontage which the home is most likely to front. In the event the home is faced to the**  
1106 **alternate street frontage, the address shall be reassigned, by the city engineer, at the time of**  
1107 **building permit application. The city engineer shall submit the address change to the Davis County**  
1108 **Recorder's Office by affidavit.**
- 1109 11. Sheets shall be so arranged that no lot is split between two (2) or more sheets, and wherever  
1110 practicable, blocks in their entirety shall be shown on one sheet.
- 1111 12. Lot numbers shall begin with numeral "1" and continue consecutively throughout the subdivision  
1112 with no omissions or duplications. When a subdivision is developed in phases, the phase number  
1113 shall precede each lot number. For example, phase 2 would be numbered 201, 202, 203, etc.
- 1114 13. The side lines of all easements shall be shown by fine dashed lines. The width of all easements  
1115 and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be  
1116 shown. All easements shall be clearly labeled and identified.
- 1117 14. All lands within the boundaries of the **plat** shall be accounted for either as lots, walkways,  
1118 streets, alleys, excepted parcels, common areas, building areas, parking areas, drainage facilities,  
1119 landscape areas, and permanent open space, etc.
- 1120 15. All dimensions of irregularly shaped lots shall be indicated in each lot.
- 1121 16. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not  
1122 be given for interior lot lines where the bearings and lengths are the same as those of both end lot  
1123 lines.
- 1124 17. Parcels not contiguous shall not be included in one plat. Contiguous parcels owned by different  
1125 parties may be embraced in one plat, provided all owners join in dedication and acknowledgment.

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- 1126 18. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to  
1127 seconds of arc.
- 1128 19. The information on the plat shall include description of project boundaries, public streets and  
1129 easements (utility, drainage, access, etc.), as well as other design elements and the following:
- 1130 a. Name of development, astronomic north arrow and basis thereof, and date, and names of  
1131 developer and engineer. The title of each sheet of the final plat shall consist of the approved  
1132 name and unit number of the subdivision in bold letters, and if applicable, the words "a Planned  
1133 Unit Development (PUD)" , followed by the words "City of North Salt Lake" at the top of the  
1134 sheet.
- 1135 b. Name and address of owner or owners of record.
- 1136 c. Total acreage of development project; total number of lots and acreage of each.
- 1137 d. Township, range, section (and quarter section, if portion).
- 1138 e. Graphic scale.
- 1139 20. The final plat shall contain the name of the surveyor, together with the date of the survey, the  
1140 scale of the map and number of sheets. The following certificates, acknowledgments and  
1141 descriptions shall appear on the title sheet of the final plat, and such certificates may be combined  
1142 where appropriate:
- 1143 a. Registered land surveyor's certificate of survey;
- 1144 b. Owner's dedication certificate;
- 1145 c. Notary public's acknowledgment for each signature on the plat;
- 1146 d. A correct metes and bounds description of all property included within the subdivision or  
1147 project;
- 1148 e. Plats shall contain blocks for signatures of the planning commission, city engineer, city  
1149 attorney, city council (a signature line for the mayor and an attestation by the city recorder). A  
1150 block for the Davis County recorder shall be provided in the lower right corner of the final plat;
- 1151 f. Such other affidavits, certificates, acknowledgments, endorsements and notaries seals as are  
1152 required by law, by this title or by the city attorney;
- 1153 g. Prior to recordation of the plat, the developer shall submit a current title report to be  
1154 reviewed by the city attorney. A "current title report" is considered to be one which correctly  
1155 discloses all recorded matters of title regarding the property and which is prepared and dated  
1156 not more than thirty (30) days before the proposed recordation of the final plat;
- 1157 h. The owner's dedication certificate, registered land surveyor's certificate of survey, and any  
1158 other certificates contained on the final plat shall be in the form prescribed by the city  
1159 subdivision standards and specifications;

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1160 i. When a subdivision contains lands which are reserved in private ownership for community  
1161 use, including common areas, the developer shall submit with the final plat the name, proposed  
1162 articles of incorporation and bylaws of the owner, or organization empowered to own, maintain  
1163 and pay taxes on such lands and common areas.

1164 21. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the  
1165 boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed  
1166 or destroyed before acceptance of all improvements, shall be replaced by the developer under the  
1167 direction of the city engineer. The following required monuments shall be shown on the final plat:

1168 a. The location of all monuments placed in making the survey, including a statement as to what,  
1169 if any, points were reset by ties;

1170 b. All right of way monuments at angle points and intersections as approved by the city  
1171 engineer.

1172 C. Final Construction Plan Requirements:

1173 1. Standards for design, construction specifications, inspection of the street improvements, curbs,  
1174 gutters, sidewalks and standards for design, construction specifications and inspection of water  
1175 distribution systems, sewage disposal facilities, storm drainage and flood control facilities shall be  
1176 prepared by the city engineer. Standards for fire hydrants shall meet the requirements of any  
1177 federal, state and local governmental entities having jurisdiction over the same. All subdivision  
1178 standards and specifications and amendments thereto which are under the control of the city shall  
1179 be approved by the city council before becoming effective. The city council shall by resolution adopt  
1180 subdivision standards and specifications of the city which may be amended from time to time. All  
1181 developers shall comply with any subdivision standards and specifications adopted by the city  
1182 council. All essential infrastructure improvements shall be installed in accordance with the city  
1183 subdivisions standards and specifications, the requirements of the city engineer, the subdivision  
1184 improvements agreement between the developer and the city, and all other applicable city  
1185 ordinances and regulations.

1186 2. Complete and detailed construction plans and drawings of all improvements shall be prepared in  
1187 conformance to the design standards of the city. They shall be submitted to the city engineer for  
1188 review at the same time the final plat is being reviewed. Final approval of the project shall not be  
1189 granted until the plans have been reviewed and recommended for approval by the city engineer. No  
1190 construction shall be started until the final plat and final construction plans have been approved by  
1191 the city. Plans for all the street utilities shall be drawn on the same plans.

1192 3. Standards are set for the purpose of standardizing the drawings and to obtain uniformity in  
1193 appearance, clarity, size and reproduction.

1194 a. Three (3) copies of construction plans shall be submitted with one set to be retained by the  
1195 city engineer, one set to be retained in the official city development file city, and one set  
1196 returned to the developer for corrections and revisions. After corrections and revisions by the  
1197 developer, three (3) sets shall be submitted for final review by the city engineer.

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- 1198 b. All drawings and/or prints shall be clear and legible and conform to good engineering and  
1199 drafting practice. Size of drawings shall be twenty four inches by thirty six inches (24" x 36")  
1200 (trim line) with one-half inch ( $1\frac{1}{2}$ " ) border on top, bottom and right sides, left side one and one-  
1201 half inches ( $1\frac{1}{2}$ " ).
- 1202 c. The plans shall include the following information:
- 1203 (1) North arrow (plan);
- 1204 (2) Elevations referenced to USGS datum;
- 1205 (3) Stationing and elevations for profiles;
- 1206 (4) Title block located in lower right corner of sheet, to include, project title (subdivision,  
1207 etc.). Specific type and location of work, and name of engineer or firm preparing drawings  
1208 with license number. Utah engineer's stamp shall be required on all construction plans;
- 1209 (5) Scale one inch equals twenty feet ( $1" = 20'$ ) or one inch equals forty feet ( $1" = 40'$ )  
1210 horizontally; one inch equals two feet ( $1" = 2'$ ) or four feet ( $4'$ ) vertical;
- 1211 (6) Both plan view and profiles for curb and gutter plans shall be shown for each side of the  
1212 street; street centerline profile may be eliminated. Top of curb elevations with curve data  
1213 must be shown for all curb returns;
- 1214 (7) Size and location of culinary water lateral mains, meters, valves, elbows, air vacs,  
1215 pressure reducing stations, and hydrants;
- 1216 (8) Type of pipe;
- 1217 (9) Size and location of irrigation lateral mains, valves, fittings, etc.;
- 1218 (10) Size, location and profile of sewer, storm drains and subdrains and their manhole  
1219 cleanouts.
- 1220 (11) Detention and retention basins, including pertinent elevations, orifice diameter sizes,  
1221 headwall details, etc.
- 1222 (12) Calculation, Traverse Sheets: Calculation and traverse sheets giving bearings, distances  
1223 and coordinates of the boundary of the subdivision and blocks and lots as shown on the final  
1224 plat.
- 1225 (13) Data, Assumptions, and Computations: Design data, assumptions and computations for  
1226 proper analysis in accordance with sound engineering practice, along with appropriate plan,  
1227 section and profile sheets for all essential infrastructure improvements.
- 1228 4. As needed, each set of plans shall be accompanied by a separate sheet of details for structures  
1229 which are to be constructed. All structures shall be designed in accordance with minimum  
1230 requirements established by the subdivision standards of the city.

### 1231 **13-5-110: EVALUATION OF FINAL PLAT:**

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1232 A. Community development department: The community development department will determine if  
1233 the final plat submission is complete and if all the fees have been paid. If all requirements are met, a  
1234 letter of acknowledgment will be provided by the community development department, and the  
1235 developer shall distribute plans, accompanied by the letter, for comment to all appropriate public and  
1236 private entities.

1237 B. Reviewing Entities: After reviewing the plans, each of the public agencies and utilities will provide the  
1238 acknowledgment letter to the developer indicating whether the plans are acceptable or need to be  
1239 revised, and may forward to the developer a written report of its findings and recommendations. These  
1240 agencies shall include, but are not necessarily limited to, water and sewer improvement districts, and  
1241 the metro fire agency.

1242 C. Additional Reviews: In cases where developer's submission or plat is incomplete, incorrect or  
1243 otherwise fails to comply with city ordinances and/or development standards as determined by the city  
1244 and where such failure makes additional or repeat reviews on the part of the city engineer and/or other  
1245 consultants to the city necessary, developer shall be required to resubmit the plans to those reviewing  
1246 entities that will be affected by changes. After reviewing the plans, each of the public agencies and  
1247 utilities will provide the acknowledgment letter to the developer indicating whether the plans are  
1248 acceptable or need to be revised. This process shall continue until all reviewing entities have accepted  
1249 the plans.

1250 D. Report To Planning Commission: Within a reasonable time after receipt of a final plat and approval or  
1251 comments from all appropriate reviewing entities, the community development department shall  
1252 include the final plat on the planning commission agenda and prepare a report on the plat's compliance  
1253 with the general plan, city ordinances, rules and regulations. The plat and the report of the city  
1254 community development department shall then be presented to the planning commission.

### **1255 13-5-120: PLANNING COMMISSION ACTION; FINAL PLAT:**

1256 A. Scope: The planning commission shall not be bound by the recommendations of the city departments  
1257 or the city manager, and may set its own conditions and requirements consistent with this title.

1258 B. Examination Of Plat: Upon receipt of the final plat, the planning commission shall examine the plat to  
1259 determine whether the plat conforms with the preliminary design plan and with all changes requested  
1260 and all requirements imposed as conditions of acceptance. If the planning commission determines that  
1261 the plat is in conformity with the preliminary design plan, the requirements of this title, other applicable  
1262 ordinances and any reasonable conditions as recommended by the city departments, city manager or on  
1263 its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the plat.

### **1264 13-5-130: DISAPPROVAL BY THE PLANNING COMMISSION:**

1265 If the planning commission determines that the final plat is not in conformity with this title or other  
1266 applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the  
1267 reasons for such disapproval. Within one year after the planning commission has disapproved any plat,  
1268 the developer may file with the community development department a plat altered to meet the  
1269 requirements of the planning commission. No plat shall have any force or effect until the same has been  
1270 approved by the planning commission.

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1272 **13-5-140: SECURITY BOND; DEVELOPER:**

1273 Prior to the installation of or any work on any required essential infrastructure improvements, the  
1274 developer shall enter into a subdivision improvement agreement including a security bond acceptable to  
1275 the city to insure completion of all essential infrastructure improvements required to be installed in the  
1276 subdivision. The agreement shall be in a form and contain such provisions as approved by the city  
1277 attorney. The agreement shall include, but not be limited to, the following:

1278 A. Incorporation: Incorporation by reference of the final plat and all accompanying data required herein  
1279 which is used to compute the cost of the improvements by the city engineer;

1280 B. Completion Of Improvements: Completion of the improvements within a period of time not to exceed  
1281 two (2) years from the date the agreement is executed;

1282 C. Satisfactory Completion: The improvements shall be completed to the satisfaction of the city and  
1283 according to city standards specified in this title;

1284 D. Amount: The bond amount shall be equal to one hundred percent (100%) of the city engineer's  
1285 estimated cost of the essential infrastructure improvements to be installed;

1286 E. Exclusive Control By City: The bond proceeds may be released only upon written approval of the city  
1287 engineer;

1288 F. Reduction: The bond proceeds may be reduced upon request of the developer as the improvements  
1289 are installed. The amount of the reduction shall be determined by the city. Such requests may be made  
1290 only once every thirty (30) days and no reductions shall be authorized until such time as the city has  
1291 inspected the improvements and found them to be in compliance with city standards and approved  
1292 improvement plans. All reductions shall be by the written authorization of the city engineer. The bond  
1293 shall not be reduced below ten (10%) of the required bond amount, until such time that all  
1294 improvements have been accepted and upon the expiration of the one (1) year warranty period. **The  
1295 warranty period shall begin once all improvements have been completed and approved by the city  
1296 engineer, with the exception of the required slurry seal;**

1297 G. Deficiency In Bond Proceeds: If the bond proceeds are inadequate to pay the cost of the completion  
1298 of the improvements according to city standards for whatever reason, including previous reductions, the  
1299 developer shall be responsible for the deficiency and no further building permits shall be issued in the  
1300 subdivision or development until the improvements are completed or new bond, satisfactory to the city,  
1301 has been executed and delivered to the city to ensure completion of the remaining improvements;

1302 (from 10-7-3-H-2)

1303 H. In the event the developer defaults or fails or neglects to satisfactorily install the required  
1304 improvements within one year from the date of approval of the development by the city council or to  
1305 pay all liens in connection therewith, the city council may declare the bond or other assurance forfeited  
1306 and the city may install or cause the required improvements to be installed using the proceeds from the  
1307 collection of the bond or other assurance to defray the expense thereof, **including** attorney fees and  
1308 court costs. After required improvements have been made, any balance after expenses shall be returned

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1309 to the developer at the end of the assurance period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012  
1310 Code)

1311 I. Reimbursement To City: Upon receipt of the bond proceeds, after the expiration of the time period,  
1312 the costs of completion shall include reimbursement to the city for the costs of administration incurred  
1313 by the city in obtaining the completion of the improvements;

1314 J. Nonliability: The developer shall agree to hold the city harmless from any and all liability which may  
1315 arise as a result of the improvements which are installed until such time as the city certifies the  
1316 improvements as complete;

1317 K. Type Of Bond Agreement: The bond agreement shall be one of the following types as dictated by the  
1318 city:

1319 1. A cash bond agreement accompanied by a cashier's check or a money market certificate made  
1320 payable only to the city;

1321 2. An escrow bond agreement and an escrow account with a financial institution federally insured;

1322 3. A letter of credit bond agreement accompanied by an irrevocable letter of credit with a financial  
1323 institution federally insured; or

1324 4. A corporate surety performance bond in favor of the city.

1325 L. Right Of Rejection: The city reserves the right to reject any bond. The bonds required by this section  
1326 are for the sole benefit of the city. The bonds are not for the benefit of any individual citizen or  
1327 identifiable class of citizens, including the owners or purchasers of lots within the subdivision or project;

1328 M. Extension: The time period for the completion of the required essential infrastructure improvements  
1329 may be extended in the following manner upon approval of the city council:

1330 1. The developer may submit a new bond for approval;

1331 2. The existing bond may be extended upon payment, by the developer, of the actual administrative  
1332 costs incurred in reevaluating the sufficiency of the bond amount.

1333 **13-5-150: DELAY AGREEMENT:**

1334 In lieu of the bond requirements outlined above, at the city's sole option, the developer may be  
1335 permitted to execute an agreement, in a form acceptable to the city attorney, delaying the installation  
1336 of any or all of the essential infrastructure improvements required pursuant to this title.

1337 **13-5-160: RECORDING OF PLAT:**

1338 After planning commission approval, completion of the required essential infrastructure improvements  
1339 or filing of the bond agreement described herein, and signing of the plat by all those required, the plat  
1340 shall be presented by the city recorder to the Davis County recorder for recordation.

1341 **13-5-170: EXPIRATION OF FINAL APPROVAL:**

1342 If the plat is not recorded within six (6) months from the date of planning commission approval, such  
1343 approval shall be null and void. This time period may be extended for additional six (6) month periods by

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1344 the city manager. The developer must petition for an extension, prior to the expiration of the original six  
1345 (6) months, or an extension previously granted. An extension may be granted only if it is determined  
1346 that it will not be detrimental to the city. If any of the fees charged as a condition of subdivision  
1347 approval, including, but not limited to, inspection fees, parks fees, flood control fees, as well as the  
1348 amounts the city uses to estimate bonds to ensure completion of improvements, have increased, the  
1349 city manager may require that the bond estimate be recalculated and that the developer pay any  
1350 applicable fee increases as a condition of granting the extension.

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1351 **13-6: PLANNED UNIT, CONDOMINIUM, RECREATIONAL VEHICLE AND MOBILE HOME**  
1352 **DEVELOPMENTS**

1353 **13-6-010 : PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:**

1354 **13-6-020 : CONDOMINIUM SUBDIVISIONS**

1355 **13-6-030 : MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS;**  
1356 **SPECIAL REQUIREMENTS:**

1357 **13-6-010: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:**

1358 Purpose: The purpose of planned unit development (PUD) is to permit flexibility in land use regulations  
1359 and for the consolidation of open spaces by clustering dwelling units, in order to preserve natural  
1360 features, allow a variety of land uses, provide meaningful and usable open spaces, and to make efficient  
1361 use of essential infrastructure and public facilities. The application of planned unit development concept  
1362 is intended to encourage neighborhoods, housing, design, open space and facilities compatible with the  
1363 present living environment in the city as described by the general plan, while at the same time ensuring  
1364 compliance with practices which will assure the health, safety and public welfare of the future  
1365 inhabitants of the planned unit development, as well as maximizing the energy utilization efficiency of  
1366 the project.

1367 The PUD approach is expected to result in development that is superior to what could be obtained  
1368 through ordinary lot-by-lot development. It is not intended to circumvent conventional land use  
1369 regulations. Through the flexibility of the planned unit development regulations, the city seeks to  
1370 achieve the following specific objectives:

- 1371 1. The stabilization and preservation of the existing or planned land uses in abutting areas and  
1372 surrounding residential neighborhoods;
- 1373 2. Preservation and enhancement of desirable site characteristics such as natural topography,  
1374 vegetation and geologic features, and the prevention of soil erosion;
- 1375 3. Preservation of buildings which are architecturally or historically significant or contribute to the  
1376 character of the city;
- 1377 4. Maximizing and preserving vegetation and open space and/or other special development  
1378 amenities to provide light, air and privacy, to buffer abutting properties and to provide active and  
1379 passive recreation opportunities for residents of the planned development and/or the community;
- 1380 5. Minimize significant through traffic impacts on adjacent residential neighborhoods;
- 1381 6. Provide an appropriate transition or buffering between uses of differing intensities both on site  
1382 and off site; and
- 1383 7. Provide safe and convenient vehicle and pedestrian connections between adjacent uses

1384 In return for greater flexibility in site development, the PUD introduces some special requirements and  
1385 standards for design approval. These conditions will be employed to maximize quality of site design.  
1386 They will not be used to cause undue delays nor unwarranted increase in costs, when compared to more  
1387 conventional development. The PUD process will not be used as a device to force a decrease in  
1388 residential density below that otherwise allowed by the comprehensive plan and underlying zoning.

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1390 B. Planned Unit Developments Approval: A development which is to be developed as a PUD shall be  
1391 processed in the same manner as minor or major subdivisions. PUD developments shall comply with the  
1392 underlying zoning requirements except as specifically varied by this section.

1393 C. Planned Unit Developments To Meet Use Limitations Of Districts Wherein Located:

1394 1. Land uses permitted within a PUD subdivisions shall comply with the underlying zone district.  
1395 Multi-family attached dwellings shall only be allowed to the extent permitted in the underlying  
1396 zone.

1397 2. The density allowed in a residential PUD shall be determined by calculating the net developable  
1398 area of the development divided by the minimum land area required per dwelling unit within the  
1399 zone district. Net developable area is defined as the total development parcel less the area required  
1400 for private or public road rights of ways and including the required adjacent pedestrian walkways  
1401 and park strips.

1402 D. Required Conditions:

1403 1. Area: No planned unit development shall have an area less than that approved by the planning  
1404 commission as adequate for the proposed development.

1405 2. Arrangement Of Structures; (residential)

1406 a. Open Space: The planning commission shall require such arrangements of structures to  
1407 consolidate and maximize usable open spaces for the enjoyment and convenience of future  
1408 residents of the development. Care shall be taken to assure that adjacent properties will not be  
1409 adversely affected.

1410 b. Perimeter Setback: All structures within a PUD shall be setback from the perimeter boundary  
1411 of the development a minimum of fifteen (15) feet.

1412 c. Height Restrictions: The perimeter setback shall be a minimum of twenty-five (25') feet for  
1413 structures with greater than two (2) stories adjacent to a perimeter property line shared with a  
1414 single family dwelling(s).

1415 d. Front Setback (street façade): All front façades of buildings which face a private or public  
1416 street right of way shall be setback a minimum distance of twenty (20) feet from the edge of the  
1417 right of way, including any required sidewalk and park strip.

1418 e. Front Setback (other): All front facades of buildings which face a perimeter development  
1419 boundary or other physical feature or barrier, such as a retaining wall greater than 4 feet in  
1420 height, shall be setback from the perimeter boundary or wall a minimum distance of twenty-five  
1421 feet.

1422 f. Building Separation-front façade(s): Residential structures which front a courtyard or other  
1423 shared common open space have a minimum building separation of thirty (30) feet. Front  
1424 porches, patios, awnings, or above ground decks may extend into the separation distance up to  
1425 five (5) feet. Fenced limited common area may extend up to ten (10) feet into the separation

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1426 distance. Pedestrian walkways within the front separation shall be a minimum of five (5) feet in  
1427 width.

1428 g. Building Separation-rear facades: Residential structures without rear garage or rear alley  
1429 access, shall have a minimum separation distance of thirty (30) feet. Fenced limited common  
1430 area may extend up to fifteen (15) feet into the separation distance.

1431 h. Building Separation-side facades: Adjacent side building facades shall have a minimum  
1432 separation distance of twenty-five (25) feet. Adjacent side yards may be used for common open  
1433 space, pedestrian circulation, or landscaping. Prohibited use in adjacent side yards shall be  
1434 parking and fenced limited common area. Pedestrian walkways within the side separation shall  
1435 be a minimum of five (5) feet in width.

1436 i. Rear Setback (alley loaded): Residential structures with alley loaded garages shall be setback  
1437 from the private street right of way a minimum distance of five (5) feet.

1438 j. Lot area, width, yard, height and coverage requirements shall be determined by approval of  
1439 the preliminary design plan.

1440 k. Where feasible, buildings or landscaping shall not prohibit the free flow of air or direct  
1441 exposure to sunlight, specifically in regard to solar heating or cooling structures by solar energy  
1442 systems.

1443 l. The development will be planned so as to provide solar access to all of the residential units,  
1444 unless waived by the Planning Commission.

1445 3. Plan Preparation: All plans must be prepared by a qualified professional team.

1446 4. Tax Liability For Private Open Space: Ownership for tax liability of private open space reservations  
1447 shall be established in a manner acceptable to the City Council and made a part of the conditions of  
1448 the plan approval.

1449 E. Preservation, Maintenance And Ownership: Preservation, maintenance and ownership of required  
1450 open spaces within development shall be accomplished by:

1451 1. Dedication: Dedication of the land to the City as a public park or parkway system, including a  
1452 certificate of title insurance; or

1453 2. Easement:

1454 a. Granting to the City a permanent, open space easement on and over the said private open  
1455 spaces to guarantee that the open space remains perpetually in recreational or park use, with  
1456 ownership and maintenance being the responsibility of an owners' association established with  
1457 articles of association and bylaws which are satisfactory to the City Council; or

1458 b. Granting to the City a permanent, open space easement on and over the said private open  
1459 spaces to guarantee that the open space remains perpetually in recreational or park use, to be  
1460 maintained from the proceeds of a Perpetual Maintenance Trust Fund established by the  
1461 developer in an amount satisfactory to the City Council; or by

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1462 3. Condominium Ownership Act: Complying with the provisions of the Condominium Ownership Act,  
1463 Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common  
1464 expenses for the upkeep of the common areas and facilities. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1465 **The developer shall provide the following:**

1466 **a. Adequate and reasonable guarantees as determined by the planning commission for**  
1467 **permanent retention of open spaces and for the maintenance of roadways, storage facilities,**  
1468 **service facilities and landscaping resulting from the application of these regulations.**

1469 **b. The developer shall record against the property a declaration of covenants, conditions,**  
1470 **restrictions, and easements (CCRs) which shall provide for a home owner's association (HOA)**  
1471 **responsible for the maintenance of all common areas and private infrastructure.**

1472 **c. The declaration shall provide provisions for the creation of an initial operating budget, as well**  
1473 **future yearly budgets, long term reserves, annual maintenance, and required payments of dues**  
1474 **and fees by lot owners of the PUD for both yearly maintenance and long range reserve projects**  
1475 **or maintenance.**

1476 **d. The developer shall implement any reasonable steps in the creation of the appropriate**  
1477 **accounts and funding sources for the HOA yearly operations and maintenance costs prior to**  
1478 **occupancy of any units in the PUD. The developer shall ensure that said accounts are funded in a**  
1479 **manner to cover ongoing maintenance costs during construction of all HOA common facilities**  
1480 **and units, so long as the developer remains the declarant in control of the HOA to the extent**  
1481 **that the HOA is not self-sustaining.**

1482 **e. The declaration shall require a reinvestment fee, or other mechanism as permitted by law, for**  
1483 **the purposes of funding the HOA in perpetuity. The reinvestment fee shall apply to all closings**  
1484 **within the HOA in perpetuity, including initial closings from the developer to a buyer and all**  
1485 **subsequent closings. The reinvestment fee shall be used to fund the reserve and operating**  
1486 **funds of the HOA.**

1487 **f. The developer shall provide to the Planning Commission a management plan and a first year**  
1488 **budget at build out demonstrating the viability of the HOA to meet its obligations including a**  
1489 **proposed HOA monthly or annual assessment. The management plan developed by the**  
1490 **applicant shall outline standards of operation, and remedies for failure to comply with those**  
1491 **standards. A letter from a qualified HOA management company shall be provided desaturating**  
1492 **that any submitted HOA budgets are reasonable.**

1493

1494 **13-6-020 : CONDOMINIUM SUBDIVISIONS**

1495

1496 A. The procedures and requirements of this section shall apply to and govern the processing of  
1497 condominium record of survey maps pursuant to the requirements of the condominium ownership act,  
1498 Utah Code Annotated title 57, chapter 8. Said procedures and requirements shall supplement zoning,  
1499 site development, health, building and other ordinances applicable to a particular condominium project,  
1500 and shall apply to the approval of such projects involving new construction, as well as those involving

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1501 the conversion of existing structures. In addition, condominium projects which contemplate dedication  
1502 of real property or improvements for the use of the public, or condominium projects in which units are  
1503 not contained in existing or proposed buildings, shall also be considered subdivisions requiring  
1504 compliance with all applicable codes of the city.

1505 B. It is the intent of this chapter to establish a reasonable process whereby the city can assess the  
1506 impact of mixing collective and individual ownerships, as presented in a particular condominium project,  
1507 upon the public health, safety, convenience and general welfare of present and future inhabitants of the  
1508 city. In the case of commercial or residential conversions of existing buildings, corrections of building  
1509 code violations, the upgrading of vehicle parking facilities and safety of common functional elements of  
1510 the structure or structures are of prime importance. It is also recognized the conversion of existing  
1511 apartments or similar multi-family rental dwelling structures present the potential of relocation  
1512 hardship to existing tenants, especially senior citizens, and warrants that reasonable notice and  
1513 disclosure requirements be established by the city to minimize said hardships. (Ord. 93-5, 7-6-1993, eff.  
1514 7-15-1993)

1515 C. Application Requirements: The owner or developer of a proposed condominium project desiring  
1516 approval shall file an application with the community development department in accordance with  
1517 applicable major subdivision process.

1518 1. Proposed map accurately drawn to scale as required by Utah Code Annotated section 57-8-13, as  
1519 amended, which shall be made by a registered Utah land surveyor. In addition, said map or an  
1520 additional site plan shall include diagrammatic floor plans identifying boundaries of the project  
1521 units, convertible and expandable areas or spaces and common areas. Said map or plan should  
1522 designate the intended use of common areas (e.g., storage, recreational, parking for guests as  
1523 opposed to unit owners, open space, etc.) and should indicate whether such common areas are to  
1524 be open to the public, assigned to specific units or semiprivate and available only to unit owners.  
1525 Said map or site plan shall also identify and describe in detail the location of existing or proposed  
1526 driveways, **pedestrian ways**, curb cuts, walls, structures, fences, landscaping and sprinkling systems.

1527 2. Two (2) copies, signed in the original, of the proposed condominium declarations and bylaws.

1528 3. Where conversion of an existing building is proposed as part of the condominium project, two (2)  
1529 copies of the property report, prepared by a licensed architect or engineer, including the following  
1530 information, shall be submitted as part of the application, together with the plan for proposed  
1531 improvements, renovations and repairs:

1532 a. The age of the building or buildings.

1533 b. The general conditional, useful life and capacity of the building's structural elements,  
1534 including the roof, foundations, mechanical system, electrical system, plumbing system, boiler,  
1535 and other structural elements.

1536 c. All known conditions constituting deficiencies requiring repair to meet existing Building  
1537 Codes.

1538 d. All known conditions which may require repair or replacement within the next succeeding five  
1539 (5) year period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

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1540 e. The property report shall certify that the structure or structures conform to the International  
1541 Building Code minimum standards, or the owner shall present plans to bring the structure or  
1542 structures into conformity with said standards prior to issuance of certificates of occupancy.

1543 f. Where it is determined that physical conditions in an existing building do not allow the strict  
1544 application of the International Building Code standard, the City Board of Appeals, as provided  
1545 for in the International Building Code, shall review all requests to vary from these standards and  
1546 may grant variances or approve alternates where it is determined the intent of the requirement  
1547 will be met. In any event, there shall be disclosure to buyers of any conditions that do not meet  
1548 code or standards set by the City. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1549 4. Proof of notice to tenants as required by section 10-19-5 of this chapter shall be required before  
1550 final approval, but may be submitted, at the owner/developer's option, after preliminary approval is  
1551 obtained from the Planning Commission.

1552 5. To assist the City to defray costs involved with the review of the project, fees shall be submitted  
1553 with a condominium conversion application as outlined in the consolidated fee schedule. (Ord. 93-5,  
1554 7-6-1993, eff. 7-15-1993)

1555 D. Incomplete Applications: Incomplete applications may be proffered and reviewed for advisory  
1556 comment by the Community development director or Building Inspection Department, but shall not be  
1557 deemed accepted or received until complete, nor shall the condominium project be scheduled for any  
1558 hearings before the Planning Commission until the application is complete, except only as provided by  
1559 subsection A4 of this section. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1560

1561 E. Copies Routed: Upon receipt of a completed application for approval of a condominium project, the  
1562 Community Development Department staff shall route copies of the application and development plans  
1563 in the same manner as a major subdivision as outlined in this title.

1564 F. Review: Additional preliminary review by the planning staff, Fire Marshal and the Building Inspection  
1565 Department shall include, but not be limited to, the following:

1566 1. Planning Staff Review:

1567 a. Letter Of Intent: A letter of intent shall be submitted indicating proposed concept of project  
1568 for review. The condominium declarations and bylaws shall be reviewed as part of the final  
1569 approval process and will include provisions addressing and fixing responsibility for the  
1570 maintenance, upkeep and repair of common areas, including common walls, electrical,  
1571 mechanical, plumbing or utility systems, recreational areas, landscaping and parking areas. The  
1572 declarations shall also restrict the use of any individual residential dwelling unit to single  
1573 "families", as defined in section 10-1-46 of this code. The staff shall also review said declaration  
1574 to require appropriate disclosure of any unusual circumstances, variances or conditions placed  
1575 upon the condominium project for approval.

1576 b. Plans And Related Documents: The staff shall review the plans and related documents to  
1577 determine whether the project conforms to applicable requirements of this title, the status or  
1578 extent of nonconforming rights, applicable conditions imposed upon the building or use by

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1579 ordinance, variance, conditional use permit and/or prior approval under a PUD, clustered or  
1580 group dwelling plan. If the planning staff finds there are violations of applicable zoning  
1581 ordinances or requirements, the staff may recommend denial of the condominium project until  
1582 such violations have been corrected or requirements completed or bonded for prior to final  
1583 approval by the Planning Commission. (Ord. 2012-07, 4-30-2012)

1584 2. Building Inspection Staff Review:

1585 a. Upon receipt of the application for approval of a condominium project, the Building  
1586 Inspection Department shall review the proposed building plans for new construction and/or in  
1587 the case of a conversion project, the property report and plan of improvement, renovations and  
1588 repairs to determine conformance with applicable building codes. In the case of a conversion,  
1589 the department shall require inspections of the property and may require supplementation,  
1590 revision and resubmission of the property report where necessary. (Ord. 93-5, 7-6-1993, eff. 7-  
1591 15-1993)

1592 b. In the preliminary review report to the planning commission, the building inspection  
1593 department shall note corrections, repairs and replacements which must be made to bring the  
1594 structures into code compliance, together with a list of renovation improvements proposed by  
1595 the owner/developer which are not required by code. The chief building official shall also list  
1596 any requirements of the international building code that needs board of appeal consideration  
1597 due to unique circumstances associated with the structure. The building official may then  
1598 recommend denial until such time as existing violations of code are corrected or may  
1599 recommend preliminary approval of the project and building report subject to correction of the  
1600 violations prior to final approval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1601 3. Fire Marshal Review: The fire marshal shall inspect each structure proposed for conversion and  
1602 shall submit a report thereon to the planning staff outlining the conditions of the structures as they  
1603 relate to fire safety. The marshal shall stipulate those conditions requiring improvement, prior to  
1604 occupancy, in the report. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1605 G. Planning Commission Consideration: Upon completion of the recommendations of the development  
1606 review committee and the fire marshal, the matter shall be set for consideration by the planning  
1607 commission in the same manner prescribed for a major subdivision as provide in this title.

1608 H. Findings For Approval: If the planning commission finds that the project is in full compliance with:

- 1609 1. applicable city ordinances;
- 1610 2. the requirements of the condominium ownership act;
- 1611 3. that proper notice to tenants has been given; and
- 1612 4. that in every way the project is ready for final approval.

1613 The planning commission may grant final approval of the project, authorize the signature of the  
1614 chairperson to be placed upon the necessary documents.

1615 I. Preliminary Approval: If the planning commission finds that the project substantially complies with the  
1616 above mentioned criteria but that certain facts of the proposal require changes or modifications prior to

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1617 final approval, or that tenant notification has not been completed, the planning commission may grant  
1618 preliminary approval to the project with instructions as to what criteria must be met prior to submission  
1619 for final approval.

1620 J. Disapproval: If the planning commission finds the project in conflict with the ordinances of the city  
1621 and/or the state and is not in the best interests of the city as a whole and/or specific neighborhood in  
1622 which the project is proposed to be located, or if it is not satisfied with the site development plans of  
1623 the project, the planning commission may disapprove the project specifying in detail the reasons for  
1624 disapproval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1625 K. Notice: As part of the application for approval of a condominium project, when said project involves  
1626 the conversion of an existing structure where the structure has been occupied by residential or  
1627 commercial tenants prior to application for conversion, the owner/developer shall provide notice of  
1628 intended conversion to said tenants by certified mail. This notice requirement shall not apply to a  
1629 structure that was vacant and remained so during the year prior to filing of the developer's application  
1630 for conversion. Such notice shall include:

1631 1. The proposal for the conversion of the building to a condominium project;

1632 2. The established dates of construction period and termination of occupancy which shall not be less  
1633 than sixty (60) days from the date notice is served upon occupants or expiration of individual leases,  
1634 whichever is longer;

1635 3. The disclosure of the sales price for each unit shall be no greater than the price initially advertised  
1636 and offered to the general public at such time as when the condominiums are offered for public  
1637 sale;

1638 4. Relocation information for the tenants specifying available alternative housing relocation  
1639 resource agencies and organizations and a plan of any services to be voluntarily provided by the  
1640 owner/developer. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1641 L. Dissemination Of Notice: A copy of said notice, together with a list prepared by the owner/developer  
1642 identifying names, apartment or unit numbers, approximate ages, rental rates and other known special  
1643 disabilities or factors affecting relocation needs of the tenants, shall be submitted to the Davis County  
1644 housing authority and the county social services department to advise said agencies of the conversion  
1645 and/or solicit their assistance with relocation services. No final approval of such a conversion project  
1646 shall be granted by the planning commission until the owner/developer has provided proof of notice by  
1647 certified mail or subsequent proof of actual delivery by method of services allowed under state law of  
1648 such notices and relocation information as required above, and any plans for relocation services to be  
1649 voluntarily provided by the owner/developer and the time designated therein (a minimum of 60 days)  
1650 has expired. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1651 M. Protest Review Procedure: When a tenant of a residential dwelling has received written formal  
1652 notice of eviction without cause and without at least sixty (60) days notice of conversion required above  
1653 and has reason to believe that notice was issued because of a proposed condominium project, he may,  
1654 within thirty (30) days of the date of the notice of eviction, initiate an appeal regarding the issue of  
1655 proper notice to the community development director. The filing of such a protest shall stay the

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1656 issuance of any approval or issuance of any permits for the structure in question for a period not to  
1657 exceed thirty (30) days and the matter shall be set for hearing before the planning commission.

1658 N. Investigation: Upon filing a tenant appeal, the planning staff shall institute an investigation to  
1659 determine if the notice requirements set forth above were satisfied. They shall then report their findings  
1660 to the planning commission within ten (10) days of filing of the appeal. (Ord. 93-5, 7-6-1993, eff. 7-15-  
1661 1993)

1662 O. Final Approval. If upon submission of the recommendations of the **development review committee,**  
1663 the planning commission finds that the project is in compliance with applicable ordinances and the  
1664 requirements of preliminary approval, the planning commission may grant final approval. The planning  
1665 commission will review recommendations for the development review committee for work that is  
1666 proposed for subsequent completion, bonding or waiver and may otherwise impose appropriate terms  
1667 upon such bonding or conditions upon its approval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1668

1669 P. Disapproval. If the planning commission is not satisfied with plans of a project which constitutes a  
1670 subdivision, the planning commission may disapprove said map, specifying reasons for disapproval.

1671 Q. Reconsideration: Within thirty (30) days after the planning commission has disapproved any project,  
1672 the developer may file with the planning staff a map or documents altered to meet the requirements of  
1673 the planning commission or may appeal the denial to the City Council. Upon receipt of said map or  
1674 documents, the matter shall be referred to the planning commission or city council by the planning staff  
1675 for reconsideration.

1676 R. Force And Effect: No final map shall have any force or effect until the same has been approved by the  
1677 city as reflected by the signature of the mayor and is officially recorded with the city recorder within six  
1678 (6) months from the date of the mayor's signature. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1679

1680 **13-6-030 : MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS;**  
1681 **SPECIAL REQUIREMENTS:**

1682 A. Purpose And Intent: The purpose and intent of this section is to:

1683 1. Permit variety and flexibility in land development for residential purposes by allowing the use of  
1684 mobile homes and recreational vehicles under certain conditions.

1685 2. Require that mobile home and recreational vehicle developments will be of such character as to  
1686 promote the objectives and purposes of this title; to protect the integrity and characteristics of the  
1687 district contiguous to those in which mobile home parks are located; and to protect other land use  
1688 values contiguous to or near mobile home or recreational vehicle developments.

1689 B. Location:

1690 1. Mobile Homes: No mobile home shall be located anywhere within the corporate boundaries of  
1691 the City except in a licensed mobile home park or approved mobile home subdivision. Emergency or  
1692 temporary parking of any unoccupied mobile home outside a licensed mobile home park or mobile

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1693 home subdivision will be permitted for a period not exceeding twenty four (24) hours. This  
1694 limitation does not apply to unoccupied mobile homes in licensed mobile home sales areas.

1695 2. Recreational Vehicles:

1696 a. Recreational coaches which do not include facilities necessary to be "mobile homes", as  
1697 defined in section 10-1-46 of this code, shall not be used at any place within the corporate  
1698 boundaries of the City, at any time, for living quarters except in designated camping areas or  
1699 recreational vehicle parks.

1700 b. Recreational vehicles which are unoccupied for living space may be stored on an owner's  
1701 private residential lot, provided the parking complies with the regulations in section 10-6-6 of  
1702 this title. Long term commercial storage of recreational vehicles, maintenance operations,  
1703 reconstruction or construction activities are permitted within enclosures only and in zoning  
1704 districts allowing such uses.

1705 C. Standards And Requirements:

1706 1. Determination Of Compliance: The planning commission shall review the proposed development  
1707 plan to determine its compliance with all portions of the city general plan and, among other things,  
1708 shall attempt to make sure that such development will constitute a residential environment of  
1709 sustained desirability and stability and that it will not adversely affect amenities in the surrounding  
1710 area. Standards higher than the minimum standards contained in this title may be required if  
1711 necessary for local conditions of health, safety and protection of property, and to ensure that the  
1712 development will mix harmoniously with contiguous and nearby existing and planned uses.

1713 2. Required Facilities: The planning commission shall not approve any application for mobile home  
1714 park, recreational vehicle park or mobile home subdivision conditional use permit if the developer  
1715 cannot provide required water supplies and facilities, waste disposal systems, storm drainage  
1716 facilities, access or improvements, or if the developer cannot assure that the development will be  
1717 completed within twelve (12) months, or if the planning commission or city council determines  
1718 there would be unusual danger of flood, fire or other hazard, or if the proposed development would  
1719 be of such character or in such a location that it would:

1720 a. Create excessive costs for public services and facilities;

1721 b. Endanger the health or safety of the public;

1722 c. Unreasonably hurt or destroy the environment;

1723 d. Cause excessive air or water pollution, or soil erosion; or

1724 e. Be inconsistent with any adopted general or specific plan of the area in which it is to be  
1725 placed.

1726 3. Standards And Requirements Specified; Exception: The development shall conform to the  
1727 following standards and requirements, unless modified by an approved planned unit development  
1728 plan:

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1729 a. The area shall be in one ownership, or if in several, the application for approval of the  
1730 development shall be filed jointly by all owners of the property included in the plan.

1731 b. A strip of land at least fifteen feet (15') wide surrounding the entire park shall be left  
1732 unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings, garages  
1733 or any accessory buildings or uses and shall be planted and maintained in lawn, shrubs or trees,  
1734 with an approved durable permanent wall or fence designed to afford privacy to the  
1735 development.

1736 c. All storage and solid waste receptacles outside the confines of any mobile home or  
1737 recreational vehicle shall be housed in a closed structure compatible in design and construction  
1738 to the mobile homes, and to any service buildings within the development; all patios, carports,  
1739 garages and other add ons shall be compatible in design and construction with the mobile  
1740 home. The service buildings shall be constructed in accordance with standard commercial  
1741 practice and kept in good repair. In mobile home developments where units will be situated  
1742 with long axis perpendicular to the street, streets will run in a north-south direction to the  
1743 greatest extent possible. This is to promote solar orientation of the units.

1744 d. In addition to meeting the above requirements and conditions, and conforming to the other  
1745 laws of the city, all mobile home parks, recreational vehicle parks, and mobile home subdivisions  
1746 shall also conform to all applicable state regulations. In the event of any conflict between said  
1747 regulations and this chapter, this chapter shall take precedence where its regulations are more  
1748 strict, and the provisions of the state regulations shall take precedence where such regulations  
1749 are more strict.

1750 4. Utilities Underground: Every mobile home park, recreational vehicle park and mobile home  
1751 subdivision shall provide underground utility service to every mobile home stand or lot as required  
1752 by the planning commission, including, but not limited to, water, sewer, power, natural gas,  
1753 telephone and television.

1754 5. Inspection And Special Regulation Of Mobile Homes: Mobile homes are considered by the city to  
1755 be less durable and less resistant to deterioration than are conventional homes; therefore, all  
1756 mobile homes which are used for human habitation, whether conforming or nonconforming, and  
1757 whether located in mobile home parks, in mobile home subdivisions or on bona fide farms and  
1758 ranches, shall be subject to the following special regulations:

1759 a. Permits are required for mobile home setup, plumbing and electrical hookups, and such  
1760 hookups shall be made only by licensed plumbers and electricians.

1761 c. A certificate of compliance is required for all mobile homes within the city, whether occupied  
1762 or awaiting occupancy, and may be obtained from the building official following an inspection  
1763 wherein the mobile home is found to meet the safety, sanitary and structural standards adopted  
1764 by the city. The state or federal inspection certificate will be honored in lieu of a certificate of  
1765 compliance.

1766 6. Compliance With Other Regulations: Any mobile home or recreational vehicle located in any  
1767 permitted area shall comply with and conform to all other zoning laws, rules and regulations, and  
1768 building, plumbing, electrical and fire prevention codes, and all other codes and requirements

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1769 applicable to a structure or building erected within the district in which said mobile home or  
1770 recreational vehicle is located.

1771 7. Guarantees:

1772 a. For mobile home parks and recreational vehicle parks, adequate and reasonable guarantees must  
1773 be provided as determined by the planning commission and city council for permanent retention of  
1774 open spaces and for the maintenance of roadways, storage facilities, service facilities and  
1775 landscaping resulting from the application of these regulations. The developer shall provide the  
1776 following:

1777 a. Adequate and reasonable guarantees as determined by the planning commission for  
1778 permanent retention of open spaces and for the maintenance of roadways, storage facilities,  
1779 service facilities and landscaping resulting from the application of these regulations.

1780 b. The developer shall record against the property a declaration of covenants, conditions,  
1781 restrictions, and easements (CCRs) which shall provide for a home owner's association (HOA) or  
1782 management entity responsible for the maintenance of all common areas and private  
1783 infrastructure.

1784 c. The declaration shall provide provisions for the creation of an initial operating budget, as well  
1785 future yearly budgets, long term reserves, maintenance, and required payments of dues and  
1786 fees by lot owners of the park for both yearly maintenance and long range reserve projects or  
1787 maintenance.

1788 d. The developer shall implement any reasonable steps in the creation of the appropriate  
1789 accounts and funding sources for the HOA yearly operations and maintenance costs prior to  
1790 occupancy of any units in the park. The developer shall ensure that said accounts are funded in a  
1791 manner to cover ongoing maintenance costs during construction of all common facilities and  
1792 units, so long as the developer remains in control of the park.

1793 e. The declaration shall require a reinvestment fee, or other mechanism as permitted by law, for  
1794 the purposes of funding the improvements in perpetuity. The reinvestment fee shall apply to all  
1795 closings within the park in perpetuity, including initial closings from the developer to a buyer  
1796 and all subsequent closings. The reinvestment fee shall be used to fund the reserve and  
1797 operating funds for the park.

1798 f. The developer shall provide to the Planning Commission a management plan and a first year  
1799 budget at build out demonstrating the viability of the park to meet its obligations including  
1800 proposed monthly or annual assessment. The management plan developed by the applicant  
1801 shall outline standards of operation and remedies for failure to comply with those standards, as  
1802 well as a single responsible person or entity for its administration and communication with the  
1803 city. i

1804 b. In any case, when a mobile home park or recreational vehicle park is owned by more than one  
1805 person, the owners shall establish and appoint a park manager. The manager shall be authorized  
1806 to receive, process and represent fully the interests of the owners in respect to continuing  
1807 management and maintenance of the park.

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1808 c. Prerequisite to the operation of any mobile home park or recreational vehicle park in the city  
1809 shall be the obtaining of an annual business license from the city.

1810 d. In the event a mobile home or recreational vehicle park is not completed according to  
1811 approved plans, or operated and maintained according to the approved management plan, the  
1812 annual business license may be denied or revoked. The mobile homes or recreational vehicles  
1813 and associated property and facilities shall be removed, and all services discontinued before any  
1814 part of the land within the development planning area may be used for any other purpose, or be  
1815 subdivided.

1816 e. The premises on which any mobile home is located, used or occupied shall be maintained in a  
1817 clean, orderly and sanitary condition. The accumulation of any rubbish, waste, weeds,  
1818 inoperative vehicles or other unsightly material thereon shall constitute a public nuisance and a  
1819 violation of this title. Reasonable guarantees to assure compliance with this requirement will be  
1820 required of the developer and/or owner as a condition of conditional use permit approval and  
1821 ultimately the issuance of the annual city business license.

1822 D. Additional Requirements For Mobile Home Parks: In addition to the requirements for mobile home  
1823 parks outlined in this section, mobile home parks shall meet the following requirements:

1824 1. Number Permitted: The number of mobile homes shall be limited to seven (7) units per acre and  
1825 may be limited to fewer units, depending on mobile home size, topography and other factors of the  
1826 particular site. The mobile homes may be clustered; provided, that the total number of units does  
1827 not exceed the number permitted on one acre, multiplied by the number of acres in the  
1828 development. The remaining land not contained in individual lots, roads or parking shall be set aside  
1829 and developed as parks, playgrounds and service areas for the common use and enjoyment of  
1830 occupants of the development, and the visitors thereto.

1831 2. Distance Between Structures: No home or addition shall be located closer than ten feet (10') from  
1832 the nearest portion of any other home or add on. All such homes and additions shall be set back at  
1833 least ten feet (10') from road curbs or walks. If the mobile home tongue remains attached, it shall be  
1834 set back a minimum of six feet (6') from road curbs or walks. All mobile homes, storage buildings,  
1835 service buildings, garages, carports or other additions, etc., shall be set back at least fifteen feet (15')  
1836 from any boundary of the mobile home park.

1837 3. Off Street Parking: Off street parking shall be provided at the rate of two (2) parking spaces per  
1838 mobile home space, and each such parking space shall have a minimum width of ten feet (10') and  
1839 minimum depth of twenty feet (20'). In no case shall the parking space be located farther than one  
1840 hundred feet (100') from the mobile home space, as approved by the planning commission.

1841 4. Bulk Storage Areas: One-story bulk storage areas shall be provided within a mobile home park,  
1842 equivalent to sixty (60) square feet per mobile home space. The area designated for said bulk  
1843 storage shall be improved, landscaped and screened as approved by the planning commission.

1844 5. Residential Accommodations: Not less than ten percent (10%) of the gross land area shall be set  
1845 aside for the joint use and enjoyment of occupants in a parklike setting with both active and passive  
1846 recreational accommodations. The land covered by vehicular roadways, sidewalks, off street parking  
1847 and required setbacks shall not be construed as part of this ten percent (10%) common area

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- 1848 required; provided, however, that in initial stages of development or special smaller developments,  
1849 the minimum area shall be not less than one acre or ten percent (10%), whichever is greater.
- 1850 6. Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for  
1851 protective yard lighting the full length of all driveways and walkways.
- 1852 7. Landscaping: All areas not covered by mobile homes or recreational vehicles, hard surfacing or  
1853 buildings shall be landscaped as approved by the planning commission, and such landscaping shall  
1854 be permanently maintained.
- 1855 8. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be  
1856 hard surfaced before the adjacent spaces may be occupied.
- 1857 9. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the  
1858 following standards, unless modified by an approved planned unit development plan:
- 1859 a. One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for  
1860 maneuvering mobile homes.
- 1861 b. Two-way traffic: A minimum of thirty feet (30') in width.
- 1862 c. Entrance roadways: A minimum of thirty six feet (36') in width.
- 1863 d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24") rolled  
1864 gutters or an approved equivalent.
- 1865 e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main  
1866 roadways within the development, if required by the planning commission.
- 1867 f. Access: Each park shall have at least two (2) accesses to public streets, unless more than one  
1868 access is prohibited by a responsible public agency.
- 1869 10. Skirting: Within forty five (45) days of occupancy, each mobile home shall be skirted, or if shields  
1870 are used, they are to be fireproof, well painted or otherwise preserved.
- 1871 11. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect residents  
1872 of the development as well as adjacent property owners. Such facilities must be of sufficient  
1873 capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or  
1874 adjacent to the development and shall be provide in accordance with City Ordinance, Title 8 Chapter  
1875 5, Stormwater Management
- 1876 12. Character; Acreage; Construction And Phase Completion Plan: The mobile home park shall:
- 1877 a. Be in keeping with the general character of the district in which it is to be located.
- 1878 b. Be located on a parcel of land not less than ten (10) acres, or on two (2) or more parcels  
1879 separated by a street or alley only, and totaling ten (10) acres, unless modified by an approved  
1880 planned unit development plan.

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1881 c. Have at least twenty five (25) spaces completed, ready for occupancy, or an approved  
1882 financing plan for construction and phase completion, together with approved security to assure  
1883 compliance, before first occupancy is permitted.

1884 13. Laundry Facility: A laundry for convenience of park occupants, but not for the general public,  
1885 may be included in mobile home parks.

1886 14. Term Of Occupancy: No mobile home space shall be rented for a period of less than thirty (30)  
1887 days, and occupancy shall be by written lease. Leases shall be made available for inspection by the  
1888 officials of the city upon demand.

1889 15. Access: Access shall be provided to each mobile home stand for maneuvering mobile homes into  
1890 position. The accessway shall be kept free from trees and other immovable obstructions. Paving  
1891 under mobile homes will not be required if adequate support is provided as required by state  
1892 regulations. Uses of planks, steel mats or other means to support the mobile home during  
1893 placement shall be allowed, so long as the same are removed upon completion of placement.

1894 E. Additional Requirements For Recreational Vehicle Parks: In addition to the requirements for  
1895 recreational vehicle parks outlined in this section, recreational vehicle parks shall meet the following  
1896 requirements:

1897 1. Location: Recreational vehicle parks shall generally be located:

1898 a. Adjacent to or in close proximity to a major traffic artery or highway.

1899 b. Near adequate shopping facilities.

1900 c. Within or adjacent to a mobile home park.

1901 2. Recreational Area: Not less than ten percent (10%) of the gross land area shall be set aside for the  
1902 joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks and off  
1903 street parking shall not be construed as part of the ten percent (10%) common area required for  
1904 parks and playgrounds for occupants; provided, however, that in initial stages of development or in  
1905 special smaller developments, the minimum area shall not be less than one-half ( $1/2$ ) acre or ten  
1906 percent (10%), whichever is greater.

1907 3. Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for  
1908 protective yard lighting the full length of all driveways and walkways.

1909 4. Landscaping: All areas not covered by recreational vehicles, hard surfacing or buildings shall be  
1910 landscaped and permanently maintained pursuant to a plan approved by the planning commission.

1911 5. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be  
1912 paved with asphalt or concrete before the adjacent recreational vehicle spaces may be occupied.

1913 6. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the  
1914 following standards, unless modified by an approved planned unit development plan:

1915 a. One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for  
1916 maneuvering recreational vehicles.

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- 1917 b. Two-way traffic: A minimum of thirty feet (30') in width.
- 1918 c. Entrance roadways: A minimum of thirty six feet (36') in width.
- 1919 d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24") rolled  
1920 gutters or an approved equivalent.
- 1921 e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main  
1922 roadways within the development, if required by the planning commission.
- 1923 f. Access: Each recreational vehicle park shall have at least two (2) accesses to public streets,  
1924 unless more than one access is prohibited by a responsible public agency.
- 1925 7. Term Of Occupancy: No individual space in a recreational vehicle park shall be used by one  
1926 individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space be  
1927 rented or leased to any one individual for a period longer than ninety (90) days in any one calendar  
1928 year.
- 1929 8. Use As Permanent Living Quarters Prohibited: Recreational vehicles may be stored where  
1930 permitted, but not used for permanent living quarters.
- 1931 9. Sales Lots: Recreational vehicles may be stored, displayed, sold and serviced, but not used for  
1932 living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a  
1933 conditional use.
- 1934 10. Screening; Access: Recreational vehicles may be accommodated in an approved and licensed  
1935 mobile home park; provided, that:
- 1936 a. The recreational vehicle park portion of the development is separated by barriers, screens or  
1937 otherwise from the area of mobile homes.
- 1938 b. The recreational vehicle use area shall have direct access to a collector or arterial street.
- 1939 c. Separate ingress and egress shall be provided for recreational vehicles when required by the  
1940 planning commission.
- 1941 11. Area; Construction And Phase Completion Plan: Recreational vehicle parks may be approved by  
1942 the city council in locations permitting such use in this title. Before such approval is given, a report  
1943 to the city council by the planning commission shall find that the proposed development will:
- 1944 a. Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park,  
1945 unless modified by a planned unit development plan.
- 1946 b. Before first occupancy, have at least twenty five (25) spaces completed (10 if in a mobile  
1947 home park), or an approved schedule of financing, construction and phase completion, and  
1948 approved security, to assure compliance.
- 1949 F. Additional Requirements For Mobile Home Subdivisions: In addition to the requirements for mobile  
1950 home subdivisions outlined in this section, mobile home subdivisions shall meet the following  
1951 requirements:

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- 1952 1. Area; Lots; Homeowners' Association: Mobile home subdivisions may be approved by the city  
1953 council in locations permitting such use in this title. Before such approval may be granted, a report  
1954 to the city council by the planning commission shall find that the proposed development will:
- 1955 a. Be located on a parcel of land containing not less than five (5) acres.
- 1956 b. Contain lots with a minimum net area of five thousand (5,000) square feet and a minimum  
1957 width of fifty feet (50').
- 1958 c. Be organized in a homeowners' association, if required by the planning commission.
- 1959 2. Security Compound: The planning commission may require a security compound for the storage  
1960 of vehicles, boats and other large items, to be provided equivalent to a minimum of three hundred  
1961 (300) square feet of paved area per mobile home lot, to be maintained by a homeowners'  
1962 association in the mobile home subdivision.
- 1963 3. Skirting: Each mobile home shall be skirted or shielded within forty five (45) days of occupancy. If  
1964 shields are used, they are to be fireproof and painted, or otherwise preserved.
- 1965 4. Street Widths: Street widths shall be as required by the development regulations, except as may  
1966 be modified by an approved planned unit development plan.
- 1967 5. Term Of Occupancy: No mobile home in a mobile home subdivision shall be rented or leased for a  
1968 period of less than ninety (90) days. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 1969
- 1970

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- 1971 **13-7: PLAT AMENDMENTS & LOT LINE ADJUSTMENTS**
- 1972 **13-7-010: PLAT AMENDMENTS**
- 1973 **13-7-020: EXEMPTION FROM PLAT REQUIREMENT**
- 1974 **13-7-030: ROUTINE AND UNCONTESTED LOT LINE ADJUSTMENTS:**
- 1975
- 1976 13-7-010: Plat Amendments: **[existing language from 10-7-7(H)]**
- 1977 A. The application for a proposed plat amendment shall be submitted to the community
- 1978 development department and shall contain the following:
- 1979 1. A complete application on form created by the city;
- 1980 2. Two (2) 24" x 36" copies, one (1) reduced 11" x 17" copy , and an electronic copy of the proposed
- 1981 plat amendment showing lots to be amended, properly and accurately drawn to scale, certified as
- 1982 accurate by a registered land surveyor;
- 1983
- 1984 3. Plat amendments shall be prepared in conformance to the standards outlined in this title for a
- 1985 final plat submission, and shall include all notes, conditions, easements, or other pertinent
- 1986 information included upon the subdivision plat to be amended.
- 1987 4. For plat amendments which vacate or amend a public right of way or public trail, stamped,
- 1988 addressed envelopes for property owners within 300 feet of the boundary of the plat and all
- 1989 property owners within the boundary of the proposed amended plat. Notice of public hearing shall
- 1990 be delivered as detailed in **10-3-3 Public Hearings**.
- 1991 5. Fees: The petitioners shall pay, with the amendment petition, the appropriate fees pursuant to
- 1992 the consolidated fee schedule for the city.
- 1993 B. Review Process:
- 1994 1. Applicability:
- 1995 a. Residential, commercial, industrial or agricultural subdivision amendments that cannot be
- 1996 processed as routine and uncontested lot line adjustments, shall be processed pursuant to this
- 1997 subsection.
- 1998 b. Plat amendments that create one or more additional lots to the subdivision, shall not be
- 1999 processed as a plat amendment, but shall be processed as new subdivision.
- 2000 2. City Internal Review:
- 2001 a. The community development department shall obtain comments regarding the amendment
- 2002 petition from all interested city departments.
- 2003 b. If the development review committee determines that the proposed amendment petition
- 2004 may have an adverse material impact on traffic, it may require the applicant to submit a
- 2005 professionally prepared traffic impact study.

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- 2006 c. The departmental comments shall be transmitted to the applicant.
- 2007 3. Planning Commission Review:
- 2008 a. Plat amendments which vacate or amend a public right of way or public trail shall be noticed  
2009 for Public Hearing in accordance with Section 10-3-3 of this code and as required by Utah State  
2010 Code Annotated. The planning commission shall hold a public hearing to consider the  
2011 amendment petition.
- 2012 b. For plat amendments which amend the location of a public utility easement, the applicant  
2013 shall provide evidence that no public utilities have been located within the existing easement, or  
2014 shall provide letters from all public utilities using the easement consenting to the amendment to  
2015 said public utility easement.
- 2016 c. The planning commission shall review all city departmental comments, comments from the  
2017 applicant and other individuals, and shall approve or deny the amendment application with  
2018 specific findings of fact, according to the standards for approval set forth in this section.
- 2019 d. For plat amendments which vacate or amend a public right of way or public trail, the planning  
2020 commission shall hold a public hearing on the proposed amendment, consider all city  
2021 departmental comments, comments from the applicant and the public, and shall recommend to  
2022 the city council the approval or denial of the amendment application with specific findings of  
2023 fact, according to the standards for approval set forth in this section. The city council shall  
2024 consider the plat amendment application and approve, approve with conditions, or deny the  
2025 application, according to the same standards and in accordance with state code, as applicable.
- 2026 4. Standards For Approval of Plat Amendment: A plat amendment application shall be approved only  
2027 if it meets all of the following requirements:
- 2028 a. The amendment will be in the best interests of the city;
- 2029 b. All lots comply with all applicable land use and subdivision standards;
- 2030 c. All necessary and required dedications are made;
- 2031 d. Provisions for the construction of any required essential infrastructure improvements are  
2032 included;
- 2033 e. The amendment complies with all applicable laws and regulations; and
- 2034 f. The amendment does not materially injure the public or any person and there is good cause  
2035 for the amendment.
- 2036 g. No additional lot or parcel is created.
- 2037 5. Appeals From Planning Commission Decision Not Involving Public Right of Way or Public Trail:
- 2038 a. If the petitioner, or any affected individual or organization disagrees with the planning  
2039 commission decision, a written objection, clearly specifying the reasons therefor, shall be filed  
2040 with the city recorder within fourteen (14) days following the planning commission decision.

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2041            b. The objection shall be heard before the city council, subject to the standards for approval set  
2042            forth in sub-section (d) above.

2043            6. Recordable Instrument: If the amendment petition is approved, the city shall execute and record  
2044            the final amended subdivision plat and such other documents as may be required with the Davis  
2045            County recorder's office.

2046    **13-8-020: Exemptions From Plat Requirement:**

2047    A subdivision plat amendment is not required for a lot line or boundary adjustment as defined in Utah  
2048    Code Section 10-9a-523, as amended, but shall be processed as outlined in the following section.

2049    **13-8-030: Routine and Uncontested Lot Line Adjustments:**

2050    A. Purpose: The purpose of this section is to enable routine and uncontested lot line adjustments  
2051    between two (2) lots to be considered and approved administratively by the city's development staff.

2052    B. Applicability: This section applies to routine and uncontested lot line adjustments between two (2)  
2053    legally existing agricultural, residential, commercial or industrial subdivision lots. Applications processed  
2054    pursuant to this section shall:

- 2055            1. Meet all applicable land use code requirements.
- 2056            2. Receive the consenting signatures of all affected property owners.
- 2057            3. Not affect any street right of way.
- 2058            4. Not create any new lots.
- 2059            5. Not affect any trail right of way.

2060    C. General Application Contents: The application for routine and uncontested lot line adjustments shall  
2061    include:

- 2062            1. The signatures of approval of all affected property owners.
- 2063            2. Two (2) copies of a survey drawing, showing the lots involved and the lot line to be adjusted,  
2064            properly and accurately drawn to scale, certified as accurate by a registered land surveyor, and the  
2065            proposed form of a deed or boundary line agreement for the lot line adjustments.

2066

2067    D Fees: The petitioners shall pay an application review fee consistent with the consolidated fee schedule  
2068    for the city.

2069    E. City Internal Review: The development review committee shall review the application for  
2070    completeness and for compliance to the regulations of this title. Upon review of the application and  
2071    survey drawing, the development review committee shall approve the lot line adjustment if the  
2072    application conforms the adopted standards and regulations of the land use ordinance or deny the lot  
2073    line adjustment if it does not.

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2074 F. Lot line adjustments that are denied by the development review committee may be amended for  
2075 reconsideration or may be appealed to the planning commission by filing a request with the community  
2076 development department.

2077 G Recordable Instrument: If the lot line adjustment is approved, the city shall provide a letter of  
2078 approval signed by the city engineer and community development director, certifying that the lot line  
2079 adjustment conforms to the requirements of the city's land use regulations and approving the  
2080 recordation of an appropriate deed or boundary line agreement with the Davis County recorder's office  
2081 containing the legal description of each new lot and stating any conditions of approval.

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**13-8: GENERAL REQUIREMENTS**

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**13-8-010: GENERAL STANDARDS**

13-8-020: SUBDIVISION LAYOUT:

13-8-030: BLOCKS:

13-8-040: LOTS:

**13-8-050: FLAG LOTS:**

13-8-060: STREETS:

13-8-070: LANDSCAPING:

13-8-080: UTILITIES AND EASEMENTS:

13-8-090: WATERCOURSES:

13-8-100: WARRANTY PERIOD:

**13-8-110: DEDICATIONS OF STREETS AND TRAILS**

**13-8-120: RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:**

**13-8-010: GENERAL STANDARDS:**

A. Ownership: The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property or their representative.

B. Landscaping, Fencing And Screening: Landscaping, fencing and screening within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development.

C. Signs And Lighting: The size, location, design and nature of signs, if any, and the intensity and direction of area lighting or floodlighting shall be detailed in the application.

D. Grading And Drainage Plan: A grading and drainage plan shall be submitted to the planning commission with the application.

E. Planting Plan: A planting plan showing the proposed tree, shrubbery and lawn plantings shall be prepared for those portions of the development proposed as common area, open space, recreational amenities, or public dedications..

F. Nondetrimental Use: It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the conditional use development.

G. Water And Sewer Systems: All buildings used for human occupancy when completed shall be served by a central water system and central sewage disposal system which have been approved by the building official and which are in compliance with applicable local and state law.

H. Design Of Development: In the event that the land contained within a development is traversed by a proposed major street, water line, sewer line or drainage channel shown on the general plan, or any other official city map, said development shall be designed in accordance therewith. The right of way across the development for said major streets, or other right of way, shall be dedicated to the public.

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2125 I. Environment Of Residential Areas: Grouping and spacing of buildings and dwellings in residential areas  
2126 shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged as the  
2127 dominant features of the development. Areas not covered by buildings or by off street parking space or  
2128 driveways shall generally be planted into natural vegetation, lawn, trees and shrubs, and otherwise  
2129 landscaped and maintained in accordance with good landscape practice as approved on the final plan.  
2130 Permanent automatic irrigation systems shall be installed when required by the planning commission to  
2131 provide for maintenance of planted areas.

2132 J. Conformance To Standards: Details of plans, plats and documents to be submitted showing the size of  
2133 water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the  
2134 quality of material and improvements, protection from adverse influences, lighting, landscaping, off  
2135 street parking, grading and other details of design and construction shall conform to standards as set  
2136 forth in such resolutions pertaining to such standards as may be adopted by the planning commission.

2137 K. Ordinance Standards: The development shall meet all standards and requirements of this title and all  
2138 requirements of applicable ordinances.

2139 L. Character of Development: The development shall be in keeping with the general character of the  
2140 district within which it is to be located.

2141 M. Plan Preparation: Depending upon the complexity of the project, the planning commission may  
2142 require that plans for the development be prepared by a qualified professional team. In all cases, it is  
2143 recommended that professional design and other assistance be obtained early in the program. It is the  
2144 intent of the city that the developer solve his problems before approval is given and construction begins.

2145 N. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect residents of  
2146 the development as well as adjacent property owners. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2147 O. Inspections: All structures required by this title to have building permits and all uses required to have  
2148 use permits shall be inspected by the building official in accordance with procedures established by the  
2149 international building code, as adopted by the city, and this title. (Ord. 93-5, 7-6-1993, eff. 7-15-1993;  
2150 amd. 2012 Code)

2151 (10-7-7-K)

2152 .

2153 P. The design of a development shall preserve insofar as possible the natural terrain, natural drainage,  
2154 existing topsoil and trees.

2155 Q. Land subject to hazardous conditions, such as slides, mudflow, rockfalls, snow avalanches, possible  
2156 mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water  
2157 supplies, shall be identified and shall not be developed until the hazards have been eliminated or  
2158 will be eliminated by the development and construction plans.

2159 **13-8-020: SUBDIVISION LAYOUT:**

2160 A. Conformance To General Plan: Where a proposed subdivision includes property identified within the  
2161 City General Plan or other Master Planning documents to include specific essential infrastructure

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2162 improvements, such as trails, active transportation improvements, or right of way improvements;  
2163 the developer shall provide a lot layout which accommodates the improvement.

2164 B. Preservation Of Features: Where trees, groves, waterways, scenic points, historic spots or other city  
2165 assets and landmarks, as determined by the city, are located within a proposed subdivision, every  
2166 reasonable means shall be provided to preserve these features.

2167 C. Adjoining Existing Street: Whenever a tract to be subdivided adjoins or contains any part of an  
2168 existing or proposed street so designated on the street plan, such part of the public way shall be  
2169 platted, dedicated and improved by the developer in the location and at the width specified.

#### 2170 **13-8-030: BLOCKS:**

2171 A. Block Length: Block lengths shall be reasonable as approved by the planning commission, and in total  
2172 design shall provide for convenient access and circulation for emergency vehicles. Generally blocks  
2173 shall be a minimum of four hundred feet (400') with maximum length of one thousand feet (1,000').  
2174 In blocks over eight hundred feet (800') in length, a dedicated walkway through the block, at  
2175 approximately the center of the block is required where feasible. Such walkways shall be not less  
2176 than sixteen feet (16') in width with a paved or concrete surface of eight feet (8').

2177 B. Double Frontage: Lots having double frontage shall not be approved except where necessitated by  
2178 topographic or other unusual conditions. The planning commission may require that vehicular  
2179 access be restricted for portions of double fronted lots, where access would be deemed difficult due  
2180 to topography or pose a traffic hazard.

2181 C. Width; Variation: The width of each block shall be sufficient for an ultimate layout of two (2) tiers of  
2182 lots therein of a size required by the provisions of this title, unless the general layout of the vicinity,  
2183 lines of ownership, topographical conditions or locations of arterial streets or freeways justify or  
2184 make necessary a variation from this requirement.

#### 2185 **13-8-040: LOTS:**

2186 A. General Requirements: All subdivisions shall result in the creation of lots which are developable and  
2187 capable of being built upon. A subdivision shall not create lots, and no building permit shall be  
2188 issued for any lots which would make improvement impractical due to size, shape, steepness of  
2189 terrain, location of watercourses, problems of sewerage or driveway grades, or other physical  
2190 conditions.

#### 2191 B. Lots: **(section 10-7-7-K)**

2192 a. No single lot shall be divided by a municipal or county boundary line.

2193 b. A lot shall not be divided by a road, alley or other lot.

2194 c. No wedge shaped lot shall be less than the lot frontage required in the zoning district.

2195 d. Side lot lines shall be at right angles to the street which the lot fronts or approximately radial to  
2196 center of street curves or cul-de-sac on which the lot faces.. The planning commission may allow

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2197 exceptions to this requirement where considerations are warranted for solar orientation or  
2198 topography.

2199 e. All created by the subdivision shall front on a public street or on an approved private street,  
2200 improved to the standards hereinafter required, equal to the **minimum frontage requirement**  
2201 **for the zone, unless modified as part of a planned unit** development.

2202 f. Corner lots shall be so designed as to provide for the same quality and size of building area as  
2203 interior lots by increasing the minimum width by ten feet (10') to accommodate the required side  
2204 street setbacks .g. Lot Size Standards: All lots shall conform to area requirements of any existing  
2205 zoning regulations. Where no zoning regulations are in effect, density standards or minimum lot size  
2206 requirements may be specified by the planning commission. (fix definitions of lots)

2207 h. All residential lots shall have a buildable area of with an average slope of less than 30% and of at  
2208 least five thousand (5,000) square feet in size **with no single dimension of less than fifty feet**  
2209 **(50'), excluding required setbacks and easements.** All approved lots less than 5,000 sq. ft. in  
2210 shall be less than 30% average slope.i. Remnants parcels of property shall not be left which do  
2211 not conform to lot requirements or are not required or suitable for common open space, private  
2212 utility or public purpose.

2213 j. Lot numbers shall begin with the number "1" and shall continue consecutively through the  
2214 subdivision, with no omissions or duplications. No block designations shall be used. When a  
2215 subdivision is developed in phases, the phase number shall precede each lot number. For  
2216 example, phase 2 would be numbered 201, 202, 203, etc.

2217 **13-8-050: FLAG LOTS:**

2218 In older areas of the city, certain properties have evolved over time with irregular shapes and sizes,  
2219 some with deep rear lots. As the city continues to see these lots subdivided, there may exist a need to  
2220 develop these deeper lots. Flag lots are one alternative to such development. However, many problems  
2221 can result from the misuse of flag lots, including increased points of traffic access on busy or narrow  
2222 streets, large paved areas created to access rear units, a mass of new units incompatible with an existing  
2223 neighborhood, and the compromising of adequate and safe fire protection to rear units. These problems  
2224 threaten the character and stability of existing neighborhoods. For these reasons, the following  
2225 restrictions and prohibitions are established to better control increasing residential density in  
2226 predominantly single-family neighborhoods through the use of flag lots:

2227 A. Circumstances Permitting: The city discourages and restricts the creation of flag lots. A flag lot should  
2228 be permitted only under certain limited circumstances. Flag lots are prohibited except:

- 2229 1. Where necessary to reduce access onto major streets and thoroughfares;
- 2230 2. To reasonably utilize irregularly shaped land;
- 2231 3. To reasonably utilize land with severe topography;
- 2232 4. To provide for the protection of significant natural or environmentally sensitive areas; or
- 2233 5. To allow a property owner reasonable use and benefit of a parcel of land not otherwise  
2234 developable.

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- 2235 B. Prohibited Flag Lots: Flag lots are expressly prohibited where:
- 2236 1. The creation of the flag lot will increase the number of access points onto a major thoroughfare;
- 2237 2. The density created by the flag lot would exceed the average existing density in the immediately  
2238 adjacent developed residential area; or
- 2239 3. The proposed flag lot would resubdivide an existing lot or lots in a recorded subdivision plat.
- 2240 C. The applicant proposing a flag lot must have demonstrated to the planning commission that  
2241 because of topographical features and/or unique situations as set forth in subsection A of this  
2242 section, creation of a flag lot should be allowed.
- 2243 D. Design Requirements For Flag Lot:
- 2244 1. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion  
2245 thereof.
- 2246 2. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The  
2247 minimum width of the staff portion of each flag lot shall be thirty feet (30'). Two (2) staffs may be  
2248 placed side by side and be a minimum width of twenty five feet (25') each. The staff shall not be  
2249 longer than one hundred fifty feet (150').
- 2250 3. The flag portion of the lot shall meet the minimum lot size requirement for the zone in which it is  
2251 located. The staff portion shall not count as part of the land area needed to meet the lot area  
2252 requirement.
- 2253 4. Flag lots must be similar in shape of the buildable area (i.e., rectangular or pie shaped if on a cul-  
2254 de-sac) to the majority of the lots in the immediately adjacent developed residential area.
- 2255 5. The front side of the flag portion of the lot shall be deemed to be that side nearest to the  
2256 dedicated public street upon which the staff portion fronts. The staff portion shall be deemed to end  
2257 and the flag portion shall be deemed to begin at the extension of the front lot line.
- 2258 6. Flag lot units located away from the street shall maintain a presence to the street, be oriented to  
2259 the street, and be visible from the street. A larger building for the flag lot unit in relation to a unit in  
2260 front of the flag lot unit is not acceptable as a means to meet the street presence requirement.
- 2261 7. All minimum required setbacks for the zone in which the flag lot is located shall apply and all front  
2262 setback distances shall be measured from the flag portion of the lot and not from the street.  
2263 Orientation, setbacks and private yards shall conform to the following criteria:
- 2264 a. All units shall orient to the street;
- 2265 b. Each unit shall have both a "front" and "rear" yard on opposite sides of the unit; and (Ord. 07-  
2266 12, 6-5-2007)
- 2267 c. To protect the privacy of yard areas on neighboring properties, large windows and decks on  
2268 the second floor shall not orient to adjacent, surrounding properties. (Ord. 07-12, 6-5-2007;  
2269 amd. 2012 Code)

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2270 8. An access driveway with a minimum width of twenty feet (20') shall be provided with landscaping  
2271 on each side. The access driveway shall be asphalt or concrete with adequate drainage and shall be  
2272 properly maintained on a continuous basis. Where two (2) flag lots are adjacent to each other, a  
2273 common driveway for both units is encouraged; multiple driveways are discouraged.

2274 9. Fire protection for flag lot units. Each proposal to construct a unit on a flag lot more than one  
2275 hundred fifty feet (150') from a public street must first be reviewed and approved by the fire  
2276 marshal and all other criteria listed below prior to receiving a building permit. No primary residential  
2277 structure may be located on a flag lot more than five hundred feet (500') from a public street. All  
2278 measurements shall be taken from the edge of the public right of way along the centerline of the  
2279 driveway or private access driveway to the nearest point of the primary structure. All of the  
2280 following must be met before a building permit may be approved:

2281 a. An access road or driveway shall be provided which meets the following standards:

2282 (1) An asphalt or concrete surface capable of supporting the imposed load of fire apparatus  
2283 shall be provided and extended to within one hundred fifty feet (150') of all portions of the  
2284 exterior walls of the first story of any building. If constructed of asphalt, the access road or  
2285 driveway shall be a minimum of two and one-half inches (2<sup>1/2</sup>" ) of asphalt over a minimum  
2286 of six inches (6") of compacted road base. If constructed of concrete, the access road or  
2287 driveway shall have a minimum of five inches (5") of concrete over a compacted road base.  
2288 The access road or driveway shall be maintained by the property owner or possessor of the  
2289 premises in good condition and repair and with adequate snow removal so as to provide  
2290 free and uninhibited access by emergency service vehicles.

2291 (2) The access road or driveway shall be a minimum of twenty feet (20') wide. Where such  
2292 roadway is adjacent to required fire hydrants, the width shall be a minimum of twenty six  
2293 feet (26') within twenty feet (20') in either direction from the hydrant. Such required widths  
2294 shall be unobstructed, including parking of vehicles, and shall have a minimum vertical  
2295 clearance of thirteen and one-half feet (13<sup>1/2</sup>'). **The maximum grade for any access road or**  
2296 **driveway shall be fifteen percent (15%) at any point measured along the centerline of the**  
2297 **access road or driveway.** (ask Casey)

2298 (3) A turnaround approved by the fire marshal shall be provided at the end of the access  
2299 road or driveway.

2300 (4) Each access road or driveway shall be identified and marked by the property owner to  
2301 the satisfaction and approval of the fire marshal. Signs shall be posted near the entrances of  
2302 access roadways and driveways. Signs shall be a minimum of twelve inches by eighteen  
2303 inches (12" x 18") in two and one-half inch (2<sup>1/2</sup>" ) block lettering with one-half inch (1/2")  
2304 stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access  
2305 Road".

2306 b. (1) A fire hydrant shall be installed by the city at the expense of the property owner and  
2307 shall be connected by an eight inch (8") water line from the water main. The hydrant shall be  
2308 located to the satisfaction and approval of the fire marshal. Fire hydrants shall be located on all

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2309 required access roads or driveways and shall be located within five feet (5') of the required  
2310 access road or driveway.

2311 (2) If, in the opinion of the fire marshal, fire hydrants are vulnerable to vehicular damage,  
2312 appropriate crash posts shall be required. No obstruction shall exist within a three foot (3')  
2313 working area of each fire hydrant. Required crash posts shall be four inch (4") concrete filled  
2314 pipe, having a minimum of three feet (3') in height above grade, with two feet (2') of pipe  
2315 below grade set in concrete. Hydrant shutoff valves shall be located no closer than five feet  
2316 (5') from the hydrant and no further than twenty feet (20').

2317 (3) The fire hydrant, water line and access road or driveway shall be located within a public  
2318 utility easement of at least twenty feet (20') in width such that emergency and utility service  
2319 vehicles and personnel have unimpeded access to the improvements.

2320 c. All dwelling structures shall have installed at the time of construction, and keep continuously  
2321 maintained, a pressurized interior fire protection sprinkling system that complies with the  
2322 minimum standards of the international fire code and is approved by the fire marshal.

2323 d. All of the required improvements shall be installed at the property owner's expense. (Ord. 07-  
2324 12, 6-5-2007)

2325 **13-8-060: STREETS:**

2326 A.. Street Requirements: (10-7-7-K)

- 2327 1. The street layout shall conform to the general plan of the city.  
2328 2. Minor streets shall be laid out to discharge through traffic.  
2329 3. Stub streets shall be provided where needed to connect to adjacent undeveloped land, and new  
2330 streets must be provided where needed to connect to existing stub streets in adjacent  
2331 developments. Not more than six (6) lots shall front on a stub street, except where a temporary  
2332 cul-de-sac turnaround is provided.  
2333 4. Intersections of minor streets with major collector streets shall be kept to the minimum.  
2334 5. Minimum right of way widths and pavement widths for public and private streets shall be  
2335 determined by the city standards and specification manual as adopted by the city council for  
2336 various categories of streets, but shall in no case be less than the following:

Street Category	Minimum ROW	Width to back of curb
Minor arterial	80 feet	62 feet
Major collector street	66 feet	48 feet
Minor collector street	60 feet	42 feet

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Local (minor) street	50 feet	32 feet
Private Street	35 feet	26 feet
Private Alley	30 feet	26 feet
Private Alley (one-way)	20 feet	15 feet

2337 6.



- 2338 7. Alleys: The planning commission may approve service access to the interior of blocks where  
2339 deemed to be in the public interest, in which case such alleys must be indicated in the  
2340 preliminary design plans and on the final plat. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 2341 8. . No half streets are permitted.
- 2342 9. . Dead end streets, including stub streets, shall be permitted or required by the planning  
2343 commission only to provide future access to adjoining property, except for dead end street  
2344 systems in cluster developments, in planned unit developments, condominium developments,  
2345 or similar special projects. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 2346 10. Streets which provide frontage and access for thirty (30) or more lots or dwelling units are  
2347 required to have a minimum of two (2) separate means of egress.
- 2348 11. . The following standards apply to all temporary and permanent cul-de-sacs:
- 2349 a. Cul-de-sacs shall be terminated by a turnaround of not less than one hundred feet (100') in  
2350 right of way diameter, and the face of curb or pavement edge radius shall be thirty eight  
2351 and one-half feet (38<sup>1</sup>/<sub>2</sub>') or more.
- 2352 b. Temporary cul-de-sacs shall be paved with a minimum of two inches (2") of asphalt or  
2353 other binder pavement.
- 2354 c. Permanent cul-de-sacs shall be paved with a minimum of three inches (3") of asphaltic or  
2355 portland cement or other binder pavement.
- 2356 d. Downhill cul-de-sacs are strongly discouraged and may only be allowed if it can be  
2357 demonstrated that surface drainage and street grade will be controlled in a manner  
2358 acceptable by the city engineer. A surface overflow drainage outlet will be designed to  
2359 protect adjacent properties in the event the curb face inlet(s) become obstructed or  
2360 clogged.

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2361 e. Cul-de-sac length shall be measured from the centerline of an intersecting street, excluding  
2362 other cul-de-sacs, along the centerline of the cul-de-sac, to a point at the center of the  
2363 closed end of the cul-de-sac.

2364 f. Residential zoning districts:

2365 (A) A cul-de-sac shall not serve more than twenty (20) lots or exceed six hundred feet  
2366 (600') in length.

2367 (B) The planning commission may recommend to the city council, and the city council  
2368 may approve, an increase to the maximum length of a cul-de-sac, up to one thousand  
2369 feet (1,000') in total length, when the following conditions exist:

2370 (i) Physical conditions exist which preclude the ability to establish any other  
2371 practical means of access. Such conditions may include: topography;  
2372 environmentally sensitive areas such as wetlands, ponds, streams, rivers, or lakes;  
2373 or manmade structures that cannot be altered, moved or relocated;

2374 (ii) Construction of a through street will result in undesired cuts and fills or will  
2375 damage natural terrain or drainage; or

2376 (iii) Buildings or existing developments block access to the site, which would result  
2377 in landlocked property or an inefficient development plan; and

2378 (iv) Such an exception has received a favorable recommendation from the South  
2379 Davis metro fire district and the city's development review committee.

2380 (C) Exceptions to cul-de-sac length may also be subject to the following as needed:

2381 (i) Possible modified construction standards such as pavement width and cul-de-sac  
2382 diameter, quantity of fire hydrants, placement of fire hydrants on alternating side of  
2383 street, looped water lines, emergency egress routes or plans, drainage, pedestrian  
2384 easements or other reasonable measures to ensure public safety.

2385 g. Nonresidential zoning districts:

2386 (A) A cul-de-sac shall not exceed six hundred feet (600') in length. Cul-de-sacs longer  
2387 than six hundred feet (600') may be recommended by the planning commission and  
2388 approved by the city council if the development review committee (DRC) makes a  
2389 written finding that such a cul-de-sac would better preserve the natural terrain and  
2390 vegetation in the area or provide a superior street design or provide needed access to  
2391 landlocked parcels.

2392 (B) The planning commission may require public accessways from a cul-de-sac to  
2393 provide safe circulation for pedestrians and bicyclists. (Ord. 2016-06, 5-17-2016)

2394 12. . No more than four (4) streets shall enter an intersection.

2395 13. . Streets shall intersect at ninety degrees (90°), except where otherwise approved as necessary  
2396 by the planning commission upon favorable recommendation of the city engineer.

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2397 14. . The centerlines of two (2) subordinate streets meeting a through street from opposite sides  
2398 shall extend as a continuous line, or the centerlines shall be offset at least one hundred fifty feet  
2399 (150'). (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2400 15. p. Protection strips are not allowed adjacent to or on public streets and rights of way. (Ord. 93-  
2401 5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

2402 B. Street Names: The following principles shall govern street names in a subdivision:

2403 1. Streets shall be numbered based on the adopted grid system wherever practical. Alphabetic  
2404 names may be considered for streets of a meandering or diagonal nature or for other  
2405 streets as specifically approved by the planning commission.

2406 2. All new street names must be reviewed with the county recorder and development review  
2407 committee to avoid duplication or near duplication to any streets in the city or area that  
2408 may lead to confusion of response by public safety agencies.

2409 3. Each street which is a continuation of, or an approximate continuation of, any existing  
2410 dedicated street shall be given the name of such existing street.

2411 4. The words "Street", "Avenue", "Boulevard", "Place", "Way", "Court", or other designation of  
2412 any street shall be spelled out in full on the plat and shall be subject to approval by the  
2413 planning commission. Any street name incorporating one of the terms used above shall  
2414 conform to the established definition of that term. Any named street shall also have the  
2415 proper numerical coordinate as approved by the city engineer.

2416 5. Street names shall not be permitted that contain a cardinal direction, such as north, south,  
2417 east, or west, for example "South Bay Drive".

2418 C. Curvature And Alignment:

2419 1. To ensure adequate sight distances, street roadway line connections shall be made by horizontal  
2420 curves. The minimum centerline radii for minor streets shall be one hundred feet (100') and of  
2421 all other streets shall be three hundred feet (300'). On collector streets, a minimum tangent of  
2422 one hundred feet (100') shall be required between a curve and street intersection; a minimum  
2423 tangent of one hundred feet (100') shall be required between reverse curves.

2424 2. Vertical curves shall be used at all changes of grade exceeding one percent (1%) and shall be  
2425 designed to provide minimum sight distances of two hundred feet (200') for minor streets and  
2426 three hundred feet (300') for all other streets, except that vertical curves for major streets shall  
2427 be as determined by the current specifications of the state department of transportation.

2428

2429 D. Roadbed Construction Standards For Paved Roadways For Public and Private Streets: Minimum  
2430 roadbed grading and paving for all street types shall be established within the city standards and  
2431 specifications manual approved by the city council. Re

2432 E. Street Grades: All street grades shall be designed as follows:

2433 a. Streets shall be limited to a maximum grade of ten percent (10%).

2434

2435 b. Cul-de-sacs shall terminate with a grade not to exceed three percent (3%) for the last ten feet  
2436 (10') of traveled surface.

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- 2437 c. A street intersection shall have a vertical alignment such that the grade shall not exceed three  
2438 percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the  
2439 intersection.
- 2440 d. All changes that exceed one (1%) percent in vertical alignment shall be made by vertical curves  
2441 with minimum length of fifty feet (50') for local (minor) streets and one hundred feet (100') for  
2442 collector streets.
- 2443 F. Sidewalks, Curbs And Gutters: Sidewalks, curbs and gutters shall be provided on both sides of all  
2444 streets to be dedicated to the public. Private streets and one way private alleys shall provide for  
2445 sidewalk and park strip on only one side of the street. Private alleys with rear access garages shall  
2446 not be required to provide sidewalks and park strips. Sidewalks, curbs and gutters may be required  
2447 by the city council on existing streets bordering the development.
- 2448 G. Pedestrian Midblock Crosswalks: Where blocks exceed eight hundred feet (800') in length and where  
2449 a dedicated walkway is required through the block, a midblock crosswalk of not less than ten feet  
2450 (10') in width may be required by the planning commission where needed for adequate pedestrian  
2451 circulation.
- 2452 H. Study May Be Required: Where the potential impacts on the existing street systems are considered to  
2453 be great, or in the case of unique circumstances concerning access, topography or street layout, a  
2454 transportation planning/engineering study may be required.
- 2455 I. Private streets shall not be permitted unless the planning commission finds that the most logical  
2456 development of the land requires that lots be created which are served by a private street or other  
2457 means of access, and makes such findings in writing with the reasons stated therein. All private  
2458 streets shall meet North Salt Lake development standards as it pertains to standard street  
2459 intersections, typical cul-de-sac and standard roadway sections. This includes, but is not limited to,  
2460 submittals, quality control, site preparation, grading, excavating, backfilling and compaction, base  
2461 course, asphalt/concrete, curbs, gutters, drive aprons and walks, slurry sealing, restoration of  
2462 existing improvements, storm drainage systems, boundary markers and survey monuments,  
2463 geotextiles and concrete reinforcement. Land designated as public right of way shall be separate  
2464 and distinct from lots adjoining such right of way and shall not be included in the area of such lots.
- 2465 **13-8-070: LANDSCAPING:**
- 2466 A. Special Treatment: Whenever, in the opinion of the planning commission, the cuts and fills in a  
2467 hillside subdivision are of sufficient size or visibility to demand special treatment, the developer shall  
2468 be required to landscape such areas with suitable permanent plant materials and to provide for  
2469 their maintenance.
- 2470 B. Preservation: The subdivision shall be so designed as to either preserve, or provide for, the greatest  
2471 amount of on site vegetation.
- 2472 C. Sensitive Lands Overlay: Subdivisions in the sensitive lands overlay zones shall comply with all  
2473 provisions of the city sensitive lands ordinance.
- 2474 D. Landscaping Design Standards For Redwood Road:

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2475 1. For development along the west side of Redwood Road, the following development standards are  
2476 adopted:

- 2477 a. The area behind the curb and gutter of Redwood Road shall include an area not less than  
2478 twenty four feet (24') wide containing improved and irrigated landscaping and an eight foot  
2479 (8') wide meandering asphalt multiuse trail. If any portion of the required twenty-four foot  
2480 (24') landscaped area is outside the dedicated right of way, a public trail easement and  
2481 street tree easement shall be dedicated to the city upon the recorded plat
- 2482 b. Within the twenty-four foot (24") wide area trees shall be planted in accordance with the  
2483 requirements of Title 7 Chapter 9, Community Forestry.
- 2484 c. Residential developments along Redwood Road shall, in addition to complying with the  
2485 requirements of chapter 11 of this title, include a solid wall, not less than six feet (6') in  
2486 height as a buffer along the entire length of frontage along Redwood Road. The wall shall be  
2487 constructed of masonry or other hard, permanent materials and shall generally be a sight  
2488 obscuring wall or a combination of berms, rocks, planted materials and manmade materials  
2489 that render the wall sight obscuring. Any solid walls constructed pursuant to this subsection  
2490 shall also be treated with an antigraffiti treatment approved by the city.

2491 2. For developments along the east side of Redwood Road, the same development standards apply  
2492 except that there shall be a five foot (5') wide concrete sidewalk provided in lieu of an eight foot  
2493 (8') wide meandering asphalt multiuse trail. (Ord. 2012-04, 2-7-2012)

2494

### 2495 **13-8-080: UTILITIES AND EASEMENTS:**

- 2496 A. Utility easements shall follow rear and every other side lot lines whenever practical and shall have a  
2497 minimum total width of **sixteen feet (16')** apportioned equally in abutting properties (**8** feet each  
2498 lot).
- 2499 B. Front yard utility easements are required to be a minimum of **ten feet (10')** Perimeter easements  
2500 shall be not less than **eight feet (8')** in width, extending throughout the peripheral area of the  
2501 development.
- 2502 C. All easements shall be designed so as to provide efficient installation of utilities or street plantings.  
2503 Special guying easements at corners may be required if any existing utilities are overhead. Public  
2504 utility installations shall be so located as to permit multiple installations within the easements. The  
2505 developer shall establish final utility grades prior to utility installations.
- 2506 D. The planning commission may require additional easements, or increased width of easements, as  
2507 necessary to provide for adequate utility service and/or drainage within the subdivision and to or  
2508 from adjoining parcels when recommended by the city engineer.
- 2509 E. Utilities To Be Underground: Unless the planning commission and city council determine, upon  
2510 application by the developer, and recommendation of the city engineer, that it is not feasible to do  
2511 so, all power lines, telephone lines and other normally overhead utility lines shall be placed  
2512 underground by the developer, including existing overhead utilities.
- 2513 **F. Utility easement width may be reduced as approved by the planning commission for lots within**  
2514 **planned unit developments.**

### 2515 **13-8-090: WATERCOURSES:**

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2516 The developer shall dedicate a right of way for storm drainage conforming substantially with the lines of  
2517 any natural watercourse or channel, stream, creek, irrigation ditch or floodplain that enters or traverses  
2518 the subdivision, as determined by Davis County flood control and/or the city engineer. The developer  
2519 shall also dedicate acceptable rights of way for any pipe, conduit, channel, and retention or detention  
2520 area as approved by the city engineer for flood control.

2521 **13-8-100: WARRANTY PERIOD:**

2522 The warranty period shall commence upon the date that all improvements required by the city to be  
2523 installed within the subdivision have been completed to the satisfaction of the city and a final inspection  
2524 thereof has been made approving the same. The warranty period shall commence at that date and shall  
2525 continue for a period of one year thereafter. If any deficiencies are found by the city during the warranty  
2526 period in materials or workmanship, the developer shall promptly resolve such defects or deficiencies  
2527 and request the city engineer to reinspect the improvements. At the end of the one (1) year warranty  
2528 period, the developer shall request the city engineer to make a final warranty period inspection of all  
2529 improvements. If the city engineer verifies that the improvements are acceptable, the city engineer shall  
2530 release the balance of the security posted by the developer under the bond agreement.

2531

2532 **13-8-100: DEDICATIONS OF STREETS AND TRAILS**

2533

- 2534 A. Requirement: Maps and plats, when made, acknowledged, filed and recorded according to  
2535 procedures specified in this section, operate as a dedication of all streets, trails and other public  
2536 places, and vest the fee of those parcels of land in the city for the public for the uses named or  
2537 intended in those maps or plats.
- 2538 B. Nonliability For Unimproved Dedications: The dedication established by this section does not  
2539 impose liability upon the city for streets, trails and other public places that are dedicated in this  
2540 manner but unimproved.

2541 **13-8-120 RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:**

- 2542 A. Regulations May Be Adopted: The city council, in order to protect and ensure access to sunlight for  
2543 solar energy devices, may adopt regulations governing legislative subdivision development plans  
2544 that relate to the use of restrictive covenants of solar easements, height restrictions, side yard and  
2545 setback requirements, street and building orientation and width requirements, height and location  
2546 of vegetation in respect to property boundary lines, and other permissible forms of land use  
2547 controls. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 2548 B. Refusal To Approve: The planning commission may refuse to approve or renew any plat or  
2549 subdivision plan, or dedication of any street or other ground, if the deed restrictions, covenants or  
2550 similar binding agreements running with the land for the lots or parcels covered by the plat of  
2551 subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors,  
2552 or other energy devices based on renewable resources from being installed on buildings erected on  
2553 lots or parcels covered by the plat or subdivision. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012  
2554 Code)

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2555 **Chapter 9 ESSENTIAL IMPROVEMENTS**

2556

2557 13-9-010: DESIGN STANDARDS & SPECIFICATION:

2558 13-9-020: REQUIRED IMPROVEMENTS:

2559 13-9-030: CURB, GUTTER, SIDEWALK AND ASPHALT PAVING:

2560 13-9-050: STORM DRAINAGE:

2561 13-9-050: UNDERGROUND UTILITIES AND SANITARY SEWER:

2562 13-9-060: FENCING OR PIPING OF HAZARDS:

2563 13-9-070: MONUMENTS:

2564 13-9-080: COMPLETION:

2565 13-9-090: PAYBACK AGREEMENTS FOR IMPROVEMENTS:

2566

2567 **13-9-010: DESIGN STANDARDS & SPECIFICATIONS MANUAL:**

2568 A. Preparation: The city engineer and public works department shall prepare and recommend for  
2569 adoption by resolution or ordinance the Design Standards & Specifications Manual for the design,  
2570 construction, specifications, and inspection of essential infrastructure, whether publicly dedicated or  
2571 privately owned. The manual shall include street and trail improvements, street trees, water distribution  
2572 systems, storm drainage, flood control facilities, and other specifications as deemed necessary. The  
2573 design standards shall be prepared in cooperation and coordination with the South Davis Sewer District,  
2574 South Davis Metro Fire Agency, and any private special service district or water company providing  
2575 service within the city.

2576 The developer shall provide evidence of design approval from any such outside agencies, prior to final  
2577 plat approval. Additional design standards prepared by private utilities shall be the responsibility of the  
2578 individual agency. All such standards for design and construction of essential infrastructure  
2579 improvements and amendments thereto, which are under the control of the city, shall be approved and  
2580 adopted by the city council before becoming effective. All developers shall comply with the approved  
2581 standards required herein.

2582 B. Streets, Blocks, Etc.: The design of the subdivision in relation to streets, blocks, lots, open spaces, and  
2583 other design factors shall be in harmony with design standards recommended by the planning  
2584 commission and other city staff and approved by the city council.

2585 **13-9-020: REQUIRED IMPROVEMENTS:**

2586 A. Scope Of Requirements: The developer shall improve, or agree to improve, all streets, **pedestrian**  
2587 **ways** or easements in the subdivision and on streets which abut, or serve as access to, the subdivision.  
2588 Permanent improvement work shall not commence until improvement plans and profiles have been  
2589 approved by the city and, if applicable, an improvement agreement, including security bond, has been  
2590 executed between the developer and the city as specified in this title. **As part of the street**  
2591 **improvements, the developer shall deposit with the city sufficient sums to provide a slurry seal for the**  
2592 **street as required by the city and additional sums to cover the cost of street signs and regulatory signs**  
2593 **which the city determines are required for the subdivision.** The city will utilize funds deposited for street  
2594 signs to obtain the signs and install the same within the subdivision.

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2595 B. Installation; Inspection: Improvements shall be installed to permanent line and grade to the  
2596 satisfaction of the city and in accordance with the standard specifications adopted by the city council.  
2597 Cost of inspection shall be paid by the developer as outlined in the consolidated fee schedule.

2598 C. Nonresponsibility Of City: Notwithstanding the fact that the land on which the improvements will be  
2599 located is dedicated at the time of the recording of a plat, the city shall not be responsible for the  
2600 improvements, their construction or maintenance, until the warranty period specified in the bond  
2601 agreement has expired, the improvements have been inspected, and the city certifies that they meet  
2602 city standards.

2603 **13-9-030: CURB, GUTTER, SIDEWALK AND ASPHALT PAVING:**

2604 High back curbs, gutters, sidewalks and asphalt paving shall be provided in front of all commercial and  
2605 residential lots. High back curb, gutter and paving shall be required on all industrial property. At the  
2606 discretion of the planning commission, sidewalks may also be required for industrial property.

2607 **13-9-040: STORM DRAINAGE:**

2608 A. Required Systems: Complete drainage systems for the entire development area shall be designed by a  
2609 professional engineer, licensed in the state and qualified to perform such work, and shall be shown  
2610 graphically. All existing drainage features which are to be incorporated in the design shall be so  
2611 identified. If the final plat is to be presented in sections, a general drainage plan for the entire area  
2612 shall be presented with the first section, and appropriate development stages for the drainage  
2613 system for each section indicated.

2614

2615 B. Design: The drainage systems shall be designed with:

- 2616 1. **U**Adequate Drainage: Ensure adequate drainage of all low points.
- 2617 2. Designated Floodplain Regulations: Ensure applications of the following regulations regarding  
2618 development in designated floodplains:
- 2619 a. Construction of buildings shall not be permitted in a designated floodway with a return  
2620 frequency more often than a 100-year storm.
- 2621 b. Building construction may occur in that portion of the designated floodplain, as designated  
2622 by FEMA, where the return frequency is between a 100-year and a maximum probable  
2623 storm provided all usable floor space is constructed above the designated maximum  
2624 probable flood level.
- 2625 c. Where flow velocities in a floodplain are generally determined to be under five feet (5') per  
2626 second and maximum flood depth will not exceed three feet (3'), such uses as cultivated  
2627 agriculture, nurseries, parks and recreation facilities and accessory parking may be  
2628 permitted.
- 2629 d. Any use of land is prohibited where flooding would create a public health hazard or  
2630 problem. This includes shallow wells, noncased deep wells, sanitary landfills, septic tanks  
2631 and on lot sewage disposal systems, water treatment plants, and also sewage disposal  
2632 systems not completely protected from inundation.
- 2633 e. Any contemplated floodplain encroachment or channeling shall be thoroughly analyzed and  
2634 its effect on stream flow determined before such encroachment is undertaken. Any

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- 2635 construction, dumping and filling operations in a designated floodway constitute an  
2636 encroachment and must be approved by the planning commission before accomplishment.
- 2637 f. No lot one acre or less in area shall include any portion of a 100-year floodplain when  
2638 computing the size of the lot. All lots containing more than one acre shall contain not less  
2639 than forty thousand (40,000) square feet of land which is at an elevation at least two feet  
2640 (2') above the elevation of the 100-year recurrence interval flood, or, where such data is not  
2641 available, five feet (5') above the elevation of the maximum flood of record.
- 2642 3. Drainage Basin: The drainage basin as a whole shall accommodate not only runoff from the  
2643 development area but also, where applicable, the system shall be designed to accommodate the  
2644 runoff from those areas adjacent to and "upstream" from the development itself, as well as its  
2645 effects on lands downstream. Basins by which the developer proposes to handle stormwater  
2646 drainage shall be designed for an event with a ten (10) year return period for all storm drain  
2647 pipe, and for an event with a one hundred (100) year return period for all storm drain detention  
2648 basins. The calculation must size the detention basin, size the orifice plate and determine the  
2649 amount of flow which can be released (the release rate can be 0.2 cfs/acre).
- 2650 4. Surface Drainage Structures: All proposed surface drainage structures shall be indicated on the  
2651 plans.
- 2652 5. Construction Materials And Elevations: All appropriate designs, details and dimensions needed  
2653 to clearly explain proposed construction materials and elevations shall be included in the  
2654 drainage plans.
- 2655 6. Permits: All necessary permits shall be obtained from applicable local, state and federal agencies  
2656 (i.e., state engineer, U.S. army corps of engineers, state division of health, etc.).
- 2657 7. Low Impact Development (LID):
- 2658 a. All development and redevelopment that warrants compliance with the Utah General  
2659 Construction Permit (UGCP) regulation must include an LID analysis that meets the objective  
2660 of mirroring the predevelopment hydrology and meets the objective of retaining on site.  
2661 Detention basins shall retain the required 24-hour storm equivalent, as required under the  
2662 Utah Pollutant Discharge Elimination System (UPDES) general discharge permit.
- 2663 b. Low impact development (LID) is an approach to land development that uses various land  
2664 planning and design practices and technologies to simultaneously conserve and protect  
2665 natural resource systems and reduce infrastructure costs. LID still allows land to be  
2666 developed, but in a cost effective manner that helps mitigate potential environmental  
2667 impacts.
- 2668 c. As part of the city of North Salt Lake permit, the city requires use of an LID approach, which  
2669 includes the implementation of structural BMPs, where practicable, that infiltrate,  
2670 evapotranspire or harvest and use stormwater for the site to protect water quality.
- 2671 d. Groundwater recharge may be considered to meet the onsite retaining requirement, where  
2672 applicable and feasible. If meeting the retention standard is technically infeasible, a  
2673 rationale shall be provided on a case by case basis for the use of an alternative design  
2674 criteria
- 2675 e. No LID limits are defined except designs must not negatively impact surrounding properties.  
2676 The LID analysis must identify LID options considered and list the reasons why it will be  
2677 incorporated or why the considered LIDs are not practical for the site use or conditions.  
2678 Submit a report with stormwater calculations that summarizes the analysis and results.

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- 2679 f. Suggested and preferred LIDs are outlined in the city's "Stormwater Best Management  
2680 Practices Handbook".
- 2681 8. Postconstruction Stormwater Maintenance Plan And Agreement:
- 2682 a. The purpose of the postconstruction stormwater maintenance plan and agreement is to  
2683 control stormwater runoff and reduce pollutants in stormwater runoff after construction is  
2684 complete and the developed site is in operation. This is achieved by accomplishing the  
2685 following:
- 2686 i. Controlling erosion.
  - 2687 ii. Controlling discharge of sediment into stormwater drainage facilities or off site.
  - 2688 iii. Preventing illicit discharges into on site soils, storm drainage facilities or off site.
  - 2689 iv. Prevention of debris and garbage from entering the stormwater system.
- 2690 b. A postconstruction stormwater maintenance plan must be prepared and submitted with the  
2691 plans for approval for all privately owned or maintained facilities that warrant compliance  
2692 with the UGCP regulation. The plan shall be contained on a plan sheet of its own, rather  
2693 than being a part of another plan sheet, and is to contain at least the following:
- 2694 i. The site plan, including vicinity map, proposed contours, permanent stormwater  
2695 features, and landscaping.
  - 2696 ii. BMPs to accomplish the purpose of the plan. Examples of appropriate BMPs may  
2697 include those addressing operation and maintenance of storm drainage quality control  
2698 facilities, operation and maintenance of stormwater discharge control facilities,  
2699 maintenance of landscaping, good housekeeping practices, etc.
  - 2700 iii. Showing the following for each BMP specified:
    - 2701 1. Location and extent of specified BMPs, as appropriate.
    - 2702 2. Detailed schedule of execution for each specified BMP, in terms of starting time,  
2703 duration, frequency, etc., as appropriate.
    - 2704 3. Any information in addition to or different from that shown on the BMP fact sheets  
2705 as necessary to employ the BMPs on the site.
- 2706 c. The owner of development that warrants compliance with the UGCP regulation must submit  
2707 a signed stormwater maintenance agreement using the city of North Salt Lake agreement  
2708 template. The postconstruction maintenance agreement needs to be recorded at the Davis  
2709 County recorder's office. (Ord. 2016-12, 8-16-2016)

2710 **13-9-050: UNDERGROUND UTILITIES AND SANITARY SEWER:**

- 2711 A. A. Utilities, Sewers, Drains: All underground utilities, sanitary sewers and storm drains installed in  
2712 streets or alleys should be constructed prior to the surfacing of such streets or alleys. Connections  
2713 for all underground utilities, water lines, pressure irrigation lines, and sanitary sewers for each lot  
2714 should be laid to a point which will eliminate the necessity for disturbing the street or alley  
2715 improvements, when service connections thereto are made.
- 2716
- 2717 B. Wires, Cables: All telephone, electric power, cable television or other wires or cables shall be placed  
2718 underground. Equipment appurtenant to the underground facilities, such as surface mounted  
2719 transformers, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be  
2720 above ground. The developer shall make all necessary arrangements with the utilities involved for  
2721 the installation of the underground facilities.

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2723 C. Sanitary Sewage Disposal; General Requirements:

2724 1. The developer shall provide, or have provided, a piped sanitary sewerage system to the  
2725 boundary line of the development. Every lot in the development shall be provided a lateral,  
2726 which shall be extended from the main line to a minimum of five (5') feet behind the property  
2727 line. The sewerage system shall meet the minimum standards and requirements of the city and  
2728 the regulating health department.

2729 2. In all, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a  
2730 complete community or public sanitary system. All sewer mains shall be a minimum of eight  
2731 inches (8") in diameter. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

2732 D. Test Procedures: Test of sanitary sewer mains, laterals and house connections shall be conducted in  
2733 accordance with local and state health requirements.

2734 E. Water In Sufficient Quantity To Be Obligation Of Developer:

2735 1. The procurement of water, whether by purchase of water rights, water shares, exchange or  
2736 service agreement, shall be the responsibility of the developer; and the water shall be provided  
2737 for the use of the development in an amount sufficient to meet minimum flows of two hundred  
2738 fifty (250) gallons per person, per day, plus outside irrigation and minimum static pressures of  
2739 fifty (50) pounds per square inch (psi), unless it can be proved to the planning commission that a  
2740 lesser amount is adequate.

2741 2. However, in no event shall the quantity of water provided by the developer be less than that  
2742 required to meet fire flow standards as established by the fire department and the city council,  
2743 and the city council shall be given first right of refusal to purchase any excess water formerly  
2744 used on the land.

2745 F. Culinary Water System: The culinary water delivery system shall extend to the boundary line of the  
2746 development. Every lot and shall be provided a lateral, which shall be extended from the main line  
2747 to a minimum of five (5') feet behind the property line. All laterals shall be capable of delivering the  
2748 flows and pressures as required. All water mains shall be a minimum of eight inches (8") in diameter.

2749 G. Water mains and fire hydrants connecting to the water system owned by the city shall be installed  
2750 as approved by the city. Mains and individual lot services shall be of sufficient size to furnish an  
2751 adequate water supply for each lot or parcel in the subdivision and to provide adequate fire  
2752 protection as determined by the fire marshal and as required under any applicable law, rule or  
2753 regulation.

2754 H. Irrigation Systems (Including Drainage Facilities):

2755 1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or  
2756 within one hundred feet (100') of a proposed development, complete plans for relocation,  
2757 piping, covering or other safety precautions shall be submitted with an application for  
2758 preliminary approval of a plat.

2759 2. In all developments in which the smallest lot is less than one acre, all irrigation systems shall be  
2760 underground.

2761 3. All pressure irrigation systems in or within one hundred feet (100') of a proposed development  
2762 shall be identified and otherwise color coded as to pipe and valve color to meet state standards  
2763 and regulations.

2764 **13-9-060: FENCING OR PIPING OF HAZARDS:**

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2765 A. Requirements: The developer shall install a six foot (6') nonclimbable chainlink fence along all canals,  
2766 waterways, nonaccess streets, open reservoirs or bodies of water, railroad rights of way, property in  
2767 agricultural use or zoned for agricultural use and other such features of potentially hazardous nature  
2768 which are on, cross or are contiguous to, the property being subdivided, except on those features which  
2769 the planning commission shall determine would not be a hazard to life, or where the fence itself would  
2770 create a hazard to the safety of the public. Fences required by this section shall comply with  
2771 construction standards established by the city.

2772 B. Irrigation Ditches: All irrigation ditches shall be piped, unless this requirement is waived by the city  
2773 council.

2774 **13-9-070: MONUMENTS:**

2775 Permanent monuments shall be furnished, accurately established, and set by the developer at such  
2776 points as are necessary to definitely establish all lines of the plat except those defining rear property  
2777 corners of individual lots which will be semipermanent.

2778 **13-9-080: COMPLETION:**

2779 A complete improvement plan "as built" shall be filed with the city upon completion of said  
2780 improvements. The "as built" plans shall be drawn on reproducible copies of the original tracings and  
2781 certified as to accuracy and completeness by the developer's licensed engineer.

2782 **13-9-090: PAYBACK AGREEMENTS FOR IMPROVEMENTS:**

2783 A. Scope Of Agreement: A payback agreement entered into between the city and the developer who  
2784 installs the improvements or facilities for water, storm sewer or roads is authorized, where the  
2785 improvements installed are intended to extend, expand or improve the city's water system, storm  
2786 sewers or roads beyond the improvements required to service or benefit the subdivision or  
2787 development proposed by the developer. Such payback agreements shall be for project improvements  
2788 and not system improvements as defined in the Utah impact fees act. The payback agreement is not  
2789 mandatory, but may be used at the option of the city manager, upon approval of the payback  
2790 agreement by the city council. The amount of the payback to the developer shall be determined by the  
2791 city council after receiving a recommendation from the city engineer after considering the  
2792 improvements or facilities required or benefiting developer's development, and those facilities or  
2793 improvements that are specifically oversized to provide for future development of adjacent projects.

2794 B. Nonliability Of City: The city shall, in all cases, be immune and not liable for any payments to the  
2795 developer if the payback agreement is determined to be unenforceable. The payback agreement shall  
2796 not confer a benefit upon any third party and shall be in a form approved by the city council. The  
2797 responsibility for payment of the required improvements or facilities shall rest entirely with the  
2798 developer. The city shall not be responsible for collection of amounts from third parties.

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**13-1-090: APPEAL OF PLANNING COMMISSION DECISIONS:**

**13-1-100: APPEAL FROM CITY COUNCIL DECISION**

**13-1-010: SHORT TITLE:**

This title shall be known as title 13, or the *SUBDIVISION ORDINANCES OF THE CITY OF NORTH SALT LAKE*, and may be so cited and pleaded.

**13-1-020: INTRODUCTION:**

A. Scope Of Subdivisions, Generally: Subdivisions in the City shall be designed for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace. Land should not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage and capital improvements, such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or cannot be provided for, the subdivision will not be allowed.

B. Conformance To Adopted Standards: Proposed essential infrastructure improvements shall conform to adopted City standards, specifications, and ordinances.

C. Burden Of Proof: For all proceedings in regard to development approval under this title or amendments to this title, the burden of proof showing satisfaction of all requirements shall rest with the applicant or authorized agent of the proposed development or amendment. The requirements and standards set forth herein are the minimum acceptable standards for land use applications within the City.

D. Assumption Of Validity: The City will assume that all information provided is accurate and valid. If any information provided to the City is found to be outdated, false or in any way misleading, the application for development approval may be denied or revoked by the City Council regardless of previous approvals.

**13-1-030: PURPOSE AND INTENT:**

**~~10-7-7 SUBDIVISION (LAND DEVELOPMENT)~~**

**TITLE 13 SUBDIVISION REGULATIONS**

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141 ~~AB. Intent And~~ Purpose: existing language from 10-7-7(B)

142 1. The purpose of this section and the intent of the city in its adoption is to promote the health,  
143 safety, convenience and general welfare of the present and future inhabitants of the city.

144 2. This section will accomplish this purpose by:

145 a. Providing policies, standards, requirements and procedures to regulate and control the design  
146 and improvements of all developments.

147 b. Assisting in the implementation of the objectives, policies and programs of the general plan  
148 by ensuring that all proposed developments, together with provisions for their design and  
149 improvements, are consistent with the general plan and all applicable specific plans.

150 c. Preserving and protecting, to the maximum extent possible, unique and valuable natural  
151 resources and amenities, including topographic and geologic features, beaches and natural  
152 watercourses, fish and wildlife habitats, historical and cultural places, and scenic vistas and  
153 attractions; and improving the public access to and enjoyment of such resources and amenities  
154 through the dedication or continuance of appropriate public easements thereto.

155 d. Preserving and protecting the special environmental quality and aesthetic character of all  
156 hillside and mountainous areas; preventing detrimental impacts on the soil mantle, vegetative  
157 cover and other environmental factors; reducing the hazards of life and property from fire,  
158 flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a  
159 development to the slope of the natural terrain.

160 e. Encouraging the clustering of housing and building developments where subdivisions or other  
161 developments are permitted in hillside and mountainous areas, minimizing grading, preserving  
162 the natural terrain and enlarging the open spaces.

163 f. Relating land use intensity and population density to existing developments, street capacity  
164 and traffic access, the slope of the natural terrain, the availability and capacity of public facilities  
165 and utilities, and open spaces.

166 g. Providing lots of sufficient size and appropriate design for the purposes for which they are to  
167 be used.

168 h. Providing streets of adequate capacity and design for the traffic that will utilize them, and  
169 ensuring maximum safety for pedestrians and users of vehicles.

170 i. Ensuring adequate access to each building site.

171 j. Providing sidewalks, ~~pedestrianways~~pedestrian ways, bike paths, and equestrian and hiking  
172 trails for the safety, convenience and enjoyment of residents of new developments.

173 k. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street  
174 lighting and other utilities needed for public health, safety and convenience.

175 l. Providing adequate sites for public facilities needed to serve residents of new developments.

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176 m. Ensuring that costs of providing land for streets, alleys, ~~pedestrianways~~pedestrian ways, bike  
177 paths, easements and other rights of way and for the improvements therein needed to serve  
178 new developments are borne by the developer.

179 n. Preventing land which is actually or potentially dangerous by reason of flood hazard,  
180 inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage  
181 facilities or hazardous geological conditions from being developed for any use or in any manner  
182 tending to create an increased detriment to the public health, safety or welfare.

183 o. Ensuring that, insofar as possible, land is developed in a manner that will promote the public  
184 health, safety, convenience and general welfare and the physical, social and economic  
185 development of the area in conformance with the general plan, and provide access for solar and  
186 other renewable energy sources to the maximum extent possible, and encourage energy  
187 conservation through design, layout, "siting" and other techniques.

188 p. Preserving and protecting to the maximum extent possible, solar access to structures and  
189 encourage and promote/require energy conservation and the use of renewable energy sources.

190 q. Providing space for parking bays (off street parking as needed).

191 r. Providing space for bike paths and jogging trails.

192 B. Intent: This title is designed to inform the developer and public of the requirements and conditions  
193 necessary to obtain approval of a subdivision. To this end, all requirements, where possible, are  
194 expressly delineated in this title or other applicable ordinances.

195 **13-1-040: INTERPRETATION, CONFLICT, AND SEVERABILITY:**

196 A. Interpretation: These regulations shall be held to be the minimum requirements for the promotion of  
197 the public health, safety and general welfare. The burden of proof shall, in all proceedings pursuant to  
198 this title, rest with the proponent of an application for development approval. Any dispute arising from  
199 the administration of this title shall be forwarded to the city council for resolution.

200 B. Conflict With Other Provisions:

201 1. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule,  
202 regulation, statute or provision of law. Where any provision of these regulations imposes a  
203 restriction different from those imposed by other provision, ordinance, rule, regulation or law,  
204 whichever provision is more restrictive or imposes higher standards shall control.

205 2. Further, these regulations are not intended to abrogate any easement, covenant, private  
206 agreement or restriction, including, but not limited to, restrictive covenants and declarations of  
207 covenants, conditions and restrictions; provided, however, that the city is under no obligation to  
208 enforce private covenants or agreements.

209 C. Severability: If any part or provision of these regulations or application thereof to any person or  
210 circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined  
211 in its operation to the part, provision or application directly involved in all controversy in which such  
212 judgment shall have been rendered and shall not affect or impair the validity of the remainder of these  
213 regulations or the application thereof to other persons or circumstances.

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214 **13-1-050: DEFINITIONS:**

215 Whenever any word or phrase used in this title is not defined herein, but is defined in related sections of  
216 Utah Code Annotated or in the City of North Salt Lake City Land Use Ordinance (Title 10), such  
217 definitions are incorporated herein and shall apply as though set forth herein in full, unless the context  
218 clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the  
219 present tense include the future, the singular includes the plural, the term "shall" is mandatory and the  
220 term "may" is permissive.

221 **13-1-060: SAVING PROVISION, RELATIONSHIP TO PREVIOUS ORDINANCE:**

222 A. These regulations shall not be construed as abating any action under, or by virtue of, prior existing  
223 subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about  
224 to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the  
225 municipality under any section or provision existing at the time of adoption of these regulations, or as  
226 vacating or annulling any rights obtained by any person, firm or corporation by lawful action for the  
227 municipality, except as shall be expressly provided for in these regulations.

228 B. The procedures set forth in this title are intended to supersede any inconsistent procedural provisions  
229 in the previous development ordinances. The substantive requirements of the application form and the  
230 review process shall remain unchanged, but all final actions under that ordinance are subject to the  
231 appeal processes set forth herein. All applications for subdivision approval are subject to termination as  
232 set forth herein.

233 **13-1-070: CONSIDERATIONS:**

234 A. General Plan: The general plan shall guide the use of all land within the corporate boundaries of the  
235 city. The size and design of lots, the nature of utilities, the design and improvement of streets, the type  
236 and intensity of land use, and the provisions for any special facilities in any subdivision shall conform to  
237 the land uses shown and the standards established in the general plan, the land use ordinance and other  
238 applicable ordinances.

239 B. Natural Landscape: Trees, native land cover, natural watercourses and topography shall be preserved  
240 when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the  
241 landscape in conformance with the sensitive lands and geologic hazards ordinances (Title 10 Chapter  
242 12). The design of new subdivisions shall consider, and relate to, existing street widths, alignments and  
243 names.

244 C. Community Facilities: Community facilities, such as parks, recreation areas, trails and transportation  
245 facilities shall be provided in the subdivision in accordance with general plan standards, this title, and  
246 other applicable ordinances and resolutions. This title establishes procedures for the referral of  
247 information on proposed subdivisions to interested boards, bureaus and other governmental agencies  
248 and utility companies, both private and public, so that the extension of community facilities and utilities  
249 may be accomplished in an orderly manner, coordinated with the development of the subdivision. In  
250 order to facilitate the acquisition of land areas required to implement this policy, the developer may be  
251 required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds,  
252 public ways, utility easements and other public purposes as specified.

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253 **13-1-080: GENERAL RESPONSIBILITIES:**

254 A. Developer: The developer shall prepare a plat consistent with the standards contained herein and  
255 shall pay for the design and inspection of the essential infrastructure improvements required. The city  
256 shall process said plats in accordance with the regulations set forth herein. The developer shall not alter  
257 the terrain or remove any vegetation from the proposed subdivision site or engage in any site  
258 development until the necessary approvals as outlined herein have been obtained.

259 B. Development Review Committee (DRC): The development review committee, consisting of  
260 representatives from city departments as required by the City Manager and as applicable to each  
261 development application, shall review the plats for design; for conformity to the general plan, town  
262 center master plan, or other applicable plans, and to the land use ordinance; for the environmental  
263 quality of the subdivision design; and shall process the subdivision plats and reports as provided for in  
264 this title.

265 C. Other Agencies: Plats of proposed subdivisions may be referred by the development review  
266 committee to such special districts, governmental boards, bureaus, utility companies and other agencies  
267 which will provide public and private facilities and services to the subdivision for their information and  
268 comment. Developers shall be responsible for distributing plans to and coordinating the comments  
269 received from all public and private entities and obtaining will-serve letters or permits, as applicable.

270 D. Public Works And Engineer: The public works department and city engineer shall make comments as  
271 to engineering requirements for street widths, grades, alignments and flood control, whether the  
272 proposed essential infrastructure improvements are consistent with this title and other applicable  
273 ordinances and shall be responsible for the inspection and approval of all construction of essential  
274 improvements. Street layout and overall circulation shall be in accord with adopted transportation plans  
275 and sound transportation planning principles.

276 E. Planning Commission: The planning commission shall act the land use authority for minor  
277 subdivisions, preliminary and final plats, and plat amendments which do not include the vacation of any  
278 public right of way, public trail or municipal utility easement. The planning commission shall act as an  
279 advisory agency to the city council for conceptual subdivision plans and plat amendments which include  
280 the vacation of any public right of way, public trail or municipal utility easement. It is charged with  
281 making investigations, reports and findings on proposed subdivisions as to their conformance to the  
282 general plan, town center master plan and land use ordinance, and other pertinent plans, ordinances, or  
283 regulations.

284 F. City Attorney: The city attorney shall verify, prior to recordation of a plat, that the form of the final  
285 plat is correct and acceptable, that the developer dedicating land for use of the public is the owner of  
286 record, and that the land is free and clear of unacceptable encumbrances, tax clearances according to  
287 the title report submitted by the developer.

288 G. City Manager: The city manager acts as liaison between the planning commission, development  
289 review committee, and the city council. Prior to preliminary approval for a subdivision, the city manager  
290 may review the proposed plat and receive written comments from the city council on the plat. The  
291 comments may then be forwarded to the planning commission for evaluation.

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292 H. City Council: The city council has final jurisdiction in the approval of conceptual plans and plat  
293 amendments which include the vacation of any public right of way, public trail or municipal utility  
294 easement, the establishment of requirements and design standards for essential infrastructure  
295 improvements, and the acceptance of lands and essential infrastructure improvements that may be  
296 proposed for dedication, and shall consider appeals regarding the administration of this title as provided  
297 herein.

298 **13-1-090: APPEAL OF PLANNING COMMISSION DECISIONS:**

299 A. City Council: Appeal may be made to the city council from any decision, determination or  
300 requirement of the planning commission under this title by filing with the city recorder a notice thereof  
301 in writing within fifteen (15) days after such decision, determination or requirement is made. Such  
302 notice shall set forth in detail the action and grounds upon which the developer, or other interested  
303 person, deems himself or herself aggrieved. In the event of an appeal, application deadlines set forth in  
304 this title shall be extended to incorporate the time necessary to hear and consider such appeals.

305 B. Hearing: The city recorder shall set the appeal for hearing before the city council to be held within a  
306 reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be continued  
307 by order of the city council. The appellant shall be notified of the appeal hearing date at least seven (7)  
308 days prior to the hearing. After hearing the appeal, the city council may affirm, modify or overrule the  
309 decision, determination or requirement appealed and enter any such order or orders as are in harmony  
310 with the spirit and purpose of this title. The filing of an appeal shall stay all proceedings and actions in  
311 furtherance of the matter appealed, pending a decision of the city council.

312 **13-1-100: APPEAL FROM CITY COUNCIL DECISION: [existing language from 10-7-7(l)]**

313 A.1. If the petitioner, or any notified individual or organization disagrees with the city council decision, a  
314 written objection, clearly specifying the reasons therefor, shall be filed with the city recorder within ten  
315 (10) days following the city council decision.

316 B.2. The objection shall be heard before the hearing officer at a scheduled meeting. (Ord. 2012-07, 4-30-  
317 2012)

318

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**13-2: ADMINISTRATION AND APPLICATION**

**13-2-010: SUBDIVISION CONTROL:**

**13-2-020: REQUIRED PLAT APPROVAL:**

**13-2-030: TRANSFER OF LAND:**

**13-2-040: TRANSFER OF LAND; VOIDABLE:**

**13-2-050: BUILDING PERMITS:**

**13-2-060: CERTIFICATES OF OCCUPANCY:**

**13-2-070: PENALTIES:**

**10-7-1: GENERAL PROVISIONS:**

**10-7-3: GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS:**

**10-7-7: SUBDIVISIONS (LAND DEVELOPMENT):**

**10-7-8: FLAG LOTS:**

**10-7-7: SUBDIVISIONS (LAND DEVELOPMENT):**

**13-2-010: SUBDIVISION CONTROL:**A. Scope Of Section: **[existing language from 10-7-7(A)]**

**A1.** Compliance Required: No person shall subdivide or otherwise develop any tract of land which is located wholly or in part within the City, except in compliance with this title, and with the development regulations adopted by the City Council.

**B2.** Applicability:

**1.a.** No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a development of a larger tract of land, nor offer for recording in the Office of the County Recorder any deed conveying such parcel of land, or any interest therein, unless such development has been created pursuant to and in accordance with the provisions of this title and local regulations; provided, that this title shall not apply to any lot or lots forming a part of a development created and recorded according to then applicable law prior to the effective date hereof, except as specifically provided in this title.

**2.b.** This title shall apply, however, to lots created prior to adoption of this title and not in compliance with then applicable law.

**C.3.** Approval Required: No lot within a development created and recorded prior to the effective date hereof or approved by the Planning Commission and City Council and recorded in the County Recorder's Office under the provisions of this title, shall be further divided, rearranged, added to or reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval **required hereinafter of the Planning Commission and the City Council.**

**D.4.** Restricted Lots: Restricted lots are prohibited unless geotechnical design solutions to problems associated with such lots have been prepared by a qualified professional team and approved by the Planning Commission **in accordance with Title 10 Chapter 12 Sensitive Lands Overlay and Geologic Hazards.**

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357 **13-2-020: REQUIRED PLAT APPROVAL** ~~C. Maps And Plats Required:~~ [existing language from 10-7-7(C)]

358 ~~A.1.~~ Content: Whenever any lands are laid out and platted, the owner of those lands shall cause an  
359 accurate ~~map or~~ plat to be made of them that sets forth and describes:

360 ~~1.a.~~ All parcels of ground laid out and platted, by their boundaries, course and extent, and whether  
361 they are intended for streets or other public uses, together with any areas that are reserved for  
362 public purposes; and

363 ~~2.b.~~ All blocks and lots intended for sale, by number, and their precise length and width.

364 ~~B.2.~~ Acknowledgment Required: The owner of the land shall acknowledge the ~~map or~~ plat before an  
365 officer authorized by law to take acknowledgment of conveyances of real estate:

366 ~~1.a.~~ The surveyor making the ~~map or~~ plat shall certify it.

367 ~~2.b.~~ The city council shall approve the ~~map or~~ plat as provided by law.

368 ~~C.3.~~ Filing And Recording: After the ~~map or~~ plat has been acknowledged, certified and approved, the city  
369 recorder ~~owner of the land, under the city's direction~~, shall file and record it in the county recorder's  
370 office in the county in which the lands platted and laid out are situated. The owner shall pay the expense  
371 of such recording.

372 ~~D. PLAT EXPIRATION G. Recording Final Plat: The city council shall supervise, at the direction of the~~  
373 ~~owner, the~~ The recording of the final plat ~~or map with the county recorder, which~~ is to be done within  
374 ~~thirty-one hundred eighty (30180)~~ calendar days of the completed approval of the final plat by the ~~city~~  
375 ~~council~~ land use authority. Failure to record the final plat within the allotted time required shall void all  
376 approvals for the subdivision. The owner shall pay the expense of such recording. Prior to the expiration  
377 of the final plat approval, the owner or developer may request a onetime extension of one hundred  
378 eighty (180) days, by submitting to the land use authority a written request of the owner or developer  
379 explaining the reasons for the delay. The development review committee shall prepare an analysis of  
380 any amendments to the city code regulations or standards and their effect on the subdivision. If such  
381 amendments to the city regulations or standards are essential to protecting the health, safety, and  
382 welfare of the citizens, the land use authority shall not grant the extension unless the final plat conforms  
383 to the new regulations or standards.

384 ~~E.D.~~ Subdivision Approval Procedure: No one may file or record a plat of a subdivision of land in the  
385 county recorder's office unless:

386 1. Approval Required: It has been approved by:

387 a. The city council, acting as the city land use authority; or

388 b. Other ~~officers~~ land use authority that the city council designates in an ordinance; and

389 2. Written Approval: The approvals are entered in writing on the plat by the mayor ~~or chairperson of~~  
390 ~~the city council~~ or by other officers designated in the ordinance.

391 ~~E. Exemptions From Plat Requirement: Any land divided for any purpose into two (2) or more parts after~~  
392 ~~the passage of this title shall be subject to the provisions and regulations of this title, except:~~

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393 ~~1. Quarter Section Boundaries: Land divided into parcels, the smallest of which equals or exceeds~~  
394 ~~one fourth ( $\frac{1}{4}$ ) of a standard section, the boundaries of said parcels to coincide with standard~~  
395 ~~boundaries for the division of sections, i.e., one fourth ( $\frac{1}{4}$ ) section boundaries.~~

396 ~~2. Less Than Ten Lots: In subdivisions of less than ten (10) lots, land may be sold by metes and~~  
397 ~~bounds, without the necessity of recording if:~~

398 ~~a. The subdivision layout has been approved in writing by the planning commission;~~

399 ~~b. The subdivision is not traversed by mapped lines of a proposed street as shown in the general~~  
400 ~~plan, trails as shown in the parks, trails and recreation study and plan, and does not require the~~  
401 ~~dedication of any land for street or other public purposes; and~~

402 ~~c. If the subdivision is located in a zoned area, each lot on the subdivision meets the frontage,~~  
403 ~~width and area requirements of the zoning district in which it is located or has been granted a~~  
404 ~~variance from those requirements by the hearing officer.~~

405 **13-2-030: TRANSFER OF LAND:**

406 Land shall not be transferred, sold or offered for sale, nor shall a building permit be issued for a  
407 structure thereon, until the final subdivision plat is recorded in the county recorder's office in  
408 accordance with this title and any applicable provisions of state law, and until the improvements  
409 required in connection with the subdivision have been constructed or guaranteed as provided herein.

410 **13-2-040: TRANSFER OF LAND; VOIDABLE:**

411 No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions  
412 of this title. Any deed or conveyance, sale or contract to sell made contrary to the provisions of this title  
413 is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal  
414 representative, or trustee in bankruptcy, within one year after the date of execution of the deed of  
415 conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon  
416 any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those  
417 above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or  
418 devisee.

419 **13-2-050: BUILDING PERMITS:**

420 A. Requirements:

421 1. No building permit shall be issued for any structure within a subdivision until the final subdivision  
422 plat is recorded in the county recorder's office, a bond is provided acceptable to the city ensuring  
423 the adequate installation of required essential infrastructure improvements and utilities, and the  
424 required improvements and utilities have been installed and are operable as provided herein and as  
425 deemed essential infrastructure (defined by State Code 10-9a-802, as amended) which is necessary  
426 to meet the requirements for of the building code and fire code.

427 2. No building permit shall be issued for any structure within a subdivision until all sanitary sewer,  
428 storm sewer, culinary water lines, pressure irrigation (if applicable), fire hydrants, curb and gutter,  
429 streets, other underground utilities located under the street surface, and required grading and

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430 drainage improvements, are installed and fully functional, as determined by the city, providing  
431 continuous access and/or service to the lot.

432 3. Notwithstanding the foregoing, for lots fronting existing streets that obtain access only from that  
433 street and have existing fully functional utilities, the building official may issue permits, subject to  
434 compliance with applicable requirements, including adequate access for emergency vehicles.

435 B. Issuance Prior To Street Surfacing: A building permit may be issued by the city for the construction of  
436 a structure within a subdivision prior to application of hard surfacing of the streets within the  
437 subdivision under the following conditions:

438 1. The street improvements are being constructed during the months when cold weather prohibits  
439 the laying of a hard surface on the street.

440 2. The streets shall be completed with all utilities, rough grading, and all weather road base  
441 sufficient for emergency vehicle access and construction traffic. Sufficiency of the road base,  
442 including road base gradation and thickness, shall be determined by the city engineer upon review  
443 and consideration of applicable soils reports, drainage factors and existing topographic conditions of  
444 the property.

445 3. The developer enters into an agreement with the city that the developer will take responsibility to  
446 ensure that the road is accessible for emergency vehicles and construction traffic at all times,  
447 including snow removal and other required maintenance.

448 4. The developer enters into an agreement with the city that developer will hard surface the road as  
449 soon as weather permits and as authorized by the city. If developer fails to do so, the city can  
450 declare the developer in default of the applicable improvements bond agreement and may  
451 withdraw any or all of the funds from the bond and cause the improvements to the street to be  
452 constructed, completed and/or repaired in accordance with the terms and procedures set forth in  
453 the bond agreement for the withdrawal of funds.

454 5. The building contractor, property owner and building permit applicant enters into an assumption  
455 of risk agreement acknowledging the lack of hard surface streets within the subdivision and  
456 developer's obligation regarding maintenance and access of the same and assuming the risk of  
457 proceeding with construction under such circumstances pursuant to the terms and conditions set  
458 forth herein.

459 6. Prior to hard surfacing road, the city engineer shall inspect road conditions for road base  
460 contamination, rutting, or other deficiencies. Any deficiencies found shall be repaired in a manner  
461 required by the city engineer and approved prior to any paving.

462 67. No certificate of occupancy shall be granted by the city for any structure within the subdivision  
463 until all streets are hard surfaced.

464 **13-2-060: CERTIFICATES OF OCCUPANCY:**

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465 No building within a subdivision shall be occupied until a certificate of occupancy has been issued for  
466 such structure by the city. No certificate of occupancy shall be issued for any structure within a  
467 subdivision by the city until all required improvements for the subdivision are complete, including the  
468 hard surfacing of the streets, all required street signs are installed for the subdivision and house  
469 numbers are placed on the structure, all required utilities are installed providing service to the structure,  
470 and all other applicable ordinance provisions have been satisfied.

471 **13-2-070: PENALTIES:**

472 Any person found in violation of this title shall be subject to penalty as provided in Title 12 of this Code  
473 or may be subject to criminal prosecution as it shall be a class C misdemeanor for any person to fail to  
474 comply with the provisions of this title.—In addition to any criminal prosecution, the city may pursue any  
475 other legal remedies provided by law to ensure compliance with this title, including, but not limited to,  
476 instituting an injunction, mandamus, abatement or other appropriate actions, or proceedings to  
477 prevent, enjoin, abate or remove the unlawful use or act.

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**13-3: CONCEPTUAL DEVELOPMENT PLAN:**

**13-3-010: CONCEPTUAL PLAN:**

**13-3-020: STAFF CANNOT BIND CITY:**

**13-3-030: VESTED RIGHTS:**

**13-3-040: SUBMISSION:**

**13-3-050: NOTIFICATION:**

**13-3-060: REVIEW BY THE PLANNING COMMISSION:**

**13-3-070: APPROVAL BY THE CITY COUNCIL:**

**13-3-080: EXPIRATION OF CONCEPTUAL PLAN APPROVAL:**

**13-3-010: CONCEPTUAL PLAN:**

A conceptual development plan shall be required of all developers. This provides the developer with an opportunity to consult with and receive assistance from the city regarding the regulations and design requirements applicable to the subdivision of property and facilitates resolution of problems and revisions before the preparation of a preliminary plat preliminary design plan. The conceptual plan should be based on an accurate survey showing boundaries, topography, important physical features, adjacent properties and the sketch of the proposed subdivision. The applicant or applicant's duly authorized agent shall submit an application to the community development department for conceptual plan approval and at the same time, the applicant shall pay an application fee as provided in the city's consolidated fee schedule.

**13-3-020: STAFF CANNOT BIND CITY:**

The conceptual plan requirement is designed to provide the developer with helpful information and suggestions before the expense and time involved in preparing a preliminary plat preliminary design plan is incurred. However, only the city council may bind the city and the planning commission can make official recommendations to the city council. City employees and all other officers of the city act in advisory capacity to the city council and have no authority to make binding decisions or to make authoritative representations, approvals or determinations. Employees and officers of the city may make recommendations, suggestions, and dispense information regarding city ordinances, the general plan, or other adopted policy documents, but such comments shall in no way whatsoever be binding on the city.

**13-3-030: VESTED RIGHTS:**

Submission of a conceptual plan shall in no way confer any vested rights upon the developer. Vested rights may attach only upon the filing of a subdivision plan under chapter 4, 5, 6 or 7 of this title, and the subdivision being able to meet the requirements of this title and other applicable ordinances at the time of the application. However, if there is a compelling, countervailing public interest or the city has initiated proceedings to amend this title or other applicable ordinances at the time of the application, then there shall be no vested rights.

**13-3-040: SUBMISSION:**

**~~10-3-3: STEP 1 - CONCEPT PLAN:~~**

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517 ~~A. Submit concept plan to zoning administrator. Applicants~~ The developer shall submit ~~a the proposed~~  
518 conceptual plan which will enable a review of a proposed project for general scope and conditions which  
519 might impact the proposed project and the city. ~~The community development department will~~  
520 determined if the appropriate plan and application is submitted, if the application is complete and if all  
521 the fees have been paid. If the application is deemed to be incomplete the applicant shall be notified in  
522 writing within ten (10) days of the application date, or as reasonably practical upon discovery of a  
523 deficiency. The planning commission shall either recommend the plan or recommend the plan with  
524 conditions to the city council, or reject the concept plan. The city council shall either approve the  
525 concept plan or approve the concept plan with conditions or reject the concept plan.

526 ~~B.A.~~ Document Requirements: The following items shall be submitted to the ~~zoning~~  
527 ~~administrator~~community development department for conceptual plan review:

528 1. An application form, as provided by the city detailing for concept plan approval explaining the  
529 proposed project development and addressing the following:-

530 a. A general explanation of the project size, scope, and land uses;

531 b. Identification of any potential impacts or conflicts with adjacent land uses, along with  
532 proposed mitigation all adverse aspects of the plan;

533 c. Identification of any known or potential geologic hazards on the property or within the  
534 development area in general;

535 d. A statement regarding the proposed development, it's conformance to the existing zoning  
536 and general plan or other adopted plans or policies, and identifying any opportunity for the  
537 provision of housing which meet the goals and objectives of the city's moderate income housing  
538 plan.

539 e. Any additional pertinent information related to the project.

540 2. ~~A competent environmental impact report will be prepared by the applicant or the city and other~~  
541 ~~appropriate agencies that have pertinent information and/or jurisdiction regarding subject project.~~  
542 ~~The city may elect to prepare or evaluate the environmental impact report and charge the applicant~~  
543 ~~for the associated costs. Developments requiring an environmental impact report include the~~  
544 ~~following, except where the planning commission determines the scope may be reduced or waived:-~~

545 ~~a. Subdivisions;~~

546 ~~b. Mobile home parks, etc.;~~

547 ~~c. Any large development over five (5) acres; or~~

548 ~~d. When subject site has been determined to be a sensitive area under the provisions of this title; or~~

549 ~~e. Is such in the opinion of the zoning administrator.~~

550 2. Two (2) 24" x 35" copies and one (1) 11" x 17" copy of the conceptual plan and one electronic  
551 copy of all required documents.

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552 3. Stamped, addressed envelopes for property owners within 300 feet of the boundary of the  
553 proposed subdivision and all property owners within the project boundary.

554 ~~4. The applicant will address identified conflicts and mitigate all adverse aspects of the plan.~~

555 ~~4.7. Sketch/site~~Conceptual plan set. ~~A scaled drawing of and information pertaining to a proposed~~  
556 ~~development site. A site plan~~ shall include the following:

557 a.5. Location map~~Cover Sheet~~ which includes the following:

558 (1) The proposed project name, approximate address of the project, and the relevant  
559 parcels within the project; A map showing where the project is located with the proposed  
560 name.

561 (2) Vicinity plan. An aerial map at a scale of one inch equals one hundred feet (1" = 100')  
562 or other competent base map showing the area within six hundred feet (600') of the project  
563 boundaries giving context to the proposed development;

564 (3) Drawing index;

565 (4) Developer name, address, and phone number;

566 (5) Property owner name, address, and phone number, if different from the developer;

567 (6) General Notes regarding the project; and

568 (7) Boundaries of zoning districts, Taxing and other special districts

569 (8) The name, address, and phone number of the engineer or surveyor who prepared the  
570 conceptual plan set.

571 b. Existing Conditions or Demolition Plan. The following shall be drawn to scale:

572 (1) Existing topographic contours at no greater interval than two feet (2')

573 (2) Existing buildings, utilities, and improvements;

574 (3) Location of the type of existing culinary and irrigation water systems and  
575 points of proposed connection and extension; also, documentation of water  
576 rights and secondary water shares;

577 (4) Location and size of existing utility services and proposed connection and extension  
578 (water, sewer, power, gas, telephone cable) lines;

579 ~~p. Location of proposed or sewer connection;~~

580 (5) Watercourses, impoundments, streams, springs, wells, floodplains, and areas subject to  
581 continuous or occasional flooding, including those portions of the property which are  
582 included in the most recent flood insurance rate maps prepared by FEMA;

583 (6) Significant vegetative patterns;

584 (7) Geologic hazards, formations and soils type;

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- 585 ~~g. A description of those portions of the property which are included in the most recent~~  
586 ~~flood insurance rate maps prepared by FEMA;~~
- 587 ~~(7)j. Public and private easements related to site, including trails and parks as identified~~  
588 ~~within the adopted general plan or other adopted plans or policies documents; indicated in~~  
589 ~~the parks, trails and recreation study and plan; (Ord. 05-14, 12-13-2005)~~
- 590 ~~(8)k. Existing survey monuments;~~
- 591 c. Conceptual Site Plan. The following elements shall be drawn to a scale of a minimum 1"=30'  
592 on said map:
- 593 ~~(1)k. North arrow and scale;~~
- 594 ~~(2)j. Names of all abutting property owners;~~
- 595 ~~(3)e. The dimensions of the site and total acreage, with proposed density;~~
- 596 ~~(4)e. A proposed lot layout showing approximate size of each lot;~~
- 597 ~~(5)a. Location of existing and pProposed streets, trails, and sidewalks;~~
- 598 ~~i. Locations and names of existing and proposed streets;~~
- 599 ~~(6)b. Proposed bBuildings, or building envelopes, as applicable (not already shown);~~
- 600 ~~(7)e. Proposed pPublic facilities and open spaces;~~
- 601 ~~(8)n. Location of proposed parking;~~
- 602 ~~(9)q. Preliminary location of all proposed on site uses and desired improvements, including~~  
603 ~~any (and off site improvements if considered essential to the project, at this stage).~~
- 604 ~~(10) Any additional informationThe plan is to which will convey information that is necessary~~  
605 ~~to determine feasibility and identify problems that need to be solved addressed on in the~~  
606 ~~preliminary plat preliminary design plan. design plan.~~
- 607 ~~g. Watercourses, impoundments, streams, springs, wells, floodplains, and areas subject to~~  
608 ~~continuous or occasional flooding;~~
- 609 ~~h. Significant vegetative patterns;~~
- 610 ~~i. Geologic hazards, formations and soils type;~~
- 611 ~~(4)j. Names of all property owners within three hundred feet (300');~~
- 612 ~~k. North arrow;~~
- 613 ~~l. Topographic contours at no greater interval than two feet (2').~~
- 614 ~~a. The name, telephone number and business address of the developer and owner;~~
- 615 ~~b. The name, telephone number and business address of the project designer;~~

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617 ~~d. North arrow and scale of the drawing;~~

618 ~~h. Locations and names of existing and proposed buildings;~~

619 (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

620 ~~m. Location and description of existing and proposed vegetation;~~

621 **13-3-050: NOTIFICATION:**

622 **B. Concept Plan Review:**

623 ~~1.A.~~ Upon receipt of the complete concept plan application, the ~~zoning administrator~~community  
624 development director shall distribute copies of the conceptual plan application to the development  
625 review committee, and other agencies and, as applicable, to the parks, trails, arts and recreation  
626 advisory board for review and comment. (Ord. 05-14, 12-13-2005; amd. 2012 Code; Ord. 2014-01, 1-7-  
627 2014)

628 **B. Public Comment Period.** The ~~city~~community development department shall notify all appropriate  
629 agencies or other parties with legitimate interests and all landowners of property located within three  
630 hundred feet (300') of the boundary of the proposed development. Notified parties shall have fourteen  
631 (14) days to submit written comments limited to environmental concerns on the following topics:

632 ~~a1.~~ a1. Erosion, dust, soils and topsoil loss;

633 ~~b2.~~ b2. Grades, slope stability and geologic hazards;

634 ~~c3.~~ c3. Groundwater, watercourses, flood hazards and areas;

635 ~~d4.~~ d4. Vegetative types;

636 ~~e5.~~ e5. Wildlife and habitat;

637 ~~f6.~~ f6. Essential urban services presently available;

638 ~~g7.~~ g7. Fire potential;

639 ~~h8.~~ h8. Accumulation of solid and liquid wastes;

640 ~~i9.~~ i9. Potential area wide economic impact of the development.

641 **13-3-060: REVIEW BY THE PLANNING COMMISSION:**

642 **A. Scope Of Review:** Conceptual plan shall be reviewed for compliance with the city general plan, land  
643 use ordinance, this title, and other appropriate regulations. The planning commission may recommend  
644 approval or denial to the city council, and shall make findings regarding the submitted conceptual plan,  
645 specifying any inadequacy in the information submitted, noncompliance with city regulations,  
646 questionable or undesirable design and/or engineering, and the need for any additional information  
647 which may assist the planning commission to evaluate the proposed subdivision and in making a  
648 recommendation to the city council.

649 ~~B.2.~~ The ~~zoning administrator~~development review committee (DRC) shall review the conceptual plan  
650 application for compliance with all applicable regulations. ~~The zoning administrator and~~ shall notify the

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651 developer of ~~approval or denial (for noncompliance)~~, the concept plan review findings, redlines and  
652 comments, and ~~the need for~~identify any other information necessary for review by ~~which may assist~~ the  
653 planning commission to evaluate the proposed development.

654 ~~3. Where it is determined by the planning commission or zoning administrator after review of the~~  
655 ~~concept plan that one or more of the application requirements and procedural steps are not applicable~~  
656 ~~to the project under consideration, such requirements may be waived.~~

657 C. The developer shall be afforded a reasonable period of time to submit corrected drawings and  
658 documents which address the DRC findings, redlines comments, and requested information.

659 D. The DRC shall review any corrected drawings or documents within ten (10) days of receipt and  
660 provide additional feedback to the developer regarding findings of compliance with city regulations and  
661 confirming the date for review by the Planning Commission.

662 E. If the DRC finds that the application is not in compliance with city regulations for conceptual plan  
663 review, the developer shall be provided notice in writing of corrective actions required prior to  
664 placement on the planning commission agenda.

665 F. Timely review:

666 1. If the developer disagrees with the DRC regarding compliance with city regulations for conceptual  
667 plan review, the developer may file a written request for formal review by the planning commission  
668 and final decision within forty-five (45) days of the submittal of the written request [USC 10-9a-  
669 509.5(2)]. The planning commission shall review the application for compliance with city regulations  
670 and shall within thirty (30) days from the written request take one of the following actions:

671 a. Upon request by the developer and in deference to the required forty-five (45) day final  
672 approval deadline, table action on the conceptual plan application to allow modifications to the  
673 plan by the developer for further review;

674 b. Recommend to the City Council denial of the conceptual plan and provide written findings  
675 demonstrating the city regulations which are not in compliance; or

676 c. Recommend to the City Council approval of the conceptual plan with findings of compliance  
677 and where applicable conditions necessary to ensure compliance with city regulations.

678 2. If a developer files a written request for final action in accordance with USC 0-9a-509.5(2), as  
679 amended, the City Council shall take final action on the conceptual plan application within forty-five  
680 (45) days of the date of the written request.

681 F. Additional Information: The planning commission may require additional information, data or studies  
682 to be provided to the planning commission by the developer for the overall development before any  
683 recommendation is given by the planning commission to the city council and the planning commission  
684 may include requirements for the overall development as part of its findings on the concept plan.

685 ~~8. Upon request of the planning commission, a market analysis can be required for large scale~~  
686 ~~developments, subdivisions, mobile home parks and recreational vehicle parks. (Ord. 93-5, 7-6-~~  
687 ~~1993, eff. 7-15-1993)~~

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688 G9. Where the proposed development boundaries are within the city sensitive lands area, ~~conceptual~~  
689 plan approval shall be conditioned upon submittal and approval of a ~~soil/geologic~~geologic hazards  
690 report as outlined in ~~the North Salt Lake City Code Title 10, chapter 12~~Chapter 12 of this title shall be  
691 submitted. This requirement may be waived by the planning commission if the ~~proposed development is~~  
692 five (5) acres or less and is recommended by the city engineer. (Ord. 01-05, 4-3-2001)

693 **13-3-070: APPROVAL BY THE CITY COUNCIL:**

694 A. Scope Of Approval: After receiving a recommendation from the planning commission, the city council  
695 may grant or deny conceptual plan approval for the proposed subdivision and may adopt, amend or  
696 reject any of the findings and conditions made by the planning commission regarding the submitted  
697 conceptual plan.

698 B. Denial: If the city council denies conceptual plan approval, no further review of the proposed  
699 subdivision shall be made by the city council, and a new conceptual plan submittal shall be required to  
700 reinitiate the subdivision process.

701 C. ~~Concept Plan~~Limitation of Approval:

702 ~~1. Granting of A denied or denial of a~~ conceptual plan ~~by the city council~~ shall not constitute an absolute  
703 approval or disapproval of the proposed development, but rather shall operate in a manner as to give  
704 the developer ~~general~~ guidance ~~as~~ to the requirements and constraints for development within the city.  
705 (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

706 **13-3-080: EXPIRATION OF CONCEPTUAL PLAN APPROVAL:**

707 Once conceptual plan approval has been granted, the developer may apply for ~~preliminary~~  
708 ~~plat~~preliminary design plan approval consistent with the conceptual plan. If ~~preliminary plat~~preliminary  
709 design plan approval for any portion of an approved conceptual plan has not been obtained within  
710 twelve (12) months of the date on which conceptual plan approval was granted, a resubmittal and  
711 reapproval of the conceptual plan ~~may be~~shall be required by the city.

712 2. The developer may apply for preliminary design plan approval after concept plan approval is  
713 granted. (Ord. 01-05, 4-3-2001)

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**13-4: MINOR SUBDIVISIONS**

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13-4-010: PURPOSE:

13-4-020: REQUIREMENTS FOR MINOR SUBDIVISIONS:

13-4-030: APPLICABILITY:

13-4-040: CONCEPTUAL PLAN REQUIRED:

13-4-050: MINOR SUBDIVISION APPLICATION:

13-4-060: **DEVELOPMENT** REVIEW:

13-4-070: PLANNING COMMISSION ACTION:

13-4-080: EXPIRATION OF FINAL APPROVAL:

13-4-090: BOND AGREEMENT:

13-4-100: PLAT REQUIREMENTS:

13-4-110: RECORDING OF PLAT:

**13-4-010: PURPOSE:**

The intent of this chapter is to provide an efficient review process for minor subdivisions. Minor subdivisions include those developments of less than ten (10) lots which also meet the requirements set forth herein. In this process, the preliminary and final plats, required for most subdivisions, are simplified and combined.

**13-4-020: REQUIREMENTS FOR MINOR SUBDIVISIONS:**

An owner of property located within the City of North Salt Lake may submit an application for a minor subdivision; provided, that the property to be subdivided meets the following conditions:

A. Less than ten (10) lots shall be created in the subdivision;

B. The subdivision shall not require the dedication of any land for public streets or other public purposes;

C. The area to be subdivided shall be immediately adjacent to existing public streets and utilities and shall not require the extension of any such streets or utilities. The developer shall be required to complete any essential infrastructure improvements on an existing street which are not in place at the time the application to develop a minor subdivision is made. Such improvements shall include any necessary storm drainage facilities, curb, gutter, sidewalk, trail, park strip, including landscaping, and asphalt paving;

D. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan;

E. The proposed minor subdivision shall conform to the general character of the surrounding area. New lot lines shall conform to the general pattern of existing lot lines;

F. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the zoning ordinance; and

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753 G. Utility easements shall be dedicated.

754 **13-4-030: APPLICABILITY:**

755 The procedures set forth in this chapter shall govern the processing of, and the requirements pertaining  
756 to, minor subdivisions, and shall take precedence over any other provisions to the contrary.

757 **13-4-040: CONCEPTUAL PLAN REQUIRED:**

758 Prior to filing a minor subdivision application, all developers of proposed minor subdivisions shall be  
759 required to complete a conceptual plan as set forth in this title.

760 **13-4-050: MINOR SUBDIVISION APPLICATION:**

761 All developers of proposed minor subdivisions shall submit a minor subdivision application on a form  
762 provided by the city. The application shall include two (2) 24" x 35" copies and one (1) 11" x 17" copy of  
763 the plat and one electronic copy of all required documents meeting the requirements of section 13-4-  
764 100 of this chapter. If essential infrastructure improvements, as specified within this chapter, are  
765 required, the application shall be accompanied by improvement drawings for such improvements. The  
766 city engineer may require that a soil report be provide which meets the requirements set forth in  
767 section 13-5-040 of this title be provided. At the time the application is submitted, the developer shall  
768 pay the appropriate application fee as set forth in the city's consolidated fee schedule.

769 The community development department will determined if the appropriate plan and application is  
770 submitted, if the application is complete and if all the fees have been paid. If the application is deemed  
771 to be incomplete the applicant shall be notified in writing within ten (10) days of the application date, or  
772 as reasonably practical upon discovery of a deficiency.

773 **13-4-060: DEVELOPMENT REVIEW:**

774 Within a reasonable time after receipt of a minor subdivision application and comments and/or  
775 approval from all appropriate reviewing entities, the development review committee shall include the  
776 application on the planning commission agenda and prepare a report on the application's compliance  
777 with the general plan, city ordinances, rules and regulations. The developer's application and the report  
778 of the community development department shall then be presented to the planning commission.

779 **13-4-070: PLANNING COMMISSION ACTION:**

780 A. Scope Of Action: Within a reasonable time following the receipt of an application for minor  
781 subdivision approval from the community development department, the planning commission shall act  
782 thereon. The planning commission shall assure that the plat is in conformity with the requirements of  
783 this chapter and title, other applicable ordinances or regulations, and any conditions of approval  
784 deemed necessary by the planning commission. If the planning commission finds that the proposed plat  
785 complies with the requirements of this title and that it is satisfied with the plat of the subdivision, it shall  
786 approve or approve with conditions the minor plat subdivision.

787 B. Disapproval: If the planning commission determines that the proposed plat is not in conformity with  
788 the ordinances of the city or any reasonable conditions imposed, it shall not approve the plat, specifying  
789 the reasons for such disapproval. If a proposed plat is disapproved by the planning commission, no

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790 further plat shall be submitted and a new minor subdivision application shall be required to initiate  
791 minor subdivision approval, including the payment of the required fee.

### 792 13-4-080: EXPIRATION OF FINAL APPROVAL:

793 If the plat is not recorded within six (6) months from the date of planning commission approval, such  
794 approval shall be null and void. This time period may be extended for additional six (6) month periods by  
795 the city manager. The developer must petition for an extension, prior to the expiration of the original six  
796 (6) months, or an extension previously granted. An extension may be granted only if it is determined  
797 that it will not be detrimental to the city. If any of the fees charged as a condition of subdivision  
798 approval, including, but not limited to, inspection fees, park fees, impact fees, as well as the amounts  
799 the city uses to estimate bonds to insure completion of improvements have increased, the city manager  
800 may require that the bond estimate be recalculated and that the developer pay any applicable fee  
801 increases as a condition of granting the extension.

### 802 13-4-090: BOND AGREEMENT:

803 In the event essential infrastructure improvements are required within the subdivision, the developer  
804 shall comply with the bond requirements of section 13-5-140 of this title.

### 805 13-4-100: PLAT REQUIREMENTS:

806 A. Contents: Each plat submitted under this chapter shall, at a minimum, contain the following:

- 807 1. The boundaries, courses and dimensions of the parcels of ground to be subdivided;
- 808 2. The number, temporary-address and length and width of the blocks and lots intended for sale;
- 809 3. Existing right of way and easement grants of record for underground facilities, as defined in Utah  
810 Code Annotated section 54-8a-2, and for other utility facilities;
- 811 4. An acknowledgment from the owner(s) of the property to be subdivided acknowledging the  
812 preparation of the plat and the owner's consent to subdivide the parcel as shown on the plat;
- 813 5. A certification from the surveyor preparing the plat; and
- 814 6. Signatures from owners or operators of all underground facilities and utility providers approving of  
815 the plat and the dedication of the required easements thereon.
- 816 6. Davis County shall be added to all angle points to the exterior boundary of the subdivision.

817 B. Additional Requirements: In addition to the plat requirements of subsection A of this section, the plat  
818 shall comply with any of the requirements set forth in section 13-5-110 of this title.

### 819 13-4-110: RECORDING OF PLAT:

820 Upon approval of a minor subdivision application under this chapter, and approval of a proposed plat  
821 prepared in accordance with this chapter, the developer shall provide the city with a current title report

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822 to be reviewed by the city attorney. A "current title report" is considered to be one which is prepared  
823 and dated not more than thirty (30) days before the proposed recordation of the final plat. Once title to  
824 the property has been approved by the city attorney, the approved plat shall be signed by the mayor  
825 and may then be recorded with the Davis County recorder's office.

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**13-5: MAJOR SUBDIVISIONS**

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13-5-010: PRELIMINARY PLAT ~~PRELIMINARY DESIGN PLAN~~; PURPOSE:

13-5-020: APPLICATION AND FEES:

13-5-030: PRELIMINARY PLAT ~~PRELIMINARY DESIGN PLAN~~; PREPARATION AND REQUIRED INFORMATION:

13-5-040: EVALUATION OF PRELIMINARY PLAT ~~PRELIMINARY DESIGN PLAN~~:

13-5-050: PLANNING COMMISSION ACTION; PRELIMINARY PLAT ~~PRELIMINARY DESIGN PLAN~~:

13-5-060: NOTIFICATION OF ACTION:

13-5-070: EFFECT OF APPROVAL OF THE PRELIMINARY PLAT ~~PRELIMINARY DESIGN PLAN~~:

13-5-080: FINAL PLAT; PURPOSE:

13-5-090: FILING DEADLINE, APPLICATION AND FEES:

13-5-100: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

13-5-110: EVALUATION OF FINAL PLAT:

13-5-120: PLANNING COMMISSION ACTION; FINAL PLAT:

13-5-130: DISAPPROVAL BY THE PLANNING COMMISSION:

13-5-140: SECURITY BOND; DEVELOPER:

13-5-150: DELAY AGREEMENT:

13-5-160: RECORDING OF PLAT:

13-5-170: EXPIRATION OF FINAL APPROVAL:

**10-3-4: STEP 2 – PRELIMINARY DESIGN PLAN:**

A. Submit Preliminary Design Plan To Zoning Administrator:

1. Required: Following concept plan approval, the applicant shall submit a preliminary design plan application to the zoning administrator. The preliminary design plan shall provide design solutions to problems identified in the approved concept plan and the design process. The planning commission shall either recommend the plan or recommend the plan with conditions to the city council, or reject the preliminary plan. The city council shall either approve the preliminary plan or approve the preliminary plan with conditions or reject the preliminary plan.

**13-5-010: PRELIMINARY PLAT ~~PRELIMINARY DESIGN PLAN~~ PURPOSE:**

The purpose of the preliminary plat ~~preliminary design plan~~ is to require formal preliminary approval of a major subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat ~~preliminary design plan~~ and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this title and any other applicable ordinances.

**13-5-020: APPLICATION AND FEES:**

The developer of a major subdivision, after completing the conceptual plan required by this title, shall file an application for preliminary plat ~~preliminary design plan~~ approval on a form provided by the city. The application shall include two (2) 24" x 35" copies and one (1) 11" x 17" copy of the preliminary plat & ~~preliminary design plans~~ and one electronic copy of all required documents. At the same time, the

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867 developer shall pay an application fee as published in the consolidated fee schedule of the city. The  
868 community development department will determine if the appropriate plan is submitted, if the  
869 application is complete and if all the fees have been paid. If all requirements are met, a letter of  
870 acknowledgment will be provided by the community development department, and the developer shall  
871 distribute plans, accompanied by the letter, for comment to all appropriate public and private entities.

872 **13-5-030: ~~PRELIMINAR PLAT~~ PRELIMINARY DESIGN PLAN; PREPARATION AND REQUIRED**  
873 **INFORMATION:**

874 A. Form: The ~~preliminary plat~~ preliminary design plan shall be clearly and legibly drawn with approved  
875 waterproof drawing ink at a scale not less than one inch equaling one hundred feet (1" = 100'). The plat  
876 shall be so drawn that the top of the sheet is either north or east~~west~~, whichever accommodates the  
877 drawing best. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and  
878 seconds.

879 (The sections below are from current code 10-3-4)

880 B2. Document Requirements: The following items shall be submitted in an application ~~to the zoning~~  
881 administrator for preliminary ~~design plan plat~~ review:

882 1a. A preliminary title report covering the entire land in the proposed project, or other approved  
883 evidence of title insurability.

884 2b. Evidence that the applicant has sufficient control and financial capability over the land to  
885 effectuate the proposed use.

886 3c. When applicable, letters from the public agencies which will provide water and sewer service  
887 to the proposed development. The letter should state what type, if any, of interim system will  
888 be allowed until full service can be provided by the public agency; and that potable water will be  
889 available to the developer in quantities and quality as required by state requirements for the  
890 project.

891 ~~d. A letter from each utility company serving the project, stating that they have reviewed the~~  
892 ~~plan and are setting forth their comments concerning the extent of services availability, the~~  
893 ~~design of utility easements, and the approximate costs to the developer. A copy of the plan~~  
894 ~~approved by the utility company shall be returned, initialed and stamped by the company.~~

895 4e. Statement of the estimated starting and completion dates for each phase of development,  
896 including proposed grading work and any landscape work.

897 5f. A copy of proposed protective covenants, articles of incorporation, association or  
898 condominium.

899 6g. Tabulations showing the square footage and percent of total area proposed in:

900 ~~a.(1)~~ Off street parking;

901 ~~b.(2)~~ Streets;

902 ~~c.(3)~~ Developed parks;

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- 903 ~~d.(4)~~ Natural open spaces or undeveloped parks.
- 904 ~~7h.~~ Tabulations showing the square footage and percent of area covered by buildings.
- 905 ~~8i.~~ Tabulations showing the square footage and total floor space by type of use, i.e., residential,
- 906 commercial, industrial, etc.
- 907
- 908 ~~9j.~~ Copies of any agreements with adjacent property owners relevant to the proposed
- 909 subdivision.
- 910 ~~k. Appropriate supporting documents showing compliance with state air emissions and water~~
- 911 ~~discharge standards.~~
- 912 ~~10l.~~ An adequate traffic report prepared by a qualified traffic engineer when required by the city
- 913 engineer or planning commission.
- 914 C. Required Information: The following information shall be included on the preliminary plat or within
- 915 the preliminary ~~construction drawing~~ design plan set:
- 916 ~~B. Project Design Information And Plans:~~
- 917 ~~15.~~ A vicinity map of the proposed subdivision, drawn at a scale of five hundred feet to the inch
- 918 (1" = 500'), which defines the location of the subdivision within the city; showing all lots and streets
- 919 in the project, and all abutting streets, with names of the streets.
- 920 ~~23.~~ The proposed name of the ~~development~~ subdivision. Such subdivision names shall not duplicate
- 921 or nearly duplicate the name of any subdivision in the city or in the incorporated and
- 922 unincorporated area of Davis County;
- 923 ~~36.~~ The names and addresses of the ~~subdivider~~ ~~developer~~ ~~developer~~ ~~developer~~ or agent, if applicable,
- 924 the engineer ~~or~~ and surveyor of the development, and the owners of the land immediately adjoining
- 925 the land to be developed. If the developer is represented by an agent, there shall be a statement
- 926 from the recorded owner authorizing the agent to act
- 927 ~~41.~~ The date, north ~~point~~ arrow, written and graphic scales. ~~A drawing to scale not smaller than one~~
- 928 ~~hundred feet to the inch (1" = 100'), and shall show a north arrow. (Ord. 93-5, 7-6-1993, eff. 7-15-~~
- 929 ~~1993)~~
- 930 ~~5.9.~~ The boundary lines of the tract to be subdivided, with all dimensions shown and a legal
- 931 description to defining the location and boundaries of the proposed subdivision;
- 932 ~~611.~~ The location, widths and other dimensions of proposed streets, alleys, easements, ~~-~~ or other
- 933 public or private rights of ways;
- 934 ~~7.~~ The location and size of all sites proposed to be dedicated or reserved for parks, ~~and other~~ open
- 935 spaces, common area, or other recreational uses. All sites shall be clearly labeled as proposed for
- 936 public or private dedication and use. ~~and lots with the size of each lot in square footage and proper~~
- 937 ~~labeling of spaces to be dedicated to the public.~~

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938 815. Boundary lines of adjacent subdivisions and the names of owners of adjacent unplatted land  
939 ~~tracts of unsubdivided land~~ within one hundred feet (100') of the tract proposed for subdivision,  
940 showing ownership and property monuments.

941 97. A contour map at one foot (1') intervals, for predominant ground slopes within the subdivision  
942 between level and five percent (5%), and at intervals of at least two feet foot (2') intervals, for  
943 predominant ground slopes within the subdivision over five percent (5%), showing all unusual  
944 topographic features with verification by a qualified engineer or land surveyor. Such contours shall  
945 be based on Davis County datum. The closest ~~city survey~~ Davis County section corner monument  
946 shall be used and its elevation called out on the map. Survey monument information shall be  
947 obtained from the Davis County surveyor or city engineer;

948 1049. Grading plan showing existing and proposed contour lines at no greater than two foot (2')  
949 intervals at a scale of not less than one inch equals one hundred feet (1" = 100').

950 112. For developments that are not within the sensitive lands overlay area, a soils data report from a  
951 registered soils engineer, engineering geologist or other qualified person, based upon adequate test  
952 boring or excavations within the proposed project. (Ord. 01-05, 4-3-2001) The soil report shall  
953 include, among other things, a description of the soil types and characteristics on the site, describe  
954 whether or not groundwater was encountered in any of the test borings and at what elevation it  
955 was encountered, and shall identify the location of any seismic zones or flood zones on the  
956 property.

957 a. Investigation: If the soil report indicates the presence of critically expansive soils, high water  
958 table, the presence of toxic or hazardous waste, or other soil problems which, if not corrected,  
959 would lead to structural defects of the proposed buildings, damage to the buildings from the  
960 water, premature deterioration of the essential infrastructure improvements, or which would  
961 represent a public health hazard, a soil investigation of each lot in the subdivision may be  
962 required by the city engineer. The soil investigation shall recommend corrective actions  
963 intended to prevent damage to proposed structures and/or essential infrastructure  
964 improvements. The fact that a soil report has been prepared shall be noted on the final plat and  
965 a copy attached to the ~~preliminary plat~~ preliminary design plan application.

966 12. A geologic hazard study prepared in accordance with Title 10, Chapter 12 for all developments  
967 on properties: within the sensitive lands overlay area; with an average slope of fifteen percent  
968 (15%) or greater; with known, suspect, or probable geologic hazards; critical wildlife habitat or  
969 natural features; critical drainage channels; or other vital infrastructure.

970 13. The boundaries of areas subject to 100-year flooding or stormwater overflow, as determined by  
971 the city, and the location, width and direction of flow of all watercourses, including all existing and  
972 proposed irrigation and natural runoff channels and courses~~The location of existing bridges,~~  
973 ~~culverts, surface or subsurface drainageways, utilities, buildings or other structures, pumping~~  
974 ~~stations or appurtenances,~~ within the subdivision or within two hundred feet (200') thereof, and all  
975 known wells or springs (consult state engineer's office), ~~and location of the 100-year floodplain as~~  
976 ~~determined by the federal emergency management agency (FEMA).~~

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977 14. The existing use or uses and zoning of the property and the outline of any existing buildings and  
978 their locations in relation to existing or proposed street and lot lines drawn to scale;

979 1512. The location, proposed names, widths and a typical cross section of curbs, gutters, sidewalks  
980 and other improvements of the proposed street and access easements, principal dimension, and  
981 names of all existing or recorded streets, alleys and easements, both within the proposed project  
982 and within one hundred feet (100') of the boundary thereof, showing whether recorded or claimed  
983 by usage;

984 16. The location and dimensions to the nearest existing bench mark or monument, and section line;  
985 the location and principal dimensions of all watercourses, public utilities, and other important  
986 features and existing structures within the land adjacent to the tract to be developed, including  
987 railroads, power lines and exceptional topography.

988 17. Layout of all lots, including the average and minimum lot size, lot divisions and consecutive  
989 numbering;

990 1814. Proposed off site and on site culinary and secondary water facilities, sanitary sewers, storm  
991 drainage facilities, and fire hydrants, and any other public or private utility, as applicable.

992 1910. Existing off site and on site culinary and secondary water facilities, sanitary sewers, storm  
993 drainage facilities, subdrains, culinary and secondary water supply mains and culverts, fire hydrants,  
994 and any other public or private utilities-utility within the tract or within one hundred feet (100')  
995 thereof.

996 2017. Location and size of all existing and proposed easements, dedications, and deed restrictions,  
997 including solar, public utility lines, water and sewage lines, storm drains and facilities, watercourses,  
998 irrigation systems, land drains, etc.

999 21. Stormwater drainage plan and management plan in accord with 8-5-21 by which the  
1000 subdivider/developer/developer-developer proposes to handle stormwater drainage for an event with  
1001 a ten (10) year return period for all storm drain pipe, and for an event with a one hundred (100)  
1002 year return period for all storm drain detention basins. (Ord. 07-01, 1-9-2007) The calculation must  
1003 size the detention basin, size the orifice plate and determine the amount of flow which can be  
1004 released (the release rate can be 0.2 cfs/acre). Detention basin shall retain the required 24-hour  
1005 storm equivalent, as required under the Utah ~~Pollutant~~ ~~Discharge~~ ~~Elimination~~ ~~System~~ (UPDES)  
1006 general discharge permit. All development and redevelopment that warrants compliance with the  
1007 UGCP regulation must include an LID analysis that meets the objective of mirroring the  
1008 predevelopment hydrology and meets the objective of retaining on site, with no discharge, the 0.6-  
1009 inch in accordance with the adopted standard by the Utah Division of Water Quality., 24-hour  
1010 rainfall event.

1011 2216. If the site requires substantial cutting, clearing, grading or other earthmoving operations in  
1012 the construction of improvements, the application shall include a soil erosion and sedimentation  
1013 control plan prepared by a registered civil engineer.

1014 2318. Dimensioned parking layout showing location of individual parking stalls, driveways and other  
1015 areas of ingress and egress.

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1016 2429. Landscaping plan. Generalized landscaping plans for the site and, if appropriate, information  
1017 relating to the landscaping on adjacent or surrounding areas affected by the proposed development.  
1018 Such landscaping plans shall be prepared by a qualified professional team showing:

1019 a. Distribution of plant material, existing trees, as related to energy conservation and solar  
1020 access, and work involved as related to slope control and/or physical environment;

1021 b. Special effects and decorative materials;

1022 c. Automatic irrigation systems (sprinkler, bubbler, etc.);

1023 d. Recreation equipment. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1024 254. The location of the development as it forms part of a larger tract or parcel. The submittal shall  
1025 include a ~~sketch-concept~~ of the prospective future street system of the unplatted portion of the  
1026 property, and the street system of the part submitted shall be considered in light of adjustments  
1027 and connections with the future street system of the surrounding area and in accordance with the  
1028 city general plan.

1029 268. Certification of the accuracy of the preliminary plat of the development and any traverse to  
1030 permanent survey monuments by a land surveyor, registered to practice in the state.

1031 27. If it is contemplated that the development will proceed by phases, the boundaries of such  
1032 phases shall be shown on the preliminary plat preliminary design plan along with the estimated  
1033 construction schedule for each phase;

1034 28. The words "Preliminary Plat - Not To Be Recorded" shall be shown on the plat.

1035 **13-5-040: EVALUATION OF PRELIMINARY PLAT PRELIMINARY DESIGN PLAN:**

1036 ~~C. Review Procedure For Preliminary Design Plan:~~ (Previous Code 10-3-3(B))

1037 A1. The community development department will determined if the appropriate plan and application is  
1038 submitted, if the application is complete and if all the fees have been paid. If the application is deemed  
1039 to be incomplete the applicant shall be notified in writing within ten (10) days of the application date, or  
1040 as reasonably practical upon discovery of a deficiency. The zoning administrator shall, uUpon receipt of  
1041 the complete preliminary design plan submission, the department shall distribute copies of the plan to  
1042 the city engineer and to, other members of the development review committee, and to such other  
1043 governmental departments and agencies for review and comment as in the opinion of the planning  
1044 commission or zoning administrator may contribute to a decision based on the best information for the  
1045 necessary and in the public interest. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1046 B. The developer shall distribute plans for comment to all appropriate public or private agencies or  
1047 utilities for review and approval and obtain letters of approval as required. After reviewing the plans,  
1048 each of the agencies and utilities will provide the acknowledgment letter to the developer indicating  
1049 whether the plans are acceptable or need to be revised, and may forward to the developer a written  
1050 report of its findings and recommendations. These agencies shall include, but are not necessarily limited  
1051 to, water and sewer improvement districts, and the metro fire agency.

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1052 ~~C2.~~ Failure of any of the recipient departments or agencies to respond to the ~~zoning administrator~~city  
1053 with comments concerning the development within fourteen (14) days of receipt of a copy of the  
1054 preliminary design plan ~~application from the planning commission~~ shall be construed as indicating that  
1055 such agency or department has no adverse concern with the proposed development.

1056 ~~D.~~ The development review committee (DRC) shall review the ~~preliminary plat~~preliminary design plan  
1057 application for compliance with all applicable regulations and shall notify the developer of the  
1058 ~~preliminary plat~~preliminary design plan review findings, redlines and comments, and identify any other  
1059 information necessary for review by the planning commission to evaluate the proposed development.

1060 ~~C.~~ The developer shall be afforded a reasonable period of time to submit corrected drawings and  
1061 documents which address the DRC findings, redlines comments, and requested information.

1062 ~~D.~~ The DRC shall review any corrected drawings or documents within ten (10) days of receipt and  
1063 provide additional feedback to the developer regarding findings of compliance with city regulations and  
1064 confirming the date for review by the Planning Commission.

1065 ~~E.~~ If the DRC finds that the application is not in compliance with city regulations for ~~preliminary~~  
1066 ~~plat~~preliminary design plan review, the developer shall be provided notice in writing of corrective  
1067 actions required prior to placement on the planning commission agenda.

1068 **13-5-050: PLANNING COMMISSION ACTION; PRELIMINARY PLAT PRELIMINARY DESIGN PLAN:**

1069 ~~3A.~~ Within a reasonable time after the filing of a ~~preliminary plat~~preliminary design plan application and  
1070 any other information required, ~~the~~ the planning commission shall consider the application for ~~preliminary~~  
1071 ~~design plan approval.~~ at its next regularly scheduled public meeting following a forty five (45) day review  
1072 and processing period, except as may be limited by planning commission agenda, or as may be  
1073 scheduled otherwise by the chairperson of the planning commission or the zoning administrator. This  
1074 review and processing period shall be measured from the date on which the preliminary design plan  
1075 application is determined by the zoning administrator to be substantially complete. ~~If the planning~~  
1076 ~~commission finds that the proposed plat complies with the requirements of this chapter and that it is~~  
1077 ~~satisfied with the plat of the subdivision, it shall approve, or approve with conditions, the plat. If the~~  
1078 ~~planning commission finds that the proposed plat does not meet the requirements of this title or other~~  
1079 ~~applicable ordinances, it shall deny approval of such plat.~~

1080 ~~B.~~ Findings: The planning commission may approve or deny the ~~preliminary plat~~preliminary design plan  
1081 and shall make findings regarding the submitted plat, specifying any inadequacy in the information  
1082 submitted, noncompliance with city regulations, inconsistencies with the conceptual plan, and the need  
1083 for any additional information which may assist the planning commission to evaluate the ~~preliminary~~  
1084 ~~plat~~preliminary design plan and in making a final determination. ~~4.~~ The planning commission shall  
1085 approve only those preliminary design plans which the commission finds:

1086 ~~1a.~~ To be developed in accordance with the intent, standards and criteria specified in this title and  
1087 other applicable regulations.

1088 ~~2b.~~ To conform to an approved conceptual ~~ual~~ plan.

1089 ~~3c.~~ To create no substantial financial hardship to the city.

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1090 ~~4d.~~ To create no substantial environmental consequence which will adversely impact upon adjacent  
1091 properties and the health, safety or welfare of the inhabitants of the city when weighed against the  
1092 positive impacts of such development.

1093 ~~5e.~~ To mitigate possible adverse impacts from the proposed development, the planning commission  
1094 shall determine from a review of the preliminary design plan whether the soil, slope, vegetation and  
1095 the drainage characteristics of the site are such as to require substantial cutting, clearing, grading,  
1096 and other earthmoving operations in the construction of the development, or otherwise threaten an  
1097 erosion hazard and, if so, the planning commission shall require the developer to provide soil  
1098 erosion, geological hazard and sedimentation control plans and specifications. Such control plans  
1099 and specifications shall be prepared by a qualified professional team with the costs of preparation of  
1100 such plans and specifications being borne by the developer. Also, when in the opinion of the  
1101 planning commission public facilities should be constructed within the boundaries of a proposed  
1102 development for the benefit of the community as established in the comprehensive general plan of  
1103 the city, the developer shall reserve a site appropriate in area and location for such public facility.

1104 ~~f. After review of the preliminary design plan at a public meeting, the planning commission and then~~  
1105 ~~the city council shall approve, disapprove, or approve with conditions, the preliminary design plan,~~  
1106 ~~and notify the developer of such action, or may postpone action to allow the developer time to~~  
1107 ~~provide materials or additional information needed by the planning commission, to then determine~~  
1108 ~~appropriate action. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

1109 ~~C. Examination Of Plat: Upon receipt of the preliminary plat preliminary design plan, the planning~~  
1110 ~~commission shall also examine the plat to determine whether the plat is consistent with the concepts~~  
1111 ~~set forth in the approved conceptual plan and with all changes requested and all requirements imposed~~  
1112 ~~as conditions of acceptance. In the event that the preliminary plat preliminary design plan has been~~  
1113 ~~altered substantially from the approved conceptual plan, at the discretion of the planning commission~~  
1114 ~~chair, with the recommendation of the community development department, the chair may suspend~~  
1115 ~~planning commission review of the preliminary plat preliminary design plan and require that the~~  
1116 ~~developer resubmit the plan subject to the conceptual plan review process. The chair may also defer~~  
1117 ~~such decisions related to conceptual plan resubmittal and/or preliminary plat preliminary design plan~~  
1118 ~~review to the planning commission for its approval.~~

1119 ~~D. Substantial Change: The planning commission shall determine whether a proposed modification to an~~  
1120 ~~approved conceptual plan is a "substantial" change. Alterations of the following types shall define a~~  
1121 ~~substantial change:~~

- 1122 ~~1. A significant change to the roadway alignment or configuration;~~
- 1123 ~~2. Significant changes to lot areas or lot configuration;~~
- 1124 ~~3. Any increase to the number of lots;~~
- 1125 ~~4. Any change to the configuration and amount of open space required;~~
- 1126 ~~5. A significant change to culinary water, sanitary sewer, or storm drain plans related to the~~  
1127 ~~application;~~

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1128 6. Any deviation from the approved conceptual plan as determined by the provisions set forth in  
1129 this title;

1130 7. A modification of any other aspect of the conceptual plan that would significantly change its  
1131 character.

1132 **13-5-060: NOTIFICATION OF ACTION:**

1133 The community development department shall notify the developer, in writing, of the action taken by  
1134 the planning commission. Notification of the approval of the ~~preliminary plat~~ preliminary design plan  
1135 shall be authorization for the developer to proceed with the preparation of detailed plans and  
1136 specifications for the improvements required by city ordinances and the planning commission, and with  
1137 the preparation of the final plat.

1138 **13-5-070: EFFECT OF APPROVAL OF THE ~~PRELIMINARY PLAT~~ PRELIMINARY DESIGN PLAN:**

1139 Approval of the ~~preliminary plat~~ preliminary design plan shall in no way relieve the developer of the  
1140 responsibility to comply with all required conditions and ordinances, and to provide the improvements  
1141 and easements necessary to meet all city standards.

1142 **10-3-5: STEP 3 – FINAL PLAT AND FINAL CONSTRUCTION PLANS:**

1143 **13-5-080: FINAL PLAT; PURPOSE:**

1144 The purpose of the final plat is to require formal approval by the planning commission before a major  
1145 subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all  
1146 respects be in compliance with the provisions of this title. The final plat and improvement plans  
1147 submitted shall conform in all respects to those regulations and requirements specified during the  
1148 ~~preliminary plat~~ preliminary design plan procedure. Pursuant to Utah Code Annotated section 10-9a-604,  
1149 as amended, the planning commission designates the planning commission chair as its agent to sign final  
1150 subdivision plats. The planning commission chair shall not sign any final plat until such plat has been  
1151 approved by the planning commission in accordance with the provisions set forth herein.

1152 **13-5-090: FILING DEADLINE, APPLICATION AND FEES:**

1153 The developer shall file an application for final plat approval with the community development  
1154 department on a form prescribed by the city, together with one reproducible copy and prints of the final  
1155 plat, the number of which shall be determined by city staff, and all required fees. The ~~preliminary~~  
1156 ~~plat~~ preliminary design plan shall become null and void unless the developer submits an application for  
1157 and obtains final plat approval for all phases encompassing the area of the ~~preliminary plat~~ preliminary  
1158 design plan within twelve (12) months after approval or conditional approval of the ~~preliminary~~  
1159 ~~plat~~ preliminary design plan by the planning commission, except as otherwise provided for by written  
1160 agreement with the city. This time period may be extended for up to twelve (12) months for good cause  
1161 shown if the developer petitions the planning commission in writing for an extension prior to the  
1162 expiration date of the ~~preliminary plat~~ preliminary design plan together with any applicable fees. Only  
1163 one extension of the ~~preliminary plat~~ preliminary design plan approval may be granted. In the event the  
1164 final plat approval expires, or the city does not grant an extension of final plat approval, or the city does  
1165 not reapprove a previously approved final plat, the ~~preliminary plat~~ preliminary design plan approval

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shall also expire, unless twelve (12) months has not lapsed from the date of its approval and/or a twelve (12) month extension of time has been granted as provided herein.

**13-5-100: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:**

A. ~~Submit Final Plan To Zoning Administrator: Following preliminary design plan approval, the applicant shall submit a final plan to the zoning administrator.~~ The final plan shall provide technical and engineering solutions to all identified problems as required by the ~~city council~~ planning commission. ~~The planning commission shall either approve the final plan or approve with conditions or reject the final plan.~~

~~1. Document Requirements:~~ The following items shall be submitted to the ~~zoning administrator~~ community development department for final plat review:

~~1a. An application including:~~ The developer of a major subdivision, after completing the ~~preliminary plat preliminary design plan~~ required by this title, shall file an application for final plat approval on a form provided by the city. The application shall include two (2) 24" x 35" copies and one (1) 11" x 17" copy of the final plat and final construction drawings and one electronic copy of all required documents. At the same time, the developer shall pay an application fee as published in the consolidated fee schedule of the city. The community development department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the community development department.

~~2.(1)~~ A certificate of title insurance for any land to be dedicated to the city via the city council.

~~3.(2)~~ Trust agreement for perpetual care funds when required as a condition of approval.

B. Final ~~Plan-Plat~~ Drawing Requirements:

1. Drawings shall be prepared and certification made as to plat accuracy by a registered professional licensed to do such work in the state of Utah. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for final plat rejection.

2. The final plat shall consist of a sheet of approved ~~tracing linen~~ mylar ~~with to~~ the outside or trim line dimensions of nineteen inches by thirty inches (19" x 30") and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 1/2") on the left side and at least one-half inch (1/2") margin on the other sides. The plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the ~~tracing linen~~, mylar, or comparable material, with approved waterproof black ink.

~~3.~~ The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred feet to the inch (1" = 100'), and workmanship on the finished drawing shall be neat, clean cut and readable.

~~4.~~ An accurate and complete survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, shall close within a tolerance of one foot (1') to twenty

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1204 thousand feet (20,000'). A survey tie into two (2) legal **section** corners or other permanent markers  
1205 established, or approved by the Davis County survey, is required.

1206 54. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside  
1207 the boundary line, not inside with the lot dimensions, and tied to two (2) existing land monuments  
1208 within the subdivision shall show the calculated Davis County coordinates. When the plat is  
1209 bounded by an irregular shoreline or a body of water, the bearings and distances of a closing  
1210 meander traverse should be given and a notation made that the plan includes all land to the water's  
1211 edge or otherwise.

1212 65. If a plat is revised, the redlined copy of the old **plan-plat** shall be returned for comparison  
1213 purposes.

1214 76. In subdivisions, all blocks and all lots within each block shall be consecutively numbered.

1215 87. On curved boundaries and all curves in the plat, sufficient data shall be given to enable the  
1216 reestablishment of the curves on the ground. This curve data shall include the following for circular  
1217 curves:

1218 a. Radius of curve;

1219 b. Central angle;

1220 c. Tangent;

1221 d. Arc length;

1222 e. Chord (bearing and length).

1223 98. Excepted parcels shall be marked "not included in this development" and the boundary  
1224 completely indicated by bearings and distances.

1225 109. All streets within the project shall be numbered (named streets shall also be numbered) in  
1226 accordance with and in conformity with the adopted street numbering system adopted by the city.  
1227 Each lot shall show the street addresses assigned thereto, by and shall be according to the standard  
1228 addressing methods approved by the city. In the case of corner lots, the address will be assigned **for**  
1229 **each part of the lot having street frontage to the street frontage which the home is most likely to**  
1230 **front. In the event the home is faced to the alternate street frontage, the address shall be**  
1231 **reassigned, by the city engineer, at the time of building permit application. The city engineer shall**  
1232 **submit the address change to the Davis County Recorder's Office by affidavit.**

1233 11. **Sheets shall be so arranged that no lot is split between two (2) or more sheets, and wherever**  
1234 **practicable, blocks in their entirety shall be shown on one sheet.**

1235 12. **Lot numbers shall begin with numeral "1" and continue consecutively throughout the subdivision**  
1236 **with no omissions or duplications. When a subdivision is developed in phases, the phase number**  
1237 **shall precede each lot number. For example, phase 2 would be numbered 201, 202, 203, etc.**

1238 13.10. The side lines of all easements shall be shown by fine dashed lines. The width of all  
1239 easements and sufficient ties thereto to definitely locate the same with respect to the subdivision  
1240 shall be shown. All easements shall be clearly labeled and identified.

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1241 1414. All lands within the boundaries of the plan-plat shall be accounted for either as lots, walkways,  
1242 streets, alleys, excepted parcels, common areas, building areas, parking areas, drainage facilities,  
1243 landscape areas, and permanent open space, etc.

1244 1512. All dimensions of irregularly shaped lots shall be indicated in each lot.

1245 1613. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need  
1246 not be given for interior lot lines where the bearings and lengths are the same as those of both end  
1247 lot lines.

1248 1714. Parcels not contiguous shall not be included in one plat. Contiguous parcels owned by  
1249 different parties may be embraced in one plat, provided all owners join in dedication and  
1250 acknowledgment.

1251 1815. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to  
1252 seconds of arc.

1253 1916. The information on the plat shall include description of project boundaries, public streets and  
1254 easements (utility, drainage, access, etc.), as well as other design elements and the following:

1255 a. Name of development, astronomic north arrow and basis thereof, and date, and names of  
1256 developer and engineer. The title of each sheet of the final plat shall consist of the approved  
1257 name and unit number of the subdivision in bold letters, and if applicable, the words "a Planned  
1258 Unit Development (PUD)" , followed by the words "City of North Salt Lake" at the top of the  
1259 sheet.

1260 b. Name and address of owner or owners of record.

1261 c. Total acreage of development project; total number of lots and acreage of each.

1262 d. Township, range, section (and quarter section, if portion).

1263 e. Graphic scale.

1264 2017. The final plat shall contain the name of the surveyor, together with the date of the survey, the  
1265 scale of the map and number of sheets. The following certificates, acknowledgments and  
1266 descriptions shall appear on the title sheet of the final plat, and such certificates may be combined  
1267 where appropriate:

1268 a. Registered land surveyor's certificate of survey;

1269 b. Owner's dedication certificate;

1270 c. Notary public's acknowledgment for each signature on the plat;

1271 d. A correct metes and bounds description of all property included within the subdivision or  
1272 project;

1273 e. Plats shall contain blocks for signatures of the planning commission, city engineer, city  
1274 attorney, city council (a signature line for the mayor and an attestation by the city recorder). A  
1275 block for the Davis County recorder shall be provided in the lower right corner of the final plat;

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1276 f. Such other affidavits, certificates, acknowledgments, endorsements and notaries seals as are  
1277 required by law, by this title or by the city attorney;

1278 g. Prior to recordation of the plat, the ~~subdivider~~ developer shall submit a current title report to  
1279 be reviewed by the city attorney. A "current title report" is considered to be one which correctly  
1280 discloses all recorded matters of title regarding the property and which is prepared and dated  
1281 not more than thirty (30) days before the proposed recordation of the final plat;

1282 h. The owner's dedication certificate, registered land surveyor's certificate of survey, and any  
1283 other certificates contained on the final plat shall be in the form prescribed by the city  
1284 subdivision standards and specifications;

1285 i. When a subdivision contains lands which are reserved in private ownership for community  
1286 use, including common areas, the ~~subdivider~~ developer shall submit with the final plat the name,  
1287 proposed articles of incorporation and bylaws of the owner, or organization empowered to own,  
1288 maintain and pay taxes on such lands and common areas.

1289 2148. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the  
1290 boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed  
1291 or destroyed before acceptance of all improvements, shall be replaced by the ~~subdivider~~ developer  
1292 under the direction of the city engineer. The following required monuments shall be shown on the  
1293 final plat:

1294 a. The location of all monuments placed in making the survey, including a statement as to what,  
1295 if any, points were reset by ties;

1296 b. All right of way monuments at angle points and intersections as approved by the city  
1297 engineer.

1298 C. Final Construction Plan Requirements:

1299 1. Standards for design, construction specifications, inspection of the street improvements, curbs,  
1300 gutters, sidewalks and standards for design, construction specifications and inspection of water  
1301 distribution systems, sewage disposal facilities, storm drainage and flood control facilities shall be  
1302 prepared by the city engineer. Standards for fire hydrants shall meet the requirements of any  
1303 federal, state and local governmental entities having jurisdiction over the same. All subdivision  
1304 standards and specifications and amendments thereto which are under the control of the city shall  
1305 be approved by the city council before becoming effective. The city council may shall by resolution  
1306 adopt subdivision standards and specifications of the city which may be amended from time to time.  
1307 All ~~subdivider~~ developers shall comply with any subdivision standards and specifications adopted by  
1308 the city council. All ~~public improvements~~ essential infrastructure improvements shall be installed in  
1309 accordance with the city subdivisions standards and specifications, the requirements of the city  
1310 engineer, the subdivision improvements agreement between the ~~subdivider~~ developer and the city,  
1311 and all other applicable city ordinances and regulations.

1312 2. Complete and detailed construction plans and drawings of all improvements shall be prepared in  
1313 conformance to the design standards of the city. They shall be submitted to the city engineer for  
1314 review at the same time the final plat is being reviewed. Final approval of the project shall not be

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1315 granted until the plans have been reviewed and recommended for approval by the city engineer. No  
1316 construction shall be started until the final plat ~~and final construction plans have been recorded~~  
1317 ~~approved and the construction plans have been approved~~ by the city. Plans for all the street utilities  
1318 shall be drawn on the same plans.

1319 3. Standards are set for the purpose of standardizing the drawings and to obtain uniformity in  
1320 appearance, clarity, size and reproduction.

1321 a. Three (3) copies of construction plans shall be submitted with one set to be retained by the  
1322 city engineer, one set to be ~~furnished to the~~ retained in the official city development file city, and  
1323 one set returned to the ~~subdivider~~ developer for corrections and revisions. After corrections and  
1324 revisions by the ~~subdivider~~ developer, three (3) sets shall be submitted for final review by the  
1325 city engineer.

1326 b. All drawings and/or prints shall be clear and legible and conform to good engineering and  
1327 drafting practice. Size of drawings shall be twenty four inches by thirty six inches (24" x 36")  
1328 (trim line) with one-half inch ( $1/2$ " ) border on top, bottom and right sides, left side one and one-  
1329 half inches ( $1\frac{1}{2}$ " ).

1330 c. The plans shall include the following information:

1331 (1) North arrow (plan);

1332 (2) Elevations referenced to USGS datum;

1333 (3) Stationing and elevations for profiles;

1334 (4) Title block located in lower right corner of sheet, to include, project title (subdivision,  
1335 etc.). Specific type and location of work, and name of engineer or firm preparing drawings  
1336 with license number. Utah engineer's stamp shall be required on all construction plans;

1337 (5) Scale one inch equals twenty feet (1" = 20') or one inch equals forty feet (1" = 40')  
1338 horizontally; one inch equals two feet (1" = 2') or four feet (4') vertical;

1339 (6) Both plan view and profiles for curb and gutter plans shall be shown for each side of the  
1340 street; street centerline profile may be eliminated. Top of curb elevations with curve data  
1341 must be shown for all curb returns;

1342 (7) Size and location of culinary water lateral mains, meters, valves, elbows, air vacs,  
1343 pressure reducing stations, and hydrants;

1344 (8) Type of pipe;

1345 (9) Size and location of irrigation lateral mains, valves, fittings, etc.;

1346 (10) Size, location and profile of sewer, storm drains and subdrains and their manhole  
1347 cleanouts.

1348 (11) Detention and retention basins, including pertinent elevations, orifice diameter sizes,  
1349 headwall details, etc.

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1350 (~~11~~12) Calculation, Traverse Sheets: Calculation and traverse sheets giving bearings,  
1351 distances and coordinates of the boundary of the subdivision and blocks and lots as shown  
1352 on the final plat.

1353 (~~12~~13) Data, Assumptions, **and Computations**: Design data, assumptions and computations  
1354 for proper analysis in accordance with sound engineering practice, along with appropriate  
1355 plan, section and profile sheets for all essential infrastructure improvements.

1356 4. As needed, each set of plans shall be accompanied by a separate sheet of details for structures  
1357 which are to be constructed. All structures shall be designed in accordance with minimum  
1358 requirements established by the subdivision standards of the city.

1359 **13-5-110: EVALUATION OF FINAL PLAT:**

1360 A. Community development department: The community development department will determine if  
1361 the final plat submission is complete and if all the fees have been paid. If all requirements are met, a  
1362 letter of acknowledgment will be provided by the community development department, and the  
1363 developer shall distribute plans, accompanied by the letter, for comment to all appropriate public and  
1364 private entities.

1365 B. Reviewing Entities: After reviewing the plans, each of the public agencies and utilities will provide the  
1366 acknowledgment letter to the developer indicating whether the plans are acceptable or need to be  
1367 revised, and may forward to the developer a written report of its findings and recommendations. These  
1368 agencies shall include, but are not necessarily limited to, water and sewer improvement districts, and  
1369 the metro fire agency.

1370 C. Additional Reviews: In cases where developer's submission or plat is incomplete, incorrect or  
1371 otherwise fails to comply with city ordinances and/or development standards as determined by the city  
1372 and where such failure makes additional or repeat reviews on the part of the city engineer and/or other  
1373 consultants to the city necessary, developer shall be required to resubmit the plans to those reviewing  
1374 entities that will be affected by changes. After reviewing the plans, each of the public agencies and  
1375 utilities will provide the acknowledgment letter to the developer indicating whether the plans are  
1376 acceptable or need to be revised. This process shall continue until all reviewing entities have accepted  
1377 the plans.

1378 D. Report To Planning Commission: Within a reasonable time after receipt of a final plat and approval or  
1379 comments from all appropriate reviewing entities, the community development department shall  
1380 include the final plat on the planning commission agenda and prepare a report on the plat's compliance  
1381 with the general plan, city ordinances, rules and regulations. The plat and the report of the city  
1382 community development department shall then be presented to the planning commission.

1383 **13-5-120: PLANNING COMMISSION ACTION; FINAL PLAT:**

1384 A. Scope: The planning commission shall not be bound by the recommendations of the city departments  
1385 or the city manager, and may set its own conditions and requirements consistent with this title.

1386 B. Examination Of Plat: Upon receipt of the final plat, the planning commission shall examine the plat to  
1387 determine whether the plat conforms with the ~~preliminary plat~~**preliminary design plan** and with all  
1388 changes requested and all requirements imposed as conditions of acceptance. If the planning

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1389 commission determines that the plat is in conformity with the preliminary plat preliminary design plan,  
1390 the requirements of this title, other applicable ordinances and any reasonable conditions as  
1391 recommended by the city departments, city manager or on its own initiative, and that it is satisfied with  
1392 such plat of the subdivision, it shall approve the plat.

1393 **13-5-130: DISAPPROVAL BY THE PLANNING COMMISSION:**

1394 If the planning commission determines that the final plat is not in conformity with this title or other  
1395 applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the  
1396 reasons for such disapproval. Within one year after the planning commission has disapproved any plat,  
1397 the developer may file with the community development department a plat altered to meet the  
1398 requirements of the planning commission. No plat shall have any force or effect until the same has been  
1399 approved by the planning commission.

1400 **D. Final Plat And Construction Plan Review And Approval:**

1401 ~~1. When a final plat and construction plan has been received, it shall be acted upon at a planning~~  
1402 ~~commission meeting scheduled for development review within thirty (30) days of receipt of final~~  
1403 ~~plat and construction plan application by the zoning administrator; provided, that the planning~~  
1404 ~~commission shall not approve any final plan unless it is certified by the city engineer in the space~~  
1405 ~~provided.~~

1406 ~~2. The zoning administrator will distribute copies of the final plat and construction plan for final~~  
1407 ~~review by those who reviewed the preliminary plan, and such others as may be determined, for final~~  
1408 ~~comment before docketing the application for final approval on the planning commission agenda.~~

1409 ~~3. The planning commission shall review the final plat and construction plan at a regularly scheduled~~  
1410 ~~public meeting. If the final plan and all supplementary data comply with the applicable requirements~~  
1411 ~~of these regulations and the requirements of the approved preliminary design plan, the planning~~  
1412 ~~commission shall certify approval of the plan on the space provided.~~

1413 ~~4. After review of the final plat and construction plan at the public meeting, the planning~~  
1414 ~~commission shall send written notification of its review and official action taken to the city council.~~  
1415 ~~This notification shall specify any modifications to the final plat and construction plan, if any, which~~  
1416 ~~were made incident to final approval of such plan by the planning commission.~~

1417 ~~5. The city council shall review the final plat and construction plan within forty five (45) days of~~  
1418 ~~receipt of transmittal from the planning commission, at a regularly scheduled public meeting, or as~~  
1419 ~~otherwise scheduled by the city council.~~

1420 ~~6. The only basis for rejection of a final plat and construction plan shall be its nonconformance to~~  
1421 ~~adopted rules, regulations and ordinances currently in force and affecting the land and its~~  
1422 ~~development, its lack of conformance with the approved preliminary design plan, technical~~  
1423 ~~inaccuracies or insufficiencies, and poor workmanship in preparation of the plans and documents.~~

1424 ~~7. The city council shall review and execute a developer's improvement agreement and establish the~~  
1425 ~~kind and amount of financial security necessary to guarantee completion of the required public~~  
1426 ~~improvements.~~

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1427 ~~8. If the city council determines that the final plat and construction plan submission complies with~~  
1428 ~~the applicable requirements of this title, they shall certify approval of the plat and construction plan,~~  
1429 ~~an improvements agreement including such guarantees as may be required, and by certificate of~~  
1430 ~~legal review as to form by the city attorney.~~

1431 ~~9. The developer shall provide an adequate number of approved plats or prints marked approved,~~  
1432 ~~together with the official notification of the action, to be distributed as required:~~

1433 ~~a. One copy to planning commission files.~~

1434 ~~b. One copy to city council files.~~

1435 ~~c. One copy to developer.~~

1436 ~~d. One copy to engineer and surveyor of subdivider.~~

1437 ~~e. One original copy to county recorder when required.~~

1438 ~~f. One copy to each utility company serving the development.~~

1439 ~~g. One copy to the health department.~~

1440 ~~h. One copy to the city engineer.~~

1441 ~~i. One copy to the city post office.~~

1442 ~~j. One copy to the building official.~~

1443 ~~E. Submit Approved Final Plat And Construction Plan To City Council: Following final plat and~~  
1444 ~~construction plan approval by the planning commission, the zoning administrator shall forward~~  
1445 ~~the approved final plat and construction plan to the city council for review. The applicant shall~~  
1446 ~~appear before the city council to answer questions, to negotiate any required bond or financial~~  
1447 ~~security, and to negotiate any proposed dedications. The city council shall either approve or~~  
1448 ~~reject the final plat and construction plan and, upon approval, shall authorize the county~~  
1449 ~~recorder to record (as required) any of the approved material in the final plat. The costs of~~  
1450 ~~recording shall be paid by the applicant. (Ord. 93-5,~~

1451 **13-5-140: SECURITY BOND; DEVELOPER:**

1452 Prior to the installation of or any work on any required essential infrastructure improvements, the  
1453 developer shall enter into a subdivision improvement agreement including a security bond acceptable to  
1454 the city to insure completion of all essential infrastructure improvements required to be installed in the  
1455 subdivision. The agreement shall be in a form and contain such provisions as approved by the city  
1456 attorney. The agreement shall include, but not be limited to, the following:

1457 A. Incorporation: Incorporation by reference of the final plat and all accompanying data required herein  
1458 which is used to compute the cost of the improvements by the city engineer;

1459 B. Completion Of Improvements: Completion of the improvements within a period of time not to exceed  
1460 two (2) years from the date the agreement is executed;

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1461 C. Satisfactory Completion: The improvements shall be completed to the satisfaction of the city and  
1462 according to city standards specified in this title;

1463 D. Amount: The bond amount shall be equal to one hundred percent (100%) of the city engineer's  
1464 estimated cost of the essential infrastructure improvements to be installed;

1465 E. Exclusive Control By City: The bond proceeds may be released only upon written approval of the city  
1466 engineer;

1467 F. Reduction: The bond proceeds may be reduced upon request of the developer as the improvements  
1468 are installed. The amount of the reduction shall be determined by the city. Such requests may be made  
1469 only once every thirty (30) days and no reductions shall be authorized until such time as the city has  
1470 inspected the improvements and found them to be in compliance with city standards and approved  
1471 improvement plans. All reductions shall be by the written authorization of the city engineer. The bond  
1472 shall not be reduced below ten (10%) of the required bond amount, until such time that all  
1473 improvements have been accepted and upon the expiration of the one (1) year warranty period. The  
1474 warranty period shall begin once all improvements have been completed and approved by the city  
1475 engineer, with the exception of the required slurry seal;

1476 G. Deficiency In Bond Proceeds: If the bond proceeds are inadequate to pay the cost of the completion  
1477 of the improvements according to city standards for whatever reason, including previous reductions, the  
1478 developer shall be responsible for the deficiency and no further building permits shall be issued in the  
1479 subdivision or development until the improvements are completed or new bond, satisfactory to the city,  
1480 has been executed and delivered to the city to ensure completion of the remaining improvements;

1481 (from 10-7-3-H-2)

1482 H2. In the event the developer defaults or fails or neglects to satisfactorily install the required  
1483 improvements within one year from the date of approval of the development by the city council or to  
1484 pay all liens in connection therewith, the city council may declare the bond or other assurance forfeited  
1485 and the city may install or cause the required improvements to be installed using the proceeds from the  
1486 collection of the bond or other assurance to defray the expense thereof, including attorney fees and  
1487 court costs. After required improvements have been made, any balance after expenses shall be returned  
1488 to the developer at the end of the assurance period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012  
1489 Code)

1490 I. Reimbursement To City: Upon receipt of the bond proceeds, after the expiration of the time period,  
1491 the costs of completion shall include reimbursement to the city for the costs of administration incurred  
1492 by the city in obtaining the completion of the improvements;

1493 J. Nonliability: The developer shall agree to hold the city harmless from any and all liability which may  
1494 arise as a result of the improvements which are installed until such time as the city certifies the  
1495 improvements as complete;

1496 K. Type Of Bond Agreement: The bond agreement shall be one of the following types as dictated by the  
1497 city:

1498 1. A cash bond agreement accompanied by a cashier's check or a money market certificate made  
1499 payable only to the city;

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1500 2. An escrow bond agreement and an escrow account with a financial institution federally insured;

1501 3. A letter of credit bond agreement accompanied by an irrevocable letter of credit with a financial  
1502 institution federally insured; or

1503 4. A corporate surety performance bond in favor of the city.

1504 L. Right Of Rejection: The city reserves the right to reject any bond. The bonds required by this section  
1505 are for the sole benefit of the city. The bonds are not for the benefit of any individual citizen or  
1506 identifiable class of citizens, including the owners or purchasers of lots within the subdivision or project;

1507 M. Extension: The time period for the completion of the required essential infrastructure improvements  
1508 may be extended in the following manner upon approval of the city council:

1509 1. The developer may submit a new bond for approval;

1510 2. The existing bond may be extended upon payment, by the developer, of the actual administrative  
1511 costs incurred in reevaluating the sufficiency of the bond amount.

1512 **13-5-150: DELAY AGREEMENT:**

1513 In lieu of the bond requirements outlined above, at the city's sole option, the developer may be  
1514 permitted to execute an agreement, in a form acceptable to the city attorney, delaying the installation  
1515 of any or all of the essential infrastructure improvements required pursuant to this title.

1516 **13-5-160: RECORDING OF PLAT:**

1517 After planning commission approval, completion of the required essential infrastructure improvements  
1518 or filing of the bond agreement described herein, and signing of the plat by all those required, the plat  
1519 shall be presented by the city recorder to the Davis County recorder for recordation.

1520 **13-5-170: EXPIRATION OF FINAL APPROVAL:**

1521 If the plat is not recorded within six (6) months from the date of planning commission approval, such  
1522 approval shall be null and void. This time period may be extended for additional six (6) month periods by  
1523 the city manager. The developer must petition for an extension, prior to the expiration of the original six  
1524 (6) months, or an extension previously granted. An extension may be granted only if it is determined  
1525 that it will not be detrimental to the city. If any of the fees charged as a condition of subdivision  
1526 approval, including, but not limited to, inspection fees, parks fees, flood control fees, as well as the  
1527 amounts the city uses to estimate bonds to ensure completion of improvements, have increased, the  
1528 city manager may require that the bond estimate be recalculated and that the developer pay any  
1529 applicable fee increases as a condition of granting the extension.

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**13-6: PLANNED UNIT, CONDOMINIUM, RECREATIONAL VEHICLE AND MOBILE HOME**

**DEVELOPMENTS**

**13-6-010 ~~10-7-4~~: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:**

**13-6-020 ~~10-19~~: CONDOMINIUM SUBDIVISIONS**

**13-6-030 ~~10-7-5~~: MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE**

**PARKS; SPECIAL REQUIREMENTS:**

**~~13-6-010~~10-7-4: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:**

~~A. Purpose: The purpose of planned unit development (PUD) is to permit flexibility in land use regulations and for the consolidation of open spaces by clustering dwelling units, in order to preserve natural features, allow a variety of land uses, provide meaningful and usable open spaces, and to make efficient use of essential infrastructure and public facilities. and to allow diversification in the interrelationships of various uses and structures within their sites and thus offers an alternative method to the traditional type of development.~~ The application of planned unit development concept is intended to encourage neighborhoods, housing, design, open space and facilities compatible with the present living environment in the city as described by the general plan, while at the same time ensuring compliance with practices which will assure the health, safety and public welfare of the future inhabitants of the planned unit development, as well as maximizing the energy utilization efficiency of the project. ~~In exchange for the additional services provided by the developer in a planned unit development, this chapter will allow for increased intensity of buildings and more flexible uses of the land.~~

~~The PUD approach is expected to result in development that is superior to what could be obtained through ordinary lot-by-lot development. It is not intended to circumvent conventional land use regulations. Through the flexibility of the planned unit development regulations, the city seeks to achieve the following specific objectives:~~

- ~~1. The stabilization and preservation of the existing or planned land uses in abutting areas and surrounding residential neighborhoods;~~
- ~~2. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;~~
- ~~3. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;~~
- ~~4. Maximizing and preserving vegetation and open space and/or other special development amenities to provide light, air and privacy, to buffer abutting properties and to provide active and passive recreation opportunities for residents of the planned development and/or the community;~~
- ~~5. Minimize significant through traffic impacts on adjacent residential neighborhoods;~~
- ~~6. Provide an appropriate transition or buffering between uses of differing intensities both on site and off site; and~~
- ~~7. Provide safe and convenient vehicle and pedestrian connections between adjacent uses~~

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1567 In return for greater flexibility in site development, the PUD introduces some special requirements and  
1568 standards for design approval. These conditions will be employed to maximize quality of site design.  
1569 They will not be used to cause undue delays nor unwarranted increase in costs, when compared to more  
1570 conventional development. The PUD process will not be used as a device to force a decrease in  
1571 residential density below that otherwise allowed by the comprehensive plan and underlying zoning.

1572 B. Condominiums To Be Developed As Planned Unit Development: Where, in the opinion of the planning  
1573 commission, the unique features of a condominium project (i.e., ownership, financing, topography,  
1574 types of land uses, etc.) require more flexibility in design solutions in order to protect the public interest,  
1575 the proposed condominium project shall comply with the provisions of this chapter, and contrary  
1576 provisions of other ordinances adopted by the city may be waived by the planning commission.

1577 B. Planned Unit Developments Approval: A development which is to be developed as a PUD shall be  
1578 processed in the same manner as minor or major subdivisions. PUD developments shall comply with the  
1579 underlying zoning requirements except as specifically varied by this section.

1580 C. Planned Unit Developments To Meet Use Limitations Of Districts Wherein Located:

1581 1. Land uses permitted within a PUD subdivisions shall comply with the underlying zone district.  
1582 Multi-family attached dwellings shall only be allowed to the extent permitted in the underlying  
1583 zone. No conditional use permit for a planned unit development shall be granted unless such  
1584 development will meet the use limitations of the zoning district in which it is to be located, including  
1585 planned unit developments in planned districts, and

1586 2. The density allowed in a residential PUD shall be determined by calculating the net developable  
1587 area of the development divided by the minimum land area required per dwelling unit within the  
1588 zone district. Net developable area is defined as the total development parcel less the area required  
1589 for private or public road rights of ways and including the required adjacent pedestrian walkways  
1590 and park strips. meet the density and other limitations of such districts, except as such requirements  
1591 may be lawfully modified as provided by this chapter or by district regulations. Compliance with the  
1592 regulations of this title in no sense excuses the development from the applicable requirements of  
1593 the subdivision regulations, except as modifications thereof are specifically authorized in the  
1594 approval of the application for the planned unit development.

1595 D. Required Conditions:

1596 1. Area: No planned unit development shall have an area less than that approved by the planning  
1597 commission as adequate for the proposed development.

1598 2. Arrangement Of Structures; (residential)

1599 a. Open Space: The planning commission shall require such arrangements of structures ~~and to~~  
1600 consolidate and maximize usable open spaces for the enjoyment and convenience of future  
1601 residents of the development. Care shall be taken ~~as necessary~~ to assure that adjacent properties  
1602 will not be adversely affected. ~~In particular:~~

1603 ab. Perimeter Setback: All structures within a PUD shall be setback from the perimeter boundary  
1604 of the development a minimum of fifteen (15) feet. Where feasible, buildings of least height and

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~~the least intensity of buildings and uses shall be arranged around the boundaries of the development.~~

c. Height Restrictions: The perimeter setback shall be a minimum of twenty-five (25') feet for structures with greater than two (2) stories adjacent to a perimeter property line shared with a single family dwelling(s).

d. Front Setback (street façade): All front façades of buildings which face a private or public street right of way shall be setback a minimum distance of twenty (20) feet from the edge of the right of way, including any required sidewalk and park strip.

e. Front Setback (other): All front facades of buildings which face a perimeter development boundary or other physical feature or barrier, such as a retaining wall greater than 4 feet in height, shall be setback from the perimeter boundary or wall a minimum distance of twenty-five feet.

f. Building Separation-front façade(s): Residential structures which front a courtyard or other shared common open space have a minimum building separation of thirty (30) feet. Front porches, patios, awnings, or above ground decks may extend into the separation distance up to five (5) feet. Fenced limited common area may extend up to ten (10) feet into the separation distance. Pedestrian walkways within the front separation shall be a minimum of five (5) feet in width.

g. Building Separation-rear facades: Residential structures without rear garage or rear alley access, shall have a minimum separation distance of thirty (30) feet. Fenced limited common area may extend up to fifteen (15) feet into the separation distance.

h. Building Separation-side facades: Adjacent side building facades shall have a minimum separation distance of twenty-five (25) feet. Adjacent side yards may be used for common open space, pedestrian circulation, or landscaping. Prohibited use in adjacent side yards shall be parking and fenced limited common area. Pedestrian walkways within the side separation shall be a minimum of five (5) feet in width.

i. Rear Setback (alley loaded): Residential structures with alley loaded garages shall be setback from the private street right of way a minimum distance of five (5) feet.

~~j.~~ Lot area, width, yard, height and coverage requirements shall be determined by approval of the preliminary design plan.

~~k.~~ Where feasible, buildings or landscaping shall not prohibit the free flow of air or direct exposure to sunlight, specifically in regard to solar heating or cooling structures by solar energy systems.

~~l.~~ The development will be planned so as to provide solar access to all of the residential units, unless waived by the Planning Commission.

3. Plan Preparation: All plans must be prepared by a qualified professional team.

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1641 4. Tax Liability For Private Open Space: Ownership for tax liability of private open space reservations  
1642 shall be established in a manner acceptable to the City Council and made a part of the conditions of  
1643 the plan approval.

1644 E. Preservation, Maintenance And Ownership: Preservation, maintenance and ownership of required  
1645 open spaces within development shall be accomplished by:

1646 1. Dedication: Dedication of the land to the City as a public park or parkway system, including a  
1647 certificate of title insurance; or

1648 2. Easement:

1649 a. Granting to the City a permanent, open space easement on and over the said private open  
1650 spaces to guarantee that the open space remains perpetually in recreational or park use, with  
1651 ownership and maintenance being the responsibility of an owners' association established with  
1652 articles of association and bylaws which are satisfactory to the City Council; or

1653 b. Granting to the City a permanent, open space easement on and over the said private open  
1654 spaces to guarantee that the open space remains perpetually in recreational or park use, to be  
1655 maintained from the proceeds of a Perpetual Maintenance Trust Fund established by the  
1656 developer in an amount satisfactory to the City Council; or by

1657 3. Condominium Ownership Act: Complying with the provisions of the Condominium Ownership Act,  
1658 Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common  
1659 expenses for the upkeep of the common areas and facilities. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)  
1660 The developer shall provide the following:

1661 a. Adequate and reasonable guarantees as determined by the planning commission for  
1662 permanent retention of open spaces and for the maintenance of roadways, storage facilities,  
1663 service facilities and landscaping resulting from the application of these regulations.

1664 b. The developer shall record against the property a declaration of covenants, conditions,  
1665 restrictions, and easements (CCRs) which shall provide for a home owner's association (HOA)  
1666 responsible for the maintenance of all common areas and private infrastructure.

1667 c. The declaration shall provide provisions for the creation of an initial operating budget, as well  
1668 future yearly budgets, long term reserves, annual maintenance, and required payments of dues  
1669 and fees by lot owners of the PUD for both yearly maintenance and long range reserve projects  
1670 or maintenance.

1671 d. The developer shall implement any reasonable steps in the creation of the appropriate  
1672 accounts and funding sources for the HOA yearly operations and maintenance costs prior to  
1673 occupancy of any units in the PUD. The developer shall ensure that said accounts are funded in a  
1674 manner to cover ongoing maintenance costs during construction of all HOA common facilities  
1675 and units, so long as the developer remains the declarant in control of the HOA to the extent  
1676 that the HOA is not self-sustaining.

1677 e. The declaration shall require a reinvestment fee, or other mechanism as permitted by law, for  
1678 the purposes of funding the HOA in perpetuity. The reinvestment fee shall apply to all closings

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1679 within the HOA in perpetuity, including initial closings from the developer to a buyer and all  
1680 subsequent closings. The reinvestment fee shall be used to fund the reserve and operating  
1681 funds of the HOA.

1682 f. The developer shall provide to the Planning Commission a management plan and a first year  
1683 budget at build out demonstrating the viability of the HOA to meet its obligations including a  
1684 proposed HOA monthly or annual assessment. The management plan developed by the  
1685 applicant shall outline standards of operation, and remedies for failure to comply with those  
1686 standards. A letter from a qualified HOA management company shall be provided desaturating  
1687 that any submitted HOA budgets are reasonable.

1688  
1689 **13-6-020 10-19: Chapter 19 CONDOMINIUM SUBDIVISIONS**

1690 **10-19-1: PURPOSE AND INTENT:**

1691 **10-19-2: SUBMISSION OF APPLICATION:**

1692 **10-19-3: STAFF REVIEW:**

1693 **10-19-4: PRELIMINARY APPROVAL BY PLANNING COMMISSION:**

1694 **10-19-5: NOTICE TO TENANTS IN CONVERSION PROJECT:**

1695 **10-19-6: TENANT PROTEST REVIEW:**

1696 **10-19-7: FINAL APPROVAL BY PLANNING COMMISSION:**

1697 **10-19-8: APPROVAL BY CITY COUNCIL:**

1698  
1699 **10-19-1: PURPOSE AND INTENT:**

1700 A. The procedures and requirements of this ~~chapter section~~ shall apply to and govern the processing of  
1701 condominium record of survey maps pursuant to the requirements of the condominium ownership act,  
1702 Utah Code Annotated title 57, chapter 8. Said procedures and requirements shall supplement zoning,  
1703 site development, health, building and other ordinances applicable to a particular condominium project,  
1704 and shall apply to the approval of such projects involving new construction, as well as those involving  
1705 the conversion of existing structures. In addition, condominium projects which contemplate dedication  
1706 of real property or improvements for the use of the public, or condominium projects in which units are  
1707 not contained in existing or proposed buildings, shall also be considered subdivisions requiring  
1708 compliance with all applicable codes of the city.

1709 B. It is the intent of this chapter to establish a reasonable process whereby the city can assess the  
1710 impact of mixing collective and individual ownerships, as presented in a particular condominium project,  
1711 upon the public health, safety, convenience and general welfare of present and future inhabitants of the  
1712 city. In the case of commercial or residential conversions of existing buildings, corrections of building  
1713 code violations, the upgrading of vehicle parking facilities and safety of common functional elements of  
1714 the structure or structures are of prime importance. It is also recognized the conversion of existing  
1715 apartments or similar multi-family rental dwelling structures present the potential of relocation  
1716 hardship to existing tenants, especially senior citizens, and warrants that reasonable notice and  
1717 disclosure requirements be established by the city to minimize said hardships. (Ord. 93-5, 7-6-1993, eff.  
1718 7-15-1993)

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1719 ~~10-19-2: SUBMISSION OF APPLICATION:~~

1720 CA. Application Requirements: The owner or developer of a proposed condominium project desiring  
1721 approval shall file an application with the ~~zoning administrator~~ community development department in  
1722 accordance with applicable major subdivision process.

1723 1. ~~Two (2) or more copies of the p~~Proposed map accurately drawn to scale as required by Utah Code  
1724 Annotated section 57-8-13, as amended, which shall be made by a registered Utah land surveyor  
1725 ~~using a scale no smaller than one inch to equal forty feet (1" = 40')~~. In addition, said map or an  
1726 additional site plan shall include diagrammatic floor plans identifying boundaries of the project  
1727 units, convertible and expandable areas or spaces and common areas. Said map or plan should  
1728 designate the intended use of common areas (e.g., storage, recreational, parking for guests as  
1729 opposed to unit owners, open space, etc.) and should indicate whether such common areas are to  
1730 be open to the public, assigned to specific units or semiprivate and available only to unit owners.  
1731 Said map or site plan shall also identify and describe in detail the location of existing or proposed  
1732 driveways, **pedestrian ways**, curb cuts, walls, structures, fences, landscaping and sprinkling systems.

1733 2. Two (2) copies, signed in the original, of the proposed condominium declarations and bylaws.

1734 3. Where conversion of an existing building is proposed as part of the condominium project, two (2)  
1735 copies of the property report, prepared by a licensed architect or engineer, including the following  
1736 information, shall be submitted as part of the application, together with the plan for proposed  
1737 improvements, renovations and repairs:

1738 a. The age of the building or buildings.

1739 b. The general conditional, useful life and capacity of the building's structural elements,  
1740 including the roof, foundations, mechanical system, electrical system, plumbing system, boiler,  
1741 and other structural elements.

1742 c. All known conditions constituting deficiencies requiring repair to meet existing Building  
1743 Codes.

1744 d. All known conditions which may require repair or replacement within the next succeeding five  
1745 (5) year period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1746 e. The property report shall certify that the structure or structures conform to the International  
1747 Building Code minimum standards, or the owner shall present plans to bring the structure or  
1748 structures into conformity with said standards prior to issuance of certificates of occupancy.

1749 f. Where it is determined that physical conditions in an existing building do not allow the strict  
1750 application of the International Building Code standard, the City Board of Appeals, as provided  
1751 for in the International Building Code, shall review all requests to vary from these standards and  
1752 may grant variances or approve alternates where it is determined the intent of the requirement  
1753 will be met. In any event, there shall be disclosure to buyers of any conditions that do not meet  
1754 code or standards set by the City. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

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1755 4. Proof of notice to tenants as required by section 10-19-5 of this chapter shall be required before  
1756 final approval, but may be submitted, at the owner/developer's option, after preliminary approval is  
1757 obtained from the Planning Commission.

1758 5. To assist the City to defray costs involved with the review of the project, fees shall be submitted  
1759 with a condominium conversion application as outlined in the consolidated fee schedule. (Ord. 93-5,  
1760 7-6-1993, eff. 7-15-1993)

1761 **BD.** Incomplete Applications: Incomplete applications may be proffered and reviewed for advisory  
1762 comment by the ~~Zoning Administrator~~Community development director or Building Inspection  
1763 Department, but shall not be deemed accepted or received until complete, nor shall the condominium  
1764 project be scheduled for any hearings before the Planning Commission until the application is complete,  
1765 except only as provided by subsection A4 of this section. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012  
1766 Code)

1767 ~~**10-19-3: STAFF REVIEW:**~~

1768 **EA.** Copies Routed: Upon receipt of a completed application for approval of a condominium project, the  
1769 Community Development Department staff shall route copies of the application and development plans  
1770 in the same manner as a ~~standard-major~~ subdivision as outlined in ~~chapter 3~~ of this title.

1771 **FB.** Review: Additional preliminary review by the planning staff, Fire Marshal and the Building Inspection  
1772 Department shall include, but not be limited to, the following:

1773 1. Planning Staff Review:

1774 a. Letter Of Intent: A letter of intent shall be submitted indicating proposed concept of project  
1775 for review. The condominium declarations and bylaws shall be reviewed as part of the final  
1776 approval process and will include provisions addressing and fixing responsibility for the  
1777 maintenance, upkeep and repair of common areas, including common walls, electrical,  
1778 mechanical, plumbing or utility systems, recreational areas, landscaping and parking areas. The  
1779 declarations shall also restrict the use of any individual residential dwelling unit to single  
1780 "families", as defined in section 10-1-46 of this ~~title~~code. The staff shall also review said  
1781 declaration to require appropriate disclosure of any unusual circumstances, variances or  
1782 conditions placed upon the condominium project for approval.

1783 b. Plans And Related Documents: The staff shall review the plans and related documents to  
1784 determine whether the project conforms to applicable requirements of this title, the status or  
1785 extent of nonconforming rights, applicable conditions imposed upon the building or use by  
1786 ordinance, variance, conditional use permit and/or prior approval under a PUD, clustered or  
1787 group dwelling plan. If the planning staff finds there are violations of applicable zoning  
1788 ordinances or requirements, the staff may recommend denial of the condominium project until  
1789 such violations have been corrected or requirements completed or bonded for prior to final  
1790 approval by the Planning Commission. (Ord. 2012-07, 4-30-2012)

1791 2. Building Inspection Staff Review:

1792 a. Upon receipt of the application for approval of a condominium project, the Building  
1793 Inspection Department shall review the proposed building plans for new construction and/or in

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1794 the case of a conversion project, the property report and plan of improvement, renovations and  
1795 repairs to determine conformance with applicable building codes. In the case of a conversion,  
1796 the department shall require inspections of the property and may require supplementation,  
1797 revision and resubmission of the property report where necessary. (Ord. 93-5, 7-6-1993, eff. 7-  
1798 15-1993)

1799 b. In the preliminary review report to the planning commission, the building inspection  
1800 department shall note corrections, repairs and replacements which must be made to bring the  
1801 structures into code compliance, together with a list of renovation improvements proposed by  
1802 the owner/developer which are not required by code. The chief building official shall also list  
1803 any requirements of the international building code that needs board of appeal consideration  
1804 due to unique circumstances associated with the structure. The building official may then  
1805 recommend denial until such time as existing violations of code are corrected or may  
1806 recommend preliminary approval of the project and building report subject to correction of the  
1807 violations prior to final approval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1808 3. Fire Marshal Review: The fire marshal shall inspect each structure proposed for conversion and  
1809 shall submit a report thereon to the planning staff outlining the conditions of the structures as they  
1810 relate to fire safety. The marshal shall stipulate those conditions requiring improvement, prior to  
1811 occupancy, in the report. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1812 **10-19-4: PRELIMINARY APPROVAL BY PLANNING COMMISSION:**

1813 GA. Planning Commission Consideration: Upon completion of the recommendations of the building  
1814 inspection department, the planning staff, engineering staff development review committee and the fire  
1815 marshal, the matter shall be set for consideration by the planning commission in the same manner  
1816 prescribed for a major subdivision as provide in this title.

1817 HB. Findings For Approval: If the planning commission finds that the project is in full compliance with:

- 1818 1) applicable city ordinances;
- 1819 2) the requirements of the condominium ownership act;
- 1820 3) that proper notice to tenants has been given; and
- 1821 4) that in every way the project is ready for final approval;

1822 The planning commission may grant final approval of the project, authorize the signature of the  
1823 chairperson to be placed upon the necessary documents ~~and forward the project onto the city council~~  
1824 ~~for their consideration.~~

1825 IC. Preliminary Approval: If the planning commission finds that the project substantially complies with  
1826 the above mentioned criteria but that certain facts of the proposal require changes or modifications  
1827 prior to final approval, or that tenant notification has not been completed, the planning commission  
1828 may grant preliminary approval to the project with instructions as to what criteria must be met prior to  
1829 submission for final approval.

1830 JD. Disapproval: If the planning commission finds the project in conflict with the ordinances of the city  
1831 and/or the state and is not in the best interests of the city as a whole and/or specific neighborhood in

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1832 which the project is proposed to be located, or if it is not satisfied with the site development plans of  
1833 the project, the planning commission may disapprove the project specifying in detail the reasons for  
1834 disapproval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1835 **10-19-5: NOTICE TO TENANTS IN CONVERSION PROJECT:**

1836 **KA.** Notice: As part of the application for approval of a condominium project, when said project involves  
1837 the conversion of an existing structure where the structure has been occupied by residential or  
1838 commercial tenants prior to application for conversion, the owner/developer shall provide notice of  
1839 intended conversion to said tenants by certified mail. This notice requirement shall not apply to a  
1840 structure that was vacant and remained so during the year prior to filing of the developer's application  
1841 for conversion. Such notice shall include:

- 1842 1. The proposal for the conversion of the building to a condominium project;
- 1843 2. The established dates of construction period and termination of occupancy which shall not be less  
1844 than sixty (60) days from the date notice is served upon occupants or expiration of individual leases,  
1845 whichever is longer;
- 1846 3. The disclosure of the sales price for each unit shall be no greater than the price initially advertised  
1847 and offered to the general public at such time as when the condominiums are offered for public  
1848 sale;
- 1849 4. Relocation information for the tenants specifying available alternative housing relocation  
1850 resource agencies and organizations and a plan of any services to be voluntarily provided by the  
1851 owner/developer. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1852 **LB.** Dissemination Of Notice: A copy of said notice, together with a list prepared by the owner/developer  
1853 identifying names, apartment or unit numbers, approximate ages, rental rates and other known special  
1854 ~~handicaps disabilities~~ or factors affecting relocation needs of the tenants, shall be submitted to the  
1855 Davis County housing authority and the county social services department to advise said agencies of the  
1856 conversion and/or solicit their assistance with relocation services. No final approval of such a conversion  
1857 project shall be granted by the planning commission until the owner/developer has provided proof of  
1858 notice by certified mail or subsequent proof of actual delivery by method of services allowed under  
1859 state law of such notices and relocation information as required above, and any plans for relocation  
1860 services to be voluntarily provided by the owner/developer and the time designated therein (a  
1861 minimum of 60 days) has expired. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1862 **10-19-6: TENANT PROTEST REVIEW:**

1863 **MA.** Protest Review Procedure: When a tenant of a residential dwelling has received written formal  
1864 notice of eviction without cause and without at least sixty (60) days notice of conversion required above  
1865 and has reason to believe that notice was issued because of a proposed condominium project, he may,  
1866 within thirty (30) days of the date of the notice of eviction, initiate an appeal regarding the issue of  
1867 proper notice to the ~~zoning administrator~~community development director in the city planning office.  
1868 The filing of such a protest shall stay the issuance of any approval or issuance of any permits for the  
1869 structure in question for a period not to exceed thirty (30) days and the matter shall be set for hearing  
1870 before the planning commission.

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1871 **NB.** Investigation: Upon filing a tenant appeal, the planning staff shall institute an investigation to  
1872 determine if the notice requirements set forth above were satisfied. They shall then report their findings  
1873 to the planning commission within ten (10) days of filing of the appeal. (Ord. 93-5, 7-6-1993, eff. 7-15-  
1874 1993)

1875 ~~**10-19-7: FINAL APPROVAL BY PLANNING COMMISSION:**~~

1876 **O. Final Approval.** If upon submission of the recommendations of the ~~building official and planning staff,~~  
1877 ~~engineering staff and fire marshal~~ **development review committee**, the planning commission finds that  
1878 the project is in compliance with applicable ordinances and the requirements of preliminary approval,  
1879 the planning commission may grant final approval. The planning commission will review  
1880 recommendations for the ~~planning staff, engineering staff, development review committee~~ **and the fire**  
1881 **marshal and building official** for work that is proposed for subsequent completion, bonding or waiver  
1882 and may otherwise impose appropriate terms upon such bonding or conditions upon its approval. (Ord.  
1883 93-5, 7-6-1993, eff. 7-15-1993)

1884 ~~**10-19-8: APPROVAL BY CITY COUNCIL:**~~

1885 ~~**A. Submission To City Council:** Upon final approval by the planning commission, the planning staff shall~~  
1886 ~~ensure all conditions of approval have been completed, all final documentation is signed and submitted,~~  
1887 ~~including any required bonds or agreements required to be filed, and shall then submit the matter,~~  
1888 ~~together with the recommendation of the planning commission with the chairperson's signature upon~~  
1889 ~~the map before the city council for final approval. If the city council shall determine said project is in~~  
1890 ~~conformity with the requirements of applicable ordinances of the city, or if they reject any offers of~~  
1891 ~~dedication, or if~~

1892 **P. Disapproval.** ~~If the planning commission is~~ not satisfied with plans of a project which constitutes a  
1893 subdivision, the ~~city council~~ **planning commission** may disapprove said map, specifying reasons for  
1894 disapproval.

1895 **BQ.** Reconsideration: Within thirty (30) days after the ~~city council~~ **planning commission** has disapproved  
1896 any project, the developer may file with the planning staff a map or documents altered to meet the  
1897 requirements of the ~~city council~~ **planning commission** ~~or may appeal the denial to the City Council.~~ Upon  
1898 receipt of said map or documents, the matter shall be referred ~~back~~ to the **planning commission** ~~or~~ city  
1899 council by the planning staff for reconsideration.

1900 **CR.** Force And Effect: No final map shall have any force or effect until the same has been approved by  
1901 the city as reflected by the signature of the mayor and is officially recorded with the city recorder within  
1902 ~~eighteen-six (186)~~ months from the date of the mayor's signature. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1903

1904 ~~**13-6-030 10-7-5: MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE**~~  
1905 **PARKS; SPECIAL REQUIREMENTS:**

1906 **A. Purpose And Intent:** The purpose and intent of this section is to:

- 1907 1. Permit variety and flexibility in land development for residential purposes by allowing the use of  
1908 mobile homes and recreational vehicles under certain conditions.

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1909 2. Require that mobile home and recreational vehicle developments will be of such character as to  
1910 promote the objectives and purposes of this title; to protect the integrity and characteristics of the  
1911 district contiguous to those in which mobile home parks are located; and to protect other land use  
1912 values contiguous to or near mobile home or recreational vehicle developments.

1913 B. Location:

1914 1. Mobile Homes: No mobile home shall be located anywhere within the corporate boundaries of  
1915 the City except in a licensed mobile home park or approved mobile home subdivision, ~~or as~~  
1916 ~~temporary living quarters by conditional use permit.~~ Emergency or temporary parking of any  
1917 unoccupied mobile home outside a licensed mobile home park or mobile home subdivision will be  
1918 permitted for a period not exceeding twenty four (24) hours. This limitation does not apply to  
1919 unoccupied mobile homes in licensed mobile home sales areas.

1920 2. Recreational ~~Coaches~~Vehicles:

1921 a. Recreational coaches which do not include facilities necessary to be "mobile homes", as  
1922 defined in section 10-1-46 of this ~~title~~code, shall not be used at any place within the corporate  
1923 boundaries of the City, at any time, for living quarters except in designated camping areas or  
1924 recreational ~~coach-vehicle~~ parks.

1925 b. Recreational ~~coaches-vehicles~~ which are unoccupied for living space may be ~~temporarily~~  
1926 stored on an ~~owner's~~ private residential lot ~~or larger parcel of land~~, provided ~~they do not violate~~  
1927 ~~any required setbacks for front or side yards~~the parking complies with the regulations in section  
1928 10-6-6 of this title. Long term commercial storage of recreational ~~coaches-vehicles~~, maintenance  
1929 operations, reconstruction or construction activities are permitted within enclosures only and in  
1930 zoning districts allowing such uses.

1931 C. Standards And Requirements:

1932 1. Determination Of Compliance: The planning commission shall review the proposed development  
1933 plan to determine its compliance with all portions of the city general plan and, among other things,  
1934 shall attempt to make sure that such development will constitute a residential environment of  
1935 sustained desirability and stability and that it will not adversely affect amenities in the surrounding  
1936 area. Standards higher than the minimum standards contained in this title may be required if  
1937 necessary for local conditions of health, safety and protection of property, and to ensure that the  
1938 development will mix harmoniously with contiguous and nearby existing and planned uses.

1939 2. Required Facilities: The planning commission shall not approve any application for mobile home  
1940 park, recreational vehicle park or mobile home subdivision conditional use permit if the developer  
1941 cannot provide required water supplies and facilities, waste disposal systems, storm drainage  
1942 facilities, access or improvements, or if the developer cannot assure that the development will be  
1943 completed within twelve (12) months, or if the planning commission or city council determines  
1944 there would be unusual danger of flood, fire or other hazard, or if the proposed development would  
1945 be of such character or in such a location that it would:

1946 a. Create excessive costs for public services and facilities;

1947 b. Endanger the health or safety of the public;

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- 1948 c. Unreasonably hurt or destroy the environment;
- 1949 d. Cause excessive air or water pollution, or soil erosion; or
- 1950 e. Be inconsistent with any adopted general or specific plan of the area in which it is to be
- 1951 placed.
- 1952 3. Standards And Requirements Specified; Exception: The development shall conform to the
- 1953 following standards and requirements, unless modified by an approved planned unit development
- 1954 plan:
- 1955 a. The area shall be in one ownership, or if in several, the application for approval of the
- 1956 development shall be filed jointly by all owners of the property included in the plan.
- 1957 b. A strip of land at least fifteen feet (15') wide surrounding the entire park shall be left
- 1958 unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings, garages
- 1959 or any ~~add-ons,~~accessory buildings or uses and shall be planted and maintained in lawn, shrubs
- 1960 or trees, with an approved durable permanent wall or fence designed to afford privacy to the
- 1961 development.
- 1962 c. All storage and solid waste receptacles outside the confines of any mobile home or
- 1963 recreational vehicle shall be housed in a closed structure compatible in design and construction
- 1964 to the mobile homes, and to any service buildings within the development; all patios, carports,
- 1965 garages and other add ons shall be compatible in design and construction with the mobile
- 1966 home. The service buildings shall be constructed in accordance with standard commercial
- 1967 practice and kept in good repair ~~as determined by the zoning administrator~~. In mobile home
- 1968 developments where units will be situated with long axis perpendicular to the street, streets will
- 1969 run in a north-south direction to the greatest extent possible. This is to promote solar
- 1970 orientation of the units.
- 1971 d. In addition to meeting the above requirements and conditions, and conforming to the other
- 1972 laws of the city, all mobile home parks, recreational vehicle parks, and mobile home subdivisions
- 1973 shall also conform to all applicable state regulations. In the event of any conflict between said
- 1974 regulations and this chapter, this chapter shall take precedence where its regulations are more
- 1975 strict, and the provisions of the state regulations shall take precedence where such regulations
- 1976 are more strict.
- 1977 4. Utilities Underground: Every mobile home park, recreational vehicle park and mobile home
- 1978 subdivision shall provide underground utility service to every mobile home stand or lot as required
- 1979 by the planning commission, including, but not limited to, water, sewer, power, natural gas,
- 1980 telephone and television.
- 1981 5. Inspection And Special Regulation Of Mobile Homes: Mobile homes are considered by the city to
- 1982 be less durable and less resistant to deterioration than are conventional homes; therefore, all
- 1983 mobile homes which are used for human habitation, whether conforming or nonconforming, and
- 1984 whether located in mobile home parks, in mobile home subdivisions or on bona fide farms and
- 1985 ranches, shall be subject to the following special regulations:

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1986 a. Permits are required for mobile home setup, plumbing and electrical hookups, and such  
1987 hookups shall be made only by licensed plumbers and electricians.

1988 ~~b. No mobile home may be placed on a permanent foundation without state approved~~  
1989 ~~modification.~~

1990 c. A certificate of compliance is required for all mobile homes within the city, whether occupied  
1991 or awaiting occupancy, and may be obtained from the building official following an inspection  
1992 wherein the mobile home is found to meet the safety, sanitary and structural standards adopted  
1993 by the city. The state or federal inspection certificate will be honored in lieu of a certificate of  
1994 compliance.

1995 ~~d. Each mobile home may be inspected annually, or upon evidence of need, by the building~~  
1996 ~~official, to determine whether the structure is sound and being kept in a safe and sanitary~~  
1997 ~~condition for human habitation. During the inspection, the building official may revoke the~~  
1998 ~~certificate of compliance or certificate in lieu thereof for cause, including, but not limited to,~~  
1999 ~~violation of the fire or sanitary codes adopted by the city, substantial deterioration of structure~~  
2000 ~~so as to adversely affect the health or safety of the occupants, or deterioration in appearance so~~  
2001 ~~as to be unsightly and to adversely affect the value of neighboring properties.~~

2002 ~~e. Upon the revocation of a certificate of compliance or certificate in lieu thereof, or a finding of~~  
2003 ~~noncompliance, the building official shall order the deficiencies corrected and a certificate of~~  
2004 ~~compliance obtained within thirty (30) days.~~

2005 ~~f. If such deficiencies are not corrected, or cannot be corrected, the mobile home shall be~~  
2006 ~~ordered vacated and removed from the premises upon which located, and shall not thereafter~~  
2007 ~~be used for human habitation within the city, unless all deficiencies are corrected and a~~  
2008 ~~certificate of compliance obtained.~~

2009 6. Compliance With Other Regulations: Any mobile home or recreational vehicle located in any  
2010 permitted area shall comply with and conform to all other zoning laws, rules and regulations, and  
2011 building, plumbing, electrical and fire prevention codes, and all other codes and requirements  
2012 applicable to a structure or building erected within the district in which said mobile home or  
2013 recreational vehicle is located.

2014 7. Guarantees:

2015 a. For mobile home parks and recreational vehicle parks, adequate and reasonable guarantees must  
2016 be provided as determined by the planning commission and city council for permanent retention of  
2017 open spaces and for the maintenance of roadways, storage facilities, service facilities and  
2018 landscaping resulting from the application of these regulations. The developer shall provide the  
2019 following:

2020 a. Adequate and reasonable guarantees as determined by the planning commission for  
2021 permanent retention of open spaces and for the maintenance of roadways, storage facilities,  
2022 service facilities and landscaping resulting from the application of these regulations.

2023 b. The developer shall record against the property a declaration of covenants, conditions,  
2024 restrictions, and easements (CCRs) which shall provide for a home owner's association (HOA) or

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2025 management entity responsible for the maintenance of all common areas and private  
2026 infrastructure.

2027 c. The declaration shall provide provisions for the creation of an initial operating budget, as well  
2028 future yearly budgets, long term reserves, maintenance, and required payments of dues and  
2029 fees by lot owners of the park for both yearly maintenance and long range reserve projects or  
2030 maintenance.

2031 d. The developer shall implement any reasonable steps in the creation of the appropriate  
2032 accounts and funding sources for the HOA yearly operations and maintenance costs prior to  
2033 occupancy of any units in the park. The developer shall ensure that said accounts are funded in a  
2034 manner to cover ongoing maintenance costs during construction of all common facilities and  
2035 units, so long as the developer remains in control of the park.

2036 e. The declaration shall require a reinvestment fee, or other mechanism as permitted by law, for  
2037 the purposes of funding the improvements in perpetuity. The reinvestment fee shall apply to all  
2038 closings within the park in perpetuity, including initial closings from the developer to a buyer  
2039 and all subsequent closings. The reinvestment fee shall be used to fund the reserve and  
2040 operating funds for the park.

2041 f. The developer shall provide to the Planning Commission a management plan and a first year  
2042 budget at build out demonstrating the viability of the park to meet its obligations including  
2043 proposed monthly or annual assessment. The management plan developed by the applicant  
2044 shall outline standards of operation and remedies for failure to comply with those standards, as  
2045 well as a single responsible person or entity for its administration and communication with the  
2046 city. ~~The developer shall record against the property a declaration of covenants, conditions,~~  
2047 ~~restrictions, and easements (CCRs) which shall provide for an owner's association or~~  
2048 ~~management assignment responsible for the maintenance of all common areas and~~  
2049 ~~infrastructure. The declaration shall provide provisions an initial operating budget, as well as~~  
2050 ~~future yearly budgets, estimated payments of dues and fees by owners or tenants of the park,~~  
2051 ~~and the implementation of a reserve fund for future maintenance and repairs for all park~~  
2052 ~~infrastructure and improvements. The developer shall provide to the Planning Commission a~~  
2053 ~~management plan and a copy of the first 3 years budget and provide an operating account with~~  
2054 ~~funds sufficient to cover the operating expenses for said first 3 years. Guarantees shall be in the~~  
2055 ~~form of a bond, or a cash deposit, in a sum to be determined by the planning commission,~~  
2056 ~~which form must be approved by the city council and the city attorney. The basis for providing~~  
2057 ~~assurance of compliance will be a management plan developed by the applicant and approved~~  
2058 ~~by the planning commission and city council that will outline standards of operation, remedies~~  
2059 ~~for failure to comply with those standards and a single responsible person or entity for its~~  
2060 ~~administration and dealing with the city.~~

2061 b. In any case, when a mobile home park or recreational vehicle park is owned by more than one  
2062 person, the developer owners shall establish and appoint a park manager. The manager shall be  
2063 authorized to receive, process and represent fully the interests of the owners in respect to  
2064 continuing management and maintenance of the park.

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2065 c. Prerequisite to the operation of any mobile home park or recreational vehicle park in the city  
2066 shall be the obtaining of an annual business license from the city.

2067 d. In the event a mobile home or recreational vehicle park is not completed according to  
2068 approved plans, or operated and maintained according to the approved management plan, the  
2069 annual business license may be denied or revoked. The mobile homes or recreational vehicles  
2070 and associated property and facilities shall be removed, and all services discontinued before any  
2071 part of the land within the development planning area may be used for any other purpose, or be  
2072 subdivided.

2073 e. The premises on which any mobile home is located, used or occupied shall be maintained in a  
2074 clean, orderly and sanitary condition. The accumulation of any rubbish, waste, weeds,  
2075 inoperative vehicles or other unsightly material thereon shall constitute a public nuisance and a  
2076 violation of this title. Reasonable guarantees to assure compliance with this requirement will be  
2077 required of the developer and/or owner as a condition of conditional use permit approval and  
2078 ultimately the issuance of the annual city business license.

2079 D. Additional Requirements For Mobile Home Parks: In addition to the requirements for mobile home  
2080 parks outlined in this section, mobile home parks shall meet the following requirements:

2081 1. Number Permitted: The number of mobile homes shall be limited to seven (7) units per acre and  
2082 may be limited to fewer units, depending on mobile home size, topography and other factors of the  
2083 particular site. The mobile homes may be clustered; provided, that the total number of units does  
2084 not exceed the number permitted on one acre, multiplied by the number of acres in the  
2085 development. The remaining land not contained in individual lots, roads or parking shall be set aside  
2086 and developed as parks, playgrounds and service areas for the common use and enjoyment of  
2087 occupants of the development, and the visitors thereto.

2088 2. Distance Between Structures: No home or ~~add-on~~addition shall be located closer than ten feet  
2089 (10') from the nearest portion of any other home or add on. All such homes and ~~add-ons~~additions  
2090 shall be set back at least ten feet (10') from road curbs or walks. If the mobile home tongue remains  
2091 attached, it shall be set back a minimum of six feet (6') from road curbs or walks. All mobile homes,  
2092 storage buildings, service buildings, garages, carports or other ~~add-ons~~additions, etc., shall be set  
2093 back at least fifteen feet (15') from any boundary of the mobile home park.

2094 3. Off Street Parking: Off street parking shall be provided at the rate of two (2) parking spaces per  
2095 mobile home space, and each such parking space shall have a minimum width of ten feet (10') and  
2096 minimum depth of twenty feet (20'). In no case shall the parking space be located farther than one  
2097 hundred feet (100') from the mobile home space, as approved by the planning commission.

2098 4. Bulk Storage Areas: One-story bulk storage areas shall be provided within a mobile home park,  
2099 equivalent to sixty (60) square feet per mobile home space. The area designated for said bulk  
2100 storage shall be improved, landscaped and screened as approved by the planning commission.

2101 5. Residential Accommodations: Not less than ten percent (10%) of the gross land area shall be set  
2102 aside for the joint use and enjoyment of occupants in a parklike setting with both active and passive  
2103 recreational accommodations. The land covered by vehicular roadways, sidewalks, off street parking  
2104 and required setbacks shall not be construed as part of this ten percent (10%) common area

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2105 required; provided, however, that in initial stages of development or special smaller developments,  
2106 the minimum area shall be not less than one acre or ten percent (10%), whichever is greater.

2107 6. Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for  
2108 protective yard lighting the full length of all driveways and walkways.

2109 7. Landscaping: All areas not covered by mobile homes or recreational vehicles, hard surfacing or  
2110 buildings shall be landscaped as approved by the planning commission, and such landscaping shall  
2111 be permanently maintained.

2112 8. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be  
2113 hard surfaced before the adjacent spaces may be occupied.

2114 9. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the  
2115 following standards, unless modified by an approved planned unit development plan:

2116 a. One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for  
2117 maneuvering mobile homes.

2118 b. Two-way traffic: A minimum of thirty feet (30') in width.

2119 c. Entrance roadways: A minimum of thirty six feet (36') in width.

2120 d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24") rolled  
2121 gutters or an approved equivalent.

2122 e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main  
2123 roadways within the development, if required by the planning commission.

2124 f. Access: Each park shall have at least two (2) accesses to public streets, unless more than one  
2125 access is prohibited by a responsible public agency.

2126 10. Skirting: Within forty five (45) days of occupancy, each mobile home shall be skirted, or if shields  
2127 are used, they are to be fireproof, well painted or otherwise preserved.

2128 11. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect residents  
2129 of the development as well as adjacent property owners. Such facilities must be of sufficient  
2130 capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or  
2131 adjacent to the development and shall be provide in accordance with City Ordinance, Title 8 Chapter  
2132 5, Stormwater Management-

2133 12. Character; Acreage; Construction And Phase Completion Plan: The mobile home park shall:

2134 a. Be in keeping with the general character of the district in which it is to be located.

2135 b. Be located on a parcel of land not less than ten (10) acres, or on two (2) or more parcels  
2136 separated by a street or alley only, and totaling ten (10) acres, unless modified by an approved  
2137 planned unit development plan.

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2138 c. Have at least twenty five (25) spaces completed, ready for occupancy, or an approved  
2139 financing plan for construction and phase completion, together with approved security to assure  
2140 compliance, before first occupancy is permitted.

2141 13. Laundry Facility: A laundry for convenience of park occupants, but not for the general public,  
2142 may be included in mobile home parks.

2143 14. Term Of Occupancy: No mobile home space shall be rented for a period of less than thirty (30)  
2144 days, and occupancy shall be by written lease. Leases shall be made available for inspection by the  
2145 officials of the city upon demand.

2146 15. Access: Access shall be provided to each mobile home stand for maneuvering mobile homes into  
2147 position. The accessway shall be kept free from trees and other immovable obstructions. Paving  
2148 under mobile homes will not be required if adequate support is provided as required by state  
2149 regulations. Uses of planks, steel mats or other means to support the mobile home during  
2150 placement shall be allowed, so long as the same are removed upon completion of placement.

2151 E. Additional Requirements For Recreational Vehicle Parks: In addition to the requirements for  
2152 recreational vehicle parks outlined in this section, recreational vehicle parks shall meet the following  
2153 requirements:

2154 1. Location: Recreational vehicle parks shall generally be located:

2155 a. Adjacent to or in close proximity to a major traffic artery or highway.

2156 b. Near adequate shopping facilities.

2157 c. Within or adjacent to a mobile home park.

2158 2. Recreational Area: Not less than ten percent (10%) of the gross land area shall be set aside for the  
2159 joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks and off  
2160 street parking shall not be construed as part of the ten percent (10%) common area required for  
2161 parks and playgrounds for occupants; provided, however, that in initial stages of development or in  
2162 special smaller developments, the minimum area shall not be less than one-half (1/2) acre or ten  
2163 percent (10%), whichever is greater.

2164 3. Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for  
2165 protective yard lighting the full length of all driveways and walkways.

2166 4. Landscaping: All areas not covered by recreational vehicles, hard surfacing or buildings shall be  
2167 landscaped and permanently maintained pursuant to a plan approved by the planning commission.

2168 5. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be  
2169 ~~hard surfaced~~ paved with asphalt or concrete before the adjacent recreational vehicle spaces may be  
2170 occupied.

2171 6. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the  
2172 following standards, unless modified by an approved planned unit development plan:

2173 a. One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for  
2174 maneuvering recreational vehicles.

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- 2175 b. Two-way traffic: A minimum of thirty feet (30') in width.
- 2176 c. Entrance roadways: A minimum of thirty six feet (36') in width.
- 2177 d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24") rolled  
2178 gutters or an approved equivalent.
- 2179 e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main  
2180 roadways within the development, if required by the planning commission.
- 2181 f. Access: Each recreational vehicle park shall have at least two (2) accesses to public streets,  
2182 unless more than one access is prohibited by a responsible public agency.
- 2183 7. Term Of Occupancy: No individual space in a recreational vehicle park shall be used by one  
2184 individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space be  
2185 rented or leased to any one individual for a period longer than ninety (90) days in any one calendar  
2186 year.
- 2187 8. Use As Permanent Living Quarters Prohibited: Recreational vehicles may be stored where  
2188 permitted, but not used for permanent living quarters.
- 2189 9. Sales Lots: Recreational vehicles may be stored, displayed, sold and serviced, but not used for  
2190 living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a  
2191 conditional use.
- 2192 10. Screening; Access: Recreational vehicles may be accommodated in an approved and licensed  
2193 mobile home park; provided, that:
- 2194 a. The recreational vehicle park portion of the development is separated by barriers, screens or  
2195 otherwise from the area of mobile homes.
- 2196 b. The recreational vehicle use area shall have direct access to a collector or arterial street.
- 2197 c. Separate ingress and egress shall be provided for recreational vehicles when required by the  
2198 planning commission.
- 2199 11. Area; Construction And Phase Completion Plan: Recreational vehicle parks may be approved by  
2200 the city council in locations permitting such use in this title. Before such approval is given, a report  
2201 to the city council by the planning commission shall find that the proposed development will:
- 2202 a. Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park,  
2203 unless modified by a planned unit development plan.
- 2204 b. Before first occupancy, have at least twenty five (25) spaces completed (10 if in a mobile  
2205 home park), or an approved schedule of financing, construction and phase completion, and  
2206 approved security, to assure compliance.
- 2207 F. Additional Requirements For Mobile Home Subdivisions: In addition to the requirements for mobile  
2208 home subdivisions outlined in this section, mobile home subdivisions shall meet the following  
2209 requirements:

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- 2210 1. Area; Lots; Homeowners' Association: Mobile home subdivisions may be approved by the city  
2211 council in locations permitting such use in this title. Before such approval may be granted, a report  
2212 to the city council by the planning commission shall find that the proposed development will:
- 2213 a. Be located on a parcel of land containing not less than five (5) acres.
- 2214 b. Contain lots with a minimum net area of five thousand (5,000) square feet and a minimum  
2215 width of fifty feet (50').
- 2216 c. Be organized in a homeowners' association, if required by the planning commission.
- 2217 2. Security Compound: The planning commission may require a security compound for the storage  
2218 of vehicles, boats and other large items, to be provided equivalent to a minimum of three hundred  
2219 (300) square feet of paved area per mobile home lot, to be maintained by a homeowners'  
2220 association in the mobile home subdivision.
- 2221 3. Skirting: Each mobile home shall be skirted or shielded within forty five (45) days of occupancy. If  
2222 shields are used, they are to be fireproof and painted, or otherwise preserved.
- 2223 4. Street Widths: Street widths shall be as required by the development regulations, except as may  
2224 be modified by an approved planned unit development plan.
- 2225 5. Term Of Occupancy: No mobile home in a mobile home subdivision shall be rented or leased for a  
2226 period of less than ninety (90) days. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 2227
- 2228

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**13-7: PLAT AMENDMENTS & LOT LINE ADJUSTMENTS**

**13-7-010: PLAT AMENDMENTS**

**13-7-020: EXEMPTION FROM PLAT REQUIREMENT**

**13-7-030: ROUTINE AND UNCONTESTED LOT LINE ADJUSTMENTS:**

13-7-010: Plat Amendments: **existing language from 10-7-7(H)**

A.2. The application for a proposed plat amendment shall be submitted to the community development department and shall contain the following:~~Petition To Change Or Vacate Subdivision Plat:~~

~~a. General Petition Contents:~~

~~1.(1) A complete application on forms created by the city;~~

~~2.(2) Ten (10) Two (2) 24" x 36" copies, one (1) reduced 11" x 17" copy, and an electronic copy of a preliminary the proposed plat amendment drawing showing the land to be subdivided lots to be amended, properly and accurately drawn to scale, certified as accurate by a registered land surveyor or professional engineer;~~

~~(3) One reduced eleven inch by seventeen inch (11" x 17"), or eight and one half inch by eleven inch (8<sup>1</sup>/<sub>2</sub>" x 11") copy of the preliminary plat drawing;~~

~~3. Plat amendments shall be prepared in conformance to the standards outlined in this title for a final plat submission, and shall include all notes, conditions, easements, or other pertinent information included upon the subdivision plat to be amended.~~

~~4.(4) For plat amendments which vacate or amend a public right of way or public trail, stamped, addressed envelopes for property owners within 300 feet of the boundary of the plat and all property owners within the boundary of the proposed amended plat. Notice of public hearing shall be delivered as detailed in 10-3-3 Public Hearings. The name and address, on gummed mailing labels, of the following:~~

~~(A) All owners, as shown in the last county assessment rolls, of the land contained in the entire original or previously amended subdivision plat and of all property owners within three hundred feet (300') of the property (excluding streets) that is the subject of the proposed plat change;~~

~~(B) All owners, as shown in the last county assessment rolls, of land within the subdivision plat or adjacent to any street that is proposed to be closed, vacated, altered or amended;~~

~~(C) The name and address of the petitioner.~~

~~(5) A current ownership plat from the Davis County recorder's office showing the entire subdivision plat and notice area.~~

~~5.b. Fees: The petitioners shall pay, with the amendment petition, the appropriate fees pursuant to the consolidated fee schedule for the city.~~

B.3. Review Process: Subdivision Amendments Not Involving Streets:

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- 2264 ~~a~~1. Applicability:
- 2265 ~~a~~. Residential, commercial, industrial or agricultural subdivision amendments ~~not involving the~~
- 2266 ~~closure, vacation, alteration, addition or amendment of any street, or~~ that cannot be processed
- 2267 as routine and uncontested lot line adjustments, shall be processed pursuant to this subsection.
- 2268 ~~b~~. Plat amendments that create one or more additional lots to the subdivision, shall not be
- 2269 processed as a plat amendment, but shall be processed as new subdivision.
- 2270 ~~b~~2. City Internal Review:
- 2271 ~~(1)~~a. The community development department shall obtain comments regarding the
- 2272 amendment petition from all interested city departments.
- 2273 ~~(2)~~b. If the development review committee determines that the proposed amendment petition
- 2274 may have an adverse material impact on traffic, it may require the applicant to submit a
- 2275 professionally prepared traffic impact study ~~prior to the hearing on the application.~~
- 2276 ~~(3)~~c. The departmental comments shall be transmitted to the ~~petitioner~~ applicant.
- 2277 ~~c~~3. Planning Commission Hearing~~Review~~:
- 2278 ~~(1)~~a. Plat amendments which vacate or amend a public right of way or public trail shall be
- 2279 noticed for Public Hearing in accordance with Section 10-3-3 of this code and as required by
- 2280 Utah State Code Annotated. The planning commission shall hold a public hearing to consider the
- 2281 amendment petition.
- 2282 ~~b~~. For plat amendments which amend the location of a public utility easement, the applicant
- 2283 shall provide evidence that no public utilities have been located within the existing easement, or
- 2284 shall provide letters from all public utilities using the easement consenting to the amendment to
- 2285 said public utility easement.
- 2286 ~~(2)~~ Notice of the planning commission hearing shall be mailed to all individuals and entities
- 2287 identified in subsection H2a(4) of this section, or its successor.
- 2288 ~~(3)~~c. The planning commission shall review all city departmental comments, comments from the
- 2289 ~~petitioner~~ applicant and other individuals, and shall approve or deny the amendment ~~petition~~
- 2290 application with specific findings of fact, according to the standards for approval set forth in
- 2291 ~~subsection H3d~~ of this section.
- 2292 ~~d~~. For plat amendments which vacate or amend a public right of way or public trail, the planning
- 2293 commission shall hold a public hearing on the proposed amendment, consider all city
- 2294 departmental comments, comments from the applicant and the public, and shall recommend to
- 2295 the city council the approval or denial of the amendment application with specific findings of
- 2296 fact, according to the standards for approval set forth in this section. The city council shall
- 2297 consider the plat amendment application and approve, approve with conditions, or deny the
- 2298 application, according to the same standards and in accordance with state code, as applicable.
- 2299 ~~d~~4. Standards For Approval ~~Of of Plat~~ Amendment ~~Petition~~: An A plat amendment ~~petition~~
- 2300 application shall be approved only if it meets all of the following requirements:

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- 2301 ~~(1)~~a. The amendment will be in the best interests of the city;
- 2302 ~~(2)~~b. All lots comply with all applicable ~~zoning-land use and subdivision~~ standards;
- 2303 ~~(3)~~c. All necessary and required dedications are made;
- 2304 ~~(4)~~d. Provisions for the construction of any required ~~public improvements~~essential
- 2305 infrastructure improvements are included;
- 2306 ~~(5)~~e. The amendment complies with all applicable laws and regulations; and
- 2307 ~~(6)~~f. The amendment does not materially injure the public or any person and there is good cause
- 2308 for the amendment.

2309 g. No additional lot or parcel is created.

2310 e5. Appeals From Planning Commission Decision Not Involving ~~Streets~~Public Right of Way or Public

2311 Trail:

2312 ~~(1)~~a. If the petitioner, or any ~~notified-affected~~ individual or organization disagrees with the

2313 planning commission decision, a written objection, clearly specifying the reasons therefor, shall

2314 be filed with the city recorder within fourteen (14) days following the planning commission

2315 decision.

2316 ~~(2)~~b. The objection shall be heard before the city council, subject to the ~~provisions of subsection~~

2317 H4d of standards for approval set forth in this sub-section (d) above.

2318 ~~f6.~~ Recordable Instrument: If the amendment petition is approved, the ~~zoning administrator city~~

2319 shall execute and record the final amended subdivision plat and such other documents as may be

2320 required ~~shall be recorded~~ with the Davis County recorder's office.

2321 **13-8-020: Exemptions From Plat Requirement:**

2322 A subdivision plat amendment is not required for a lot line or boundary adjustment as defined in Utah

2323 Code Section 10-9a-523, as amended, but shall be processed as outlined in the following section.

2324 **13-8-030: ~~H.~~Routine and Uncontested Lot Line Adjustments: ~~Vacating Or Changing Subdivision Plat:~~**

2325 1. ~~Routine And Uncontested Lot Line Adjustments:~~

2326 A.a. Purpose: The purpose of this section is to enable routine and uncontested lot line adjustments

2327 between two (2) lots to be considered and approved administratively by the city's development staff.

2328 B.b. Applicability: This section applies to routine and uncontested lot line adjustments between two (2)

2329 legally existing agricultural, residential, commercial or industrial subdivision lots. Applications processed

2330 pursuant to this section shall:

2331 1.~~(1)~~ Meet all applicable ~~zoning-land use code~~ requirements.

2332 2.~~(2)~~ Receive the consenting signatures of all ~~abutting-affected~~ property owners.

2333 3.~~(3)~~ Not affect any street right of way.

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2334 ~~4.(4)~~ Not create any new lots.

2335 ~~5.(5)~~ Not affect any trail right of way.

2336 ~~C.e.~~ General Application Contents: The application for routine and uncontested lot line adjustments shall  
2337 include:

2338 ~~1.(1)~~ The signatures of approval of all ~~abutting affected~~ property owners, ~~and property owners~~  
2339 ~~directly across any abutting streets, whether the property is in the same subdivision or not.~~

2340 ~~2.(2)~~ ~~Three Two (32)~~ copies of a ~~survey drawing preliminary plat drawing, preliminary plat,~~ showing  
2341 the ~~lots involved and the lot line to be adjusted, land to be subdivided,~~ properly and accurately  
2342 drawn to scale, certified as accurate by a registered land surveyor ~~or professional engineer,~~ and the  
2343 proposed form of a deed or boundary line agreement for the lot line adjustments.

2344 ~~(3) A current ownership plat from the Davis County recorder's office showing the entire subject area.~~

2345 ~~D.d.~~ Fees: The petitioners shall pay an application review fee consistent with the consolidated fee  
2346 schedule for the city.

2347 ~~E.e.~~ City Internal Review: The development review committee shall review the application for  
2348 completeness and for compliance to the regulations of this title. Upon review of the application and  
2349 ~~preliminary plats survey drawing,~~ the development review committee ~~may either shall~~ approve the lot  
2350 line adjustment if the application conforms the adopted standards and regulations of the land use  
2351 ordinance or deny the lot line adjustment if it does not.

2352 F. Lot line adjustments that are denied by the development review committee may be amended for  
2353 reconsideration or may be appealed to the planning commission by filing a request with the community  
2354 development department.

2355 ~~G.f.~~ Recordable Instrument: If the lot line adjustment is approved, the city ~~recorder or designee shall~~  
2356 provide a letter of approval signed by the city engineer and community development director, certifying  
2357 that the lot line adjustment conforms to the requirements of the city's land use regulations and  
2358 approving the shall recordation of an appropriate deed or ~~deeds boundary line agreement~~ with the  
2359 Davis County recorder's office containing the legal description of each new lot and stating any conditions  
2360 of approval.

2361 ~~4. Subdivision Amendments Involving Streets Or Trails:~~

2362 ~~a. Purpose And Authorization: If the amendment petition involves closure, vacation, alteration,~~  
2363 ~~addition or amendment of any street or trail, the amendment petition shall be processed~~  
2364 ~~pursuant to the provisions of this section. (Ord. 2012-07, 4-30-2012)~~

2365 ~~b. City Internal Review:~~

2366 ~~(1) The community development department shall obtain comments regarding the~~  
2367 ~~amendment petition from all interested city departments or divisions, including, as~~  
2368 ~~applicable, the parks, trails, arts and recreation advisory board. (Ord. 2012-07, 4-30-2012;~~  
2369 ~~amd. Ord. 2014-01, 1-7-2014)~~

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2370 ~~(2) If the development review committee determines that the proposed amendment~~  
2371 ~~petition may have an adverse material impact on traffic, it may require the applicant to~~  
2372 ~~submit a professionally prepared traffic impact study prior to the hearing on the application.~~

2373 ~~(3) The departmental comments shall be transmitted to the petitioner.~~

2374 ~~c. Planning Commission Hearing:~~

2375 ~~(1) The planning commission shall hold a public hearing to consider the amendment~~  
2376 ~~petition.~~

2377 ~~(2) Notice of the planning commission hearing shall be mailed to all individuals and entities~~  
2378 ~~identified in subsection H2a(4)(A) of this section, mailed to the record owner of each parcel~~  
2379 ~~that is accessed by the public street, right of way, or easement, mailed to each affected~~  
2380 ~~entity, published in a newspaper of general circulation, published on the Utah public notice~~  
2381 ~~website, and shall be posted on the subject property at least fourteen (14) days prior to the~~  
2382 ~~scheduled hearing.~~

2383 ~~(3) The planning commission shall review all city departmental comments, comments from~~  
2384 ~~the petitioner and other individuals and shall recommend approval or denial of the~~  
2385 ~~amendment petition to the city council with specific findings of fact, according to the~~  
2386 ~~standards for approval set forth in subsection H3d of this section.~~

2387 ~~d. City Council Meeting:~~

2388 ~~(1) The city council shall hold a public meeting to consider the amendment petition.~~

2389 ~~(2) The city council shall review all city departmental comments, comments from the~~  
2390 ~~petitioner and other individuals, the recommendation of the planning commission and shall~~  
2391 ~~approve or deny the amendment petition with specific findings of fact, according to the~~  
2392 ~~standards for approval set forth in subsection H3d of this section.~~

2393 ~~e. Recordable Instrument: If the amendment petition is approved by the city council, the final~~  
2394 ~~amended subdivision plat and such other documents as may be required shall be recorded with~~  
2395 ~~the Davis County recorder's office.~~

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**13-8: GENERAL REQUIREMENTS**

**13-8-010: GENERAL STANDARDS**

13-8-020: SUBDIVISION LAYOUT:

13-8-030: BLOCKS:

13-8-040: LOTS:

**13-8-050: FLAG LOTS:**

13-8-060: STREETS:

13-8-070: LANDSCAPING:

13-8-080: UTILITIES AND EASEMENTS:

13-8-090: WATERCOURSES:

13-8-100: WARRANTY PERIOD:

**13-8-110: DEDICATIONS OF STREETS AND TRAILS**

**13-8-120: RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:**

**13-8-010-7-3: GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS:**

~~When applicable, the following general standards shall apply to all conditional use developments within the city, unless waived for good and sufficient reasons by the planning commission. This section is not intended to apply to single family dwellings unless contained within a multiple home planned unit development (PUD).~~

A. Ownership: The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property or their representative.

B. Landscaping, Fencing And Screening: Landscaping, fencing and screening within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development.

C. Signs And Lighting: The size, location, design and nature of signs, if any, and the intensity and direction of area lighting or floodlighting shall be detailed in the application.

D. Grading And Drainage Plan: A grading and drainage plan shall be submitted to the planning commission with the application.

E. Planting Plan: A planting plan showing the proposed tree, shrubbery and lawn plantings shall be prepared for those portions of the development proposed as common area, open space, recreational amenities, or public dedications. ~~the entire site to be developed, including especially the yards which abut upon public streets.~~

F. Nondetrimental Use: It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the conditional use development.

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2438 G. Water And Sewer Systems: All buildings used for human occupancy when completed shall be served  
2439 by a central water system and central sewage disposal system which have been approved by the  
2440 building official and which are in compliance with applicable local and state law.

~~2441 H. Bond Required: In order to ensure that the development will be constructed to completion in  
2442 accordance with approved plans, the planning commission shall require the developer to post a bond or  
2443 mortgage, or other valuable assurance, acceptable to the city council in an amount equal to the  
2444 estimated cost, plus ten percent (10%), of constructing all required landscaping, road improvements,  
2445 pedestrianways, bike paths, curbs and gutters, hard surfacing, culinary water and sewer lines, as shown  
2446 on the final site plan. Estimates of cost shall be furnished by the city engineer. Final determination of the  
2447 amount of the bond or other assurance shall be made by the city council.~~

~~2448 1. The duration of the bond or other assurance shall be for one or more years from the date of  
2449 approval of the development by the city council. An extension of time for completion may be  
2450 granted by the city council upon application by the developer, provided such application is  
2451 submitted at least sixty (60) days prior to the expiration of the bond or other assurance, and  
2452 provided the issuer of the bond is willing to extend the time of the assurance. (Ord. 93-5, 7-6-1993,  
2453 eff. 7-15-1993)~~

~~2454 2. In the event the developer defaults or fails or neglects to satisfactorily install the required  
2455 improvements within one year from the date of approval of the development by the city council or  
2456 to pay all liens in connection therewith, the city council may declare the bond or other assurance  
2457 forfeited and the city may install or cause the required improvements to be installed using the  
2458 proceeds from the collection of the bond or other assurance to defray the expense thereof. After  
2459 required improvements have been made, any balance after expenses shall be returned to the  
2460 developer at the end of the assurance period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)~~

~~2461 3. The developer shall be responsible for the quality of all materials and workmanship. At the  
2462 completion of the work, or not less than ten (10) days prior to the release date of the bond or other  
2463 assurance, the city engineer shall make a preliminary inspection of the improvements made and  
2464 submit a report to the city council setting forth the conditions of such facilities. If all liens are paid  
2465 and other conditions thereof are found to be satisfactory, the city council shall release the bond or  
2466 other assurance. If the condition of material or workmanship shows unusual depreciation or does  
2467 not comply with the acceptable standards of durability, or if any outstanding liens are not paid, the  
2468 city council may declare the developer in default.~~

2469 H. Design Of Development: In the event that the land contained within a development is traversed by a  
2470 proposed major street, water line, sewer line or drainage channel shown on the general plan, or any  
2471 other official city map, said development shall be designed in accordance therewith. The right of way  
2472 across the development for said major streets, or other right of way, shall be dedicated to the public.

2473 I. Environment Of Residential Areas: Grouping and spacing of buildings and dwellings in residential  
2474 areas shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged as  
2475 the dominant features of the development. Areas not covered by buildings or by off street parking space  
2476 or driveways shall generally be planted into natural vegetation, lawn, trees and shrubs, and otherwise  
2477 landscaped and maintained in accordance with good landscape practice as approved on the final plan.

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2478 Permanent automatic irrigation systems shall be installed when required by the planning commission to  
2479 provide for maintenance of planted areas.

2480 ~~J.K.~~ Conformance To Standards: Details of plans, plats and documents to be submitted showing the size  
2481 of water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the  
2482 quality of material and improvements, protection from adverse influences, lighting, landscaping, off  
2483 street parking, grading and other details of design and construction shall conform to standards as set  
2484 forth in such resolutions pertaining to such standards as may be adopted by the planning commission.

2485 ~~K.L.~~ Ordinance Standards: The development shall meet all standards and requirements of this title and all  
2486 requirements of applicable ordinances.

2487 ~~L.M.~~ Character ~~Of of~~ Development: The development shall be in keeping with the general character of  
2488 the district within which it is to be located.

2489 ~~M.N.~~ Plan Preparation: Depending upon the complexity of the project, the planning commission may  
2490 require that plans for the development be prepared by a qualified professional team. In all cases, it is  
2491 recommended that professional design and other assistance be obtained early in the program. It is the  
2492 intent of the city that the developer solve his problems before approval is given and construction begins.

2493 ~~N.O.~~ Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect residents of  
2494 the development as well as adjacent property owners. ~~Such facilities shall be of sufficient capacity to~~  
2495 ~~ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the~~  
2496 ~~development.~~ (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2497 ~~O.P.~~ Inspections: All structures required by this title to have building permits and all uses required to  
2498 have use permits shall be inspected by the building official in accordance with procedures established by  
2499 the international building code, as adopted by the city, and this title; ~~provided, however, that no~~  
2500 ~~building permits for such structures or use permits shall be issued until the planning commission, or the~~  
2501 ~~zoning administrator if authorized by the planning commission and city council, has issued a conditional~~  
2502 ~~use permit for the building site or use, or has determined that a conditional use permit is not required~~  
2503 ~~by this title.~~ (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

2504 ~~(10-7-7-K)~~

2505 ~~K. Design Standards:~~

2506 ~~1. Compliance Required: All developments shall comply with the following standards unless a variance~~  
2507 ~~from one or more provisions of this section is approved by the city council in accordance with the~~  
2508 ~~variance procedure of this title.~~

2509 ~~2. General Standards:~~

2510 ~~Pa.~~ The design of a development shall preserve insofar as possible the natural terrain, natural drainage,  
2511 existing topsoil and trees.

2512 ~~Qb.~~ Land subject to hazardous conditions, such as slides, mudflow, rockfalls, snow avalanches, possible  
2513 mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water  
2514 supplies, shall be identified and shall not be developed until the hazards have been eliminated or  
2515 will be eliminated by the development and construction plans.

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2516 ~~22. Permit Required: A conditional use permit shall be required prior to the construction of any~~  
2517 ~~development. Final plan approval shall constitute such conditional use permit for any development.~~  
2518 ~~(Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

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2521 **13-8-020: SUBDIVISION LAYOUT:**

2522 A. Conformance To General Plan: Where a proposed subdivision includes property identified within the  
2523 City General Plan or other Master Planning documents to include specific essential infrastructure  
2524 improvements, such as trails, active transportation improvements, or right of way improvements;  
2525 the developer shall provide a lot layout which accommodates the improvement.

2526 B. Preservation Of Features: Where trees, groves, waterways, scenic points, historic spots or other city  
2527 assets and landmarks, as determined by the city, are located within a proposed subdivision, every  
2528 reasonable means shall be provided to preserve these features.

2529 C. Adjoining Existing Street: Whenever a tract to be subdivided adjoins or contains any part of an  
2530 existing or proposed street so designated on the street plan, such part of the public way shall be  
2531 platted, dedicated and improved by the developer in the location and at the width specified.

2532 **13-8-030: BLOCKS:**

2533 ~~11A.~~ Block StandardsLength: Block lengths shall be reasonable as approved by the planning commission,  
2534 and in total design shall provide for convenient access and circulation for emergency vehicles.  
2535 Generally blocks shall be a minimum of four hundred feet (400') with maximum length of one  
2536 thousand feet (1,000'). In blocks over eight hundred feet (800') in length, a dedicated walkway  
2537 through the block, at approximately the center of the block is required where feasible. Such  
2538 walkways shall be not less than sixteen feet (16') in width with a paved or concrete surface of eight  
2539 feet (8').

2540 B. Double Frontage: Lots having double frontage shall not be approved except where necessitated by  
2541 topographic or other unusual conditions. The planning commission may require that vehicular  
2542 access be restricted for portions of double fronted lots, where access would be deemed difficult due  
2543 to topography or pose a traffic hazard.

2544 C. Width; Variation: The width of each block shall be sufficient for an ultimate layout of two (2) tiers of  
2545 lots therein of a size required by the provisions of this title, unless the general layout of the vicinity,  
2546 lines of ownership, topographical conditions or locations of arterial streets or freeways justify or  
2547 make necessary a variation from this requirement.

2548 **13-8-040: LOTS:**

2549 A. General Requirements: All subdivisions shall result in the creation of lots which are developable and  
2550 capable of being built upon. A subdivision shall not create lots, and no building permit shall be  
2551 issued for any lots which would make improvement impractical due to size, shape, steepness of

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2552 terrain, location of watercourses, problems of sewerage or driveway grades, or other physical  
2553 conditions.

2554 ~~B3.~~ Lots: (section 10-7-7-K)

2555 a. No single lot shall be divided by a municipal or county boundary line.

2556 b. A lot shall not be divided by a road, alley or other lot.

2557 c. No wedge shaped lot shall be less than ~~thirty feet (30') in width at the front property line, or the~~  
2558 ~~lot frontage required in the zoning district, whichever is larger.~~

2559 d. Side lot lines shall be at right angles to the street which the lot fronts or approximately radial to  
2560 center of street curves or cul-de-sac on which the lot faces.~~street lines, except where justified by~~  
2561 ~~the developer and approved by the planning commission. The planning commission may allow~~  
2562 exceptions to this requirement where considerations are warranted for solar orientation or  
2563 topography.

2564 e. All ~~residential lots in developments created by the subdivision~~ shall front on a public street, or on  
2565 an approved private street, improved to the standards hereinafter required, equal to the  
2566 minimum frontage requirement for the zone, unless modified as part of a planned unit  
2567 development. ~~approved by the planning commission and the city council. Required frontage~~  
2568 ~~shall not be considered to be provided if vehicular access across the street line is prohibited.~~  
2569 ~~Double frontage lots are prohibited unless approved by the planning commission.~~

2570 f. Corner lots shall be so designed as to provide for the same quality and size of building area as  
2571 interior lots by ~~such enlargement as necessary increasing the minimum width by ten feet (10')~~ to  
2572 accommodate the ~~increased~~ required side street setbacks and yards.

2573 ~~g. 13.~~ Lot Size Standards: All lots shall conform to area requirements of any existing zoning  
2574 regulations. Where no zoning regulations are in effect, density standards or minimum lot size  
2575 requirements may be specified by the planning commission. (fix definitions of lots)

2576 h. All residential lots shall have a buildable area of with an average slope of less than 30% and of at  
2577 least five thousand (5,000) square feet in sized and a minimum with no single dimension of less  
2578 than fifty feet (50'), excluding required setbacks and easements. All approved lots less than  
2579 5,000 sq. ft. in shall be less than 30% average slope.

2580 i. Remnants parcels of property shall not be left which do not conform to lot requirements or are  
2581 not required or suitable for common open space, private utility or public purpose.

2582 j. Lot numbers shall begin with the number "1" and shall continue consecutively through the  
2583 subdivision, with no omissions or duplications. No block designations shall be used. When a  
2584 subdivision is developed in phases, the phase number shall precede each lot number. For  
2585 example, phase 2 would be numbered 201, 202, 203, etc.

2586 **13-8-05010-7-8: FLAG LOTS<sup>2</sup>:**

2587 In older areas of the city, certain properties have evolved over time with irregular shapes and sizes,  
2588 some with deep rear lots. As the city continues to see these lots subdivided, there may exist a need to

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2589 develop these deeper lots. Flag lots are one alternative to such development. However, many problems  
2590 can result from the misuse of flag lots, including increased points of traffic access on busy or narrow  
2591 streets, large paved areas created to access rear units, a mass of new units incompatible with an existing  
2592 neighborhood, and the compromising of adequate and safe fire protection to rear units. These problems  
2593 threaten the character and stability of existing neighborhoods. For these reasons, the following  
2594 restrictions and prohibitions are established to better control increasing residential density in  
2595 predominantly single-family neighborhoods through the use of flag lots:

2596 A. Circumstances Permitting: The city discourages and restricts the creation of flag lots. A flag lot should  
2597 be permitted only under certain limited circumstances. Flag lots are prohibited except:

- 2598 1. Where necessary to reduce access onto major streets and thoroughfares;
- 2599 2. To reasonably utilize irregularly shaped land;
- 2600 3. To reasonably utilize land with severe topography;
- 2601 4. To provide for the protection of significant natural or environmentally sensitive areas; or
- 2602 5. To allow a property owner reasonable use and benefit of a parcel of land not otherwise  
2603 developable.

2604 B. Prohibited Flag Lots: Flag lots are expressly prohibited where:

- 2605 1. The creation of the flag lot will increase the number of access points onto a major thoroughfare;
- 2606 2. The density created by the flag lot would exceed the average existing density in the immediately  
2607 adjacent developed residential area; or
- 2608 3. The proposed flag lot would resubdivide an existing lot or lots in a recorded subdivision plat.

2609 C. ~~Conditional Use: Flag lots are conditional uses and must receive planning commission~~  
2610 ~~approval prior to being taken through a subdivision review and approval process.~~ The  
2611 applicant proposing a flag lot must have demonstrated to the planning commission that  
2612 because of topographical features and/or unique situations as set forth in subsection A of this  
2613 section, creation of a flag lot should be allowed.

2614 D. Design Requirements For Flag Lot:

- 2615 1. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion  
2616 thereof.
- 2617 2. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The  
2618 minimum width of the staff portion of each flag lot shall be thirty feet (30'). Two (2) staffs may be  
2619 placed side by side and be a minimum width of twenty five feet (25') each. The staff shall not be  
2620 longer than one hundred fifty feet (150').
- 2621 3. The flag portion of the lot shall meet the minimum lot size requirement for the zone in which it is  
2622 located. The staff portion shall not count as part of the land area needed to meet the lot area  
2623 requirement.

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2624 4. Flag lots must be similar in shape of the buildable area (i.e., rectangular or pie shaped if on a cul-  
2625 de-sac) to the majority of the lots in the immediately adjacent developed residential area.

2626 5. The front side of the flag portion of the lot shall be deemed to be that side nearest to the  
2627 dedicated public street upon which the staff portion fronts. The staff portion shall be deemed to end  
2628 and the flag portion shall be deemed to begin at the extension of the front lot line.

2629 6. Flag lot units located away from the street shall maintain a presence to the street, be oriented to  
2630 the street, and be visible from the street. A larger building for the flag lot unit in relation to a unit in  
2631 front of the flag lot unit is not acceptable as a means to meet the street presence requirement.

2632 7. All minimum required setbacks for the zone in which the flag lot is located shall apply and all front  
2633 setback distances shall be measured from the flag portion of the lot and not from the street.

2634 Orientation, setbacks and private yards shall conform to the following criteria:

2635 a. All units shall orient to the street;

2636 b. Each unit shall have both a "front" and "rear" yard on opposite sides of the unit; and (Ord. 07-  
2637 12, 6-5-2007)

2638 c. To protect the privacy of yard areas on neighboring properties, large windows and decks on  
2639 the second floor shall not orient to adjacent, surrounding properties. (Ord. 07-12, 6-5-2007;  
2640 amd. 2012 Code)

2641 8. An access driveway with a minimum width of twenty feet (20') shall be provided with landscaping  
2642 on each side. The access driveway shall be asphalt or concrete with adequate drainage and shall be  
2643 properly maintained on a continuous basis. Where two (2) flag lots are adjacent to each other, a  
2644 common driveway for both units is encouraged; multiple driveways are discouraged.

2645 9. Fire protection for flag lot units. Each proposal to construct a unit on a flag lot more than one  
2646 hundred fifty feet (150') from a public street must first be reviewed and approved by the fire  
2647 marshal and all other criteria listed below prior to receiving a building permit. No primary residential  
2648 structure may be located on a flag lot more than five hundred feet (500') from a public street. All  
2649 measurements shall be taken from the edge of the public right of way along the centerline of the  
2650 driveway or private access driveway to the nearest point of the primary structure. All of the  
2651 following must be met before a building permit may be approved:

2652 a. An access road or driveway shall be provided which meets the following standards:

2653 (1) An asphalt or concrete surface capable of supporting the imposed load of fire apparatus  
2654 shall be provided and extended to within one hundred fifty feet (150') of all portions of the  
2655 exterior walls of the first story of any building. If constructed of asphalt, the access road or  
2656 driveway shall be a minimum of two and one-half inches (2<sup>1</sup>/<sub>2</sub>" ) of asphalt over a minimum  
2657 of six inches (6") of compacted road base. If constructed of concrete, the access road or  
2658 driveway shall have a minimum of five inches (5") of concrete over a compacted road base.  
2659 The access road or driveway shall be maintained by the property owner or possessor of the  
2660 premises in good condition and repair and with adequate snow removal so as to provide  
2661 free and uninhibited access by emergency service vehicles.

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2662 (2) The access road or driveway shall be a minimum of twenty feet (20') wide. Where such  
2663 roadway is adjacent to required fire hydrants, the width shall be a minimum of twenty six  
2664 feet (26') within twenty feet (20') in either direction from the hydrant. Such required widths  
2665 shall be unobstructed, including parking of vehicles, and shall have a minimum vertical  
2666 clearance of thirteen and one-half feet (13<sup>1</sup>/<sub>2</sub>'). **The maximum grade for any access road or**  
2667 **driveway shall be fifteen percent (15%) at any point measured along the centerline of the**  
2668 **access road or driveway. (ask Casey)**

2669 (3) A turnaround approved by the fire marshal shall be provided at the end of the access  
2670 road or driveway.

2671 (4) Each access road or driveway shall be identified and marked by the property owner to  
2672 the satisfaction and approval of the fire marshal. Signs shall be posted near the entrances of  
2673 access roadways and driveways. Signs shall be a minimum of twelve inches by eighteen  
2674 inches (12" x 18") in two and one-half inch (2<sup>1</sup>/<sub>2</sub>" ) block lettering with one-half inch (1/2")  
2675 stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access  
2676 Road".

2677 b. (1) A fire hydrant shall be installed by the city at the expense of the property owner and  
2678 shall be connected by an ~~eight-six~~ inch (68") water line from the water main. The hydrant shall  
2679 be located to the satisfaction and approval of the fire marshal. Fire hydrants shall be located on  
2680 all required access roads or driveways and shall be located within five feet (5') of the required  
2681 access road or driveway.

2682 (2) If, in the opinion of the fire marshal, fire hydrants are vulnerable to vehicular damage,  
2683 appropriate crash posts shall be required. No obstruction shall exist within a three foot (3')  
2684 working area of each fire hydrant. Required crash posts shall be four inch (4") concrete filled  
2685 pipe, having a minimum of three feet (3') in height above grade, with two feet (2') of pipe  
2686 below grade set in concrete. Hydrant shutoff valves shall be located no closer than five feet  
2687 (5') from the hydrant and no further than twenty feet (20').

2688 (3) The fire hydrant, water line and access road or driveway shall be located within a public  
2689 utility easement of at least twenty feet (20') in width such that emergency and utility service  
2690 vehicles and personnel have unimpeded access to the improvements.

2691 c. All dwelling structures shall have installed at the time of construction, and keep continuously  
2692 maintained, a pressurized interior fire protection sprinkling system that complies with the  
2693 minimum standards of the international fire code and is approved by the fire marshal.

2694 d. All of the required improvements shall be installed at the property owner's expense. (Ord. 07-  
2695 12, 6-5-2007)

2696 **Footnotes** – Click any footnote link to go back to its reference.

2697 **Footnote 1:** See section 10-7-8 of this chapter.

2698 **Footnote 2:** See also subsection 10-7-1B1f of this chapter.

2699 **13-8-060: STREETS:**

2700 **A.4. Street Requirements: (10-7-7-K)**

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- 2701 ~~1. a.~~ The street layout shall conform to the general plan of the city.
- 2702 ~~2. b.~~ Minor streets shall be laid out to discharge through traffic.
- 2703 ~~3. c.~~ Stub streets shall be provided where needed to connect to adjacent undeveloped land, and
- 2704 new streets must be provided where needed to connect to existing stub streets in adjacent
- 2705 developments. Not more than six (6) lots shall front on a stub street, except where a temporary
- 2706 cul-de-sac turnaround is provided.
- 2707 ~~4. d.~~ Intersections of minor streets with major collector streets shall be kept to the minimum.
- 2708 ~~5. e.~~ Minimum right of way widths and pavement widths for public and private streets shall be
- 2709 determined by the city standards and specification manual as adopted~~resolution of~~ by the city
- 2710 council for various categories of streets, but shall in no case be less than the following:

Street Category	Minimum ROW	<u>Width to back of curb</u>
Minor arterial	80 feet	<u>62 feet</u>
Major collector street	66 feet	<u>48 feet</u>
Minor collector street	60 feet	<u>42 feet</u>
Local (minor) street	50 feet	<u>32 feet</u>
<u>Private Street</u>	<u>35 feet</u>	<u>26 feet</u>
<u>Private Alley</u>	<u>30 feet</u>	<u>26 feet</u>
<u>Private Alley (one-way)</u>	<u>20 feet</u>	<u>15 feet</u>

- 2711 ~~f.~~ Minimum right of way widths for private streets shall be the same as for public streets of the
- 2712 same use category, unless a different width is approved in a planned unit development. The
- 2713 appropriate use category for a private street shall be determined by the planning commission
- 2714 before a building or use permit is approved along such private street.
- 2715 ~~6. g.~~ Public street shall have roadway widths from, back of curb to back of curb, as adopted by
- 2716 resolution of the city council, but shall in no case be less than the following:

<del>Minor arterial</del>	<del>62 feet</del>
<del>Major collector street</del>	<del>48 feet</del>
<del>Minor collector street</del>	<del>42 feet</del>

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<del>Local (minor) street or frontage road</del>	<del>32 feet</del>
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- ~~h. Minimum roadway widths for private streets shall be the same as for public streets of the same use category, unless a different width is approved in a planned unit development.~~
- ~~i. Where no curbs are required to be installed, a minimum of six foot (6') shoulders shall be provided on each side of the street, not to exceed a two to one (2:1) slope.~~
- ~~1.7.16.~~ Alleys: The planning commission may approve service access to the interior of blocks where deemed to be in the public interest, in which case such alleys must be indicated in the preliminary design plans and on the final plat. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- ~~8. j.~~ No half streets are permitted ~~unless approved by the planning commission and city council.~~
- ~~9. k.~~ Dead end streets, including stub streets, shall be permitted or required by the planning commission only to provide future access to adjoining property, except for dead end street systems in cluster developments, in planned unit developments, condominium developments, or similar special projects. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- ~~10. Streets which provide frontage and access for thirty (30) or more lots or dwelling units are required to have a minimum of two (2) separate means of egress.~~
- ~~11. l.~~ The following standards apply to all temporary and permanent cul-de-sacs:
  - ~~a. (1)~~ Cul-de-sacs shall be terminated by a turnaround of not less than one hundred feet (100') in right of way diameter, and the face of curb or pavement edge radius shall be thirty eight and one-half feet (38<sup>1</sup>/<sub>2</sub>) or more.
  - ~~b. (2)~~ Temporary cul-de-sacs shall be paved with a minimum of two inches (2") of asphalt or other binder pavement.
  - ~~c. (3)~~ Permanent cul-de-sacs shall be paved with a minimum of three inches (3") of asphaltic or portland cement or other binder pavement.
  - ~~d. (4)~~ Downhill cul-de-sacs are strongly discouraged and may only be allowed if it can be demonstrated that surface drainage and street grade will be controlled in a manner acceptable by the city engineer. A surface overflow drainage outlet will be designed to protect adjacent properties in the event the curb face inlet(s) become obstructed or clogged.
  - ~~e. (5)~~ Cul-de-sac length shall be measured from the centerline of an intersecting street, excluding other cul-de-sacs, along the centerline of the cul-de-sac, to a point at the center of the closed end of the cul-de-sac.
  - ~~f. (6)~~ Residential zoning districts:
    - (A) A cul-de-sac shall not serve more than twenty (20) lots or exceed six hundred feet (600') in length.
    - (B) The planning commission may recommend to the city council, and the city council may approve, an increase to the maximum length of a cul-de-sac, up to one thousand feet (1,000') in total length, when the following conditions exist:
      - (i) Physical conditions exist which preclude the ability to establish any other practical means of access. Such conditions may include: topography; environmentally sensitive areas such as wetlands, ponds, streams, rivers, or lakes; or manmade structures that cannot be altered, moved or relocated;

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2757 (ii) Construction of a through street will result in undesired cuts and fills or will  
2758 damage natural terrain or drainage; or

2759 (iii) Buildings or existing developments block access to the site, which would result  
2760 in landlocked property or an inefficient development plan; and

2761 (iv) Such an exception has received a favorable recommendation from the South  
2762 Davis metro fire district and the city's development review committee.

2763 (C) Exceptions to cul-de-sac length may also be subject to the following as needed:

2764 (i) Possible modified construction standards such as pavement width and cul-de-sac  
2765 diameter, quantity of fire hydrants, placement of fire hydrants on alternating side of  
2766 street, looped water lines, emergency egress routes or plans, drainage, pedestrian  
2767 easements or other reasonable measures to ensure public safety.

2768 ~~g.(7)~~ Nonresidential zoning districts:

2769 (A) A cul-de-sac shall not exceed six hundred feet (600') in length. Cul-de-sacs longer  
2770 than six hundred feet (600') may be recommended by the planning commission and  
2771 approved by the city council if the development review committee (DRC) makes a  
2772 written finding that such a cul-de-sac would better preserve the natural terrain and  
2773 vegetation in the area or provide a superior street design or provide needed access to  
2774 landlocked parcels.

2775 (B) The planning commission may require public accessways from a cul-de-sac to  
2776 provide safe circulation for pedestrians and bicyclists. (Ord. 2016-06, 5-17-2016)

2777 ~~12. m.~~ No more than four (4) streets shall enter an intersection.

2778 ~~13. n.~~ Streets shall intersect at ninety degrees (90°), except where otherwise approved as necessary  
2779 by the planning commission upon favorable recommendation of the city engineer.

2780 ~~14. o.~~ The centerlines of two (2) subordinate streets meeting a through street from opposite sides  
2781 shall extend as a continuous line, or the centerlines shall be offset at least one hundred fifty feet  
2782 (150'). (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2783 ~~15. p.~~ Protection strips are not allowed adjacent to or on public streets and rights of way. (Ord. 93-  
2784 5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

2785 ~~B5.~~ Street Names: The following principles shall govern street names in a subdivision:

2786 1. Streets shall be numbered based on the adopted grid system wherever practical. Alphabetic  
2787 names may be considered for streets of a meandering or diagonal nature or for other  
2788 streets as specifically approved by the planning commission. Streets may also be named but  
2789 there shall be no duplication of street names within the area.

2790 2. All new street names must be approved by the planning commission and shall be given  
2791 to reviewed with the county recorder and building official development review committee  
2792 for review and recommendation prior to the approval of street names by the planning  
2793 commission to avoid duplication or near duplication to any streets in the city or area that  
2794 may lead to confusion of response by public safety agencies.

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- 3. Each street which is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street.
- 4. The words "Street", "Avenue", "Boulevard", "Place", "Way", "Court", or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the planning commission. Any street name incorporating one of the terms used above shall conform to the established definition of that term. Any named street shall also have the proper numerical coordinate as approved by the city engineer.
- 5. Street names shall not be permitted that contain a cardinal direction, such as north, south, east, or west, for example "South Bay Drive".

**C6. Curvature And Alignment:**

- 1. ~~a-~~ To ensure adequate sight distances, street roadway line connections shall be made by horizontal curves. The minimum centerline radii for minor streets shall be one hundred feet (100') and of all other streets shall be three hundred feet (300'). On collector streets, a minimum tangent of one hundred feet (100') shall be required between a curve and street intersection; a minimum tangent of one hundred feet (100') shall be required between reverse curves.
- 2. ~~b-~~ Vertical curves shall be used at all changes of grade exceeding one percent (1%) and shall be designed to provide minimum sight distances of two hundred feet (200') for minor streets and three hundred feet (300') for all other streets, except that vertical curves for major streets shall be as determined by the current specifications of the state department of transportation.

**~~D7. Frontage On Major Highways: Where a residential development abuts a major highway, frontage roads may be required.~~**

**~~D8. Roadbed Construction Standards For Paved Roadways For Public and Private Streets: Minimum roadbed grading and paving for minor, collector and major streets all street types shall be established within the city standards and specifications manual approved by the city council. Reduction of such roadway grading and paving may be approved by the planning commission and city council for one way streets, mountain developments or other justifiable design or topographical reasons.~~**

**~~E9. Street Grades: All street grades shall be designed as follows:~~**

- ~~a. a. Major collector s~~ Streets shall be limited to a maximum grade of ~~twelve ten percent (1210%).~~
- ~~b. b. Minor collector streets shall be limited to a maximum grade of twelve ten percent (1210%).~~
- ~~b. c.~~ Cul-de-sacs shall terminate with a grade not to exceed three percent (3%) for the last ten feet (10') of traveled surface.
- ~~c. d.~~ A street intersection shall have a vertical alignment such that the grade shall not exceed three percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the intersection.
- ~~e. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred feet (600').~~
- ~~d. f.~~ All changes that exceed one (1%) percent in vertical alignment shall be made by vertical curves with minimum length of fifty feet (50') for local (minor) streets and one hundred feet (100') for collector streets.

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2835 ~~g. Streets in mountainous terrain shall be designed at less than maximum allowable grade in~~  
2836 ~~order that they can be safely negotiated and that snow can be removed during winter.~~

2837 FG10. Sidewalks, Curbs And Gutters: Sidewalks, curbs and gutters shall be provided on both sides of all  
2838 streets to be dedicated to the public, ~~unless approved otherwise by the planning commission and~~  
2839 ~~city council.~~ Private streets and one way private alleys shall provide for sidewalk and park strip on  
2840 only one side of the street. Private alleys with rear access garages shall not be required to provide  
2841 sidewalks and park strips. Sidewalks, curbs and gutters may be required by the city council on  
2842 existing streets bordering the development.

2843 GH12. Pedestrian Midblock Crosswalks: Where blocks exceed ~~one thousand eight hundred~~ feet (1,0800')  
2844 in length and where a dedicated walkway is required through the block, pedestrian rights a  
2845 midblock crosswalk s of way of not less than ten feet (10') in width may be required by the planning  
2846 commission ~~through blocks~~ where needed for adequate pedestrian circulation. ~~Walk improvements~~  
2847 ~~(paving) of not less than five feet (5') in width shall be placed within the rights of way, when~~  
2848 ~~required by the planning commission.~~

2849 H4. Study May Be Required: Where the potential impacts on the existing street systems are considered  
2850 to be great, or in the case of unique circumstances concerning access, topography or street layout, a  
2851 transportation planning/engineering study may be required.

2852 I4. Private streets shall not be permitted unless the planning commission finds that the most logical  
2853 development of the land requires that lots be created which are served by a private street or other  
2854 means of access, and makes such findings in writing with the reasons stated therein. All private  
2855 streets shall meet North Salt Lake development standards as it pertains to standard street  
2856 intersections, typical cul-de-sac and standard roadway sections. This includes, but is not limited to,  
2857 submittals, quality control, site preparation, grading, excavating, backfilling and compaction, base  
2858 course, asphalt/concrete, curbs, gutters, drive aprons and walks, slurry sealing, restoration of  
2859 existing improvements, storm drainage systems, boundary markers and survey monuments,  
2860 geotextiles and concrete reinforcement. Land designated as public right of way shall be separate  
2861 and distinct from lots adjoining such right of way and shall not be included in the area of such lots.

2862 **13-8-070: LANDSCAPING:**

2863 A. Special Treatment: Whenever, in the opinion of the planning commission, the cuts and fills in a  
2864 hillside subdivision are of sufficient size or visibility to demand special treatment, the developer shall  
2865 be required to landscape such areas with suitable permanent plant materials and to provide for  
2866 their maintenance.

2867 B. Preservation: The subdivision shall be so designed as to either preserve, or provide for, the greatest  
2868 amount of on site vegetation.

2869 C. Sensitive Lands Overlay: Subdivisions in the sensitive lands overlay zones shall comply with all  
2870 provisions of the city sensitive lands ordinance.

2871 D.23. Landscaping Design Standards For Redwood Road:

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2872 ~~1.a.~~ For development along the west side of Redwood Road, the following development standards  
2873 are adopted:

2874 ~~a. (1)~~ The area behind the curb and gutter of Redwood Road shall include an area not less than  
2875 twenty four feet (24') wide containing improved and irrigated landscaping and an eight foot  
2876 (8') wide meandering asphalt multiuse trail. If any portion of the required twenty-four foot  
2877 (24') landscaped area is outside the dedicated right of way, a public trail easement and  
2878 street tree easement shall be dedicated to the city upon the recorded plat

2879 ~~b. (2)~~ Within the twenty-four foot (24") wide area trees shall be planted in accordance with the  
2880 requirements of Title 7 Chapter 9, Community Forestry.

2881 ~~c. (3)~~ Residential developments along Redwood Road shall, in addition to complying with the  
2882 requirements of chapter 11 of this title, include a solid wall, not less than six feet (6') in  
2883 height as a buffer along the entire length of frontage along Redwood Road. The wall shall be  
2884 constructed of masonry or other hard, permanent materials and shall generally be a sight  
2885 obscuring wall or a combination of berms, rocks, planted materials and manmade materials  
2886 that render the wall sight obscuring. Any solid walls constructed pursuant to this subsection  
2887 shall also be treated with an antigraffiti treatment approved by the city.

2888 ~~2b.~~ For developments along the east side of Redwood Road, the same development standards apply  
2889 except that there shall be a five foot (5') wide concrete sidewalk provided in lieu of an eight foot  
2890 (8') wide meandering asphalt multiuse trail. (Ord. 2012-04, 2-7-2012)

2891

2892 **13-8-080: UTILITIES AND EASEMENTS:**

2893 **14. Easement Standards:**

2894 ~~A. a.~~ Utility Easements shall follow rear and ~~every other~~ side lot lines whenever practical and shall  
2895 have a minimum total width of ~~fifteen sixteen feet (15'16')~~ apportioned equally in abutting  
2896 properties (~~7.58~~ feet each lot).

2897 ~~B. b.~~ Where ~~front line yard utility~~ easements are required ~~to be~~, a minimum of ~~seven ten feet (7'10')~~  
2898 ~~shall be allocated as a utility easement.~~ Perimeter easements shall be not less than ~~seven eight feet~~  
2899 (~~7'8'~~) in width, extending throughout the peripheral area of the development, ~~and will be larger if~~  
2900 ~~required by the planning commission.~~

2901 ~~C. c.~~ All easements shall be designed so as to provide efficient installation of utilities or street  
2902 plantings. Special guying easements at corners may be required if any ~~existing~~ utilities are ~~to be~~  
2903 overhead. Public utility installations shall be so located as to permit multiple installations within the  
2904 easements. The developer shall establish final utility grades prior to utility installations.

2905 ~~D.~~ The planning commission may require additional easements, or increased width of easements, as  
2906 necessary to provide for adequate utility service and/or drainage within the subdivision and to or  
2907 from adjoining parcels when recommended by the city engineer.

2908 ~~A.E. 15.~~ Utilities To Be Underground: Unless the planning commission and city council determine, upon  
2909 application by the developer, and recommendation of the city engineer, that it is not feasible to do  
2910 so, all power lines, telephone lines and other normally overhead utility lines shall be placed  
2911 underground by the developer, including existing overhead utilities. ~~±~~

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2912 F. Utility easement width may be reduced as approved by the planning commission for lots within  
2913 planned unit developments.

2914 **13-8-090: WATERCOURSES:**

2915 The developer shall dedicate a right of way for storm drainage conforming substantially with the lines of  
2916 any natural watercourse or channel, stream, creek, irrigation ditch or floodplain that enters or traverses  
2917 the subdivision, as determined by Davis County flood control and/or the city engineer. The developer  
2918 shall also dedicate acceptable rights of way for any pipe, conduit, channel, and retention or detention  
2919 area as approved by the city engineer for flood control.

2920 **13-8-100: WARRANTY PERIOD:**

2921 The warranty period shall commence upon the date that all improvements required by the city to be  
2922 installed within the subdivision have been completed to the satisfaction of the city and a final inspection  
2923 thereof has been made approving the same. The warranty period shall commence at that date and shall  
2924 continue for a period of one year thereafter. If any deficiencies are found by the city during the warranty  
2925 period in materials or workmanship, the developer shall promptly resolve such defects or deficiencies  
2926 and request the city engineer to reinspect the improvements. At the end of the one (1) year warranty  
2927 period, the developer shall request the city engineer to make a final warranty period inspection of all  
2928 improvements. If the city engineer verifies that the improvements are acceptable, the city engineer shall  
2929 release the balance of the security posted by the developer under the bond agreement.

2930  
2931 **13-8-100: DEDICATIONS OF STREETS AND TRAILS**

2932 **F. Dedication-Of Streets And Trails:**

2933 A. ~~1~~-Requirement: Maps and plats, when made, acknowledged, filed and recorded according to  
2934 procedures specified in this section, operate as a dedication of all streets, trails and other public  
2935 places, and vest the fee of those parcels of land in the city for the public for the uses named or  
2936 intended in those maps or plats.

2937 B. ~~2~~-Nonliability For Unimproved Dedications: The dedication established by this section does not  
2938 impose liability upon the city for streets, trails and other public places that are dedicated in this  
2939 manner but unimproved.

2940 **13-8-120+ RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:**

2941 A. ~~1~~-Regulations May Be Adopted: The city council, in order to protect and ensure access to sunlight  
2942 for solar energy devices, may adopt regulations governing legislative subdivision development plans  
2943 that relate to the use of restrictive covenants of solar easements, height restrictions, side yard and  
2944 setback requirements, street and building orientation and width requirements, height and location  
2945 of vegetation in respect to property boundary lines, and other permissible forms of land use  
2946 controls. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2947 ~~2~~-Refusal To Approve: The ~~city council~~ planning commission may refuse to approve or renew any  
2948 plat or subdivision plan, or dedication of any street or other ground, if the deed restrictions,  
2949 covenants or similar binding agreements running with the land for the lots or parcels covered by the  
2950 plat of subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar  
2951 collectors, or other energy devices based on renewable resources from being installed on buildings

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erected on lots or parcels covered by the plat or subdivision. (Ord. 93-5, 7-6-1993, eff. 7-15-1993;  
amd. 2012 Code)

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**Chapter 9 ESSENTIAL IMPROVEMENTS**

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- 13-9-010: DESIGN STANDARDS & SPECIFICATION:
- 13-9-020: REQUIRED IMPROVEMENTS:
- 13-9-030: CURB, GUTTER, SIDEWALK AND ASPHALT PAVING:
- 13-9-050: STORM DRAINAGE:
- 13-9-050: UNDERGROUND UTILITIES AND SANITARY SEWER:
- 13-9-060: FENCING OR PIPING OF HAZARDS:
- 13-9-070: MONUMENTS:
- 13-9-080: COMPLETION:
- 13-9-090: PAYBACK AGREEMENTS FOR IMPROVEMENTS:

**13-9-010: DESIGN STANDARDS & SPECIFICATIONS MANUAL:**

A. Preparation: The city engineer and public works department shall prepare and recommend for adoption by resolution or ordinance the Design Standards & Specifications Manual for the design, construction, specifications, and inspection of essential infrastructure, whether publicly dedicated or privately owned. The manual shall include street and trail improvements, street trees, water distribution systems, storm drainage, flood control facilities, and other specifications as deemed necessary. The design standards shall be prepared in cooperation and coordination with the South Davis Sewer District, South Davis Metro Fire Agency, and any private special service district or water company providing service within the city.

The developer shall provide evidence of design approval from any such outside agencies, prior to final plat approval. Additional design standards prepared by private utilities shall be the responsibility of the individual agency. All such standards for design and construction of essential infrastructure improvements and amendments thereto, which are under the control of the city, shall be approved and adopted by the city council before becoming effective. All developers shall comply with the approved standards required herein.

B. Streets, Blocks, Etc.: The design of the subdivision in relation to streets, blocks, lots, open spaces, and other design factors shall be in harmony with design standards recommended by the planning commission and other city staff and approved by the city council.

**13-9-020: REQUIRED IMPROVEMENTS:**

A. Scope Of Requirements: The developer shall improve, or agree to improve, all streets, ~~pedestrianways~~ pedestrian ways or easements in the subdivision and on streets which abut, or serve as access to, the subdivision. Permanent improvement work shall not commence until improvement plans and profiles have been approved by the city and, if applicable, an improvement agreement, including security bond, has been executed between the developer and the city as specified in this title. **As part of the street improvements, the developer shall deposit with the city sufficient sums to provide a slurry seal for the street as required by the city and additional sums to cover the cost of street signs and regulatory signs which the city determines are required for the subdivision.** The city will utilize funds deposited for street signs to obtain the signs and install the same within the subdivision.

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2995 B. Installation; Inspection: Improvements shall be installed to permanent line and grade to the  
2996 satisfaction of the city and in accordance with the standard specifications adopted by the city council.  
2997 Cost of inspection shall be paid by the developer as outlined in the consolidated fee schedule.

2998 C. Nonresponsibility Of City: Notwithstanding the fact that the land on which the improvements will be  
2999 located is dedicated at the time of the recording of a plat, the city shall not be responsible for the  
3000 improvements, their construction or maintenance, until the warranty period specified in the bond  
3001 agreement has expired, the improvements have been inspected, and the city certifies that they meet  
3002 city standards.

3003 **13-9-030: CURB, GUTTER, SIDEWALK AND ASPHALT PAVING:**

3004 High back curbs, gutters, sidewalks and asphalt paving shall be provided in front of all commercial and  
3005 residential lots. High back curb, gutter and paving shall be required on all industrial property. At the  
3006 discretion of the planning commission, sidewalks may also be required for industrial property.

3007 **13-9-040: STORM DRAINAGE:**

3008 L. Storm Drainage And Floodplains:

3009 A1. Required Systems: Complete drainage systems for the entire development area shall be designed by  
3010 a professional engineer, licensed in the state and qualified to perform such work, and shall be  
3011 shown graphically. All existing drainage features which are to be incorporated in the design shall be  
3012 so identified. If the final plat is to be presented in sections, a general drainage plan for the entire  
3013 area shall be presented with the first section, and appropriate development stages for the drainage  
3014 system for each section indicated. All drainage plans shall meet adopted flood control standards and  
3015 limit runoff to a maximum of 0.2 second-feet per acre.

3016  
3017 B2. Design: The drainage and floodplain systems shall be designed with:

3018 ~~a. Unimpeded Flow: Permit the unimpeded flow of natural watercourses.~~

3019 1. ~~b.~~ Adequate Drainage: Ensure adequate drainage of all low points.

3020 2. ~~c.~~ Designated Floodplain Regulations: Ensure applications of the following regulations regarding  
3021 development in designated floodplains:

3022 a. ~~(1)~~ Construction of buildings shall not be permitted in a designated floodway with a return  
3023 frequency more often than a 100-year storm.

3024 b. ~~(2)~~ Building construction may occur in that portion of the designated floodplain, as  
3025 designated by FEMA, where the return frequency is between a 100-year and a maximum  
3026 probable storm provided all usable floor space is constructed above the designated  
3027 maximum probable flood level.

3028 c. ~~(3)~~ Where flow velocities in a floodplain are generally determined to be under five feet (5')  
3029 per second and maximum flood depth will not exceed three feet (3'), such uses as cultivated  
3030 agriculture, nurseries, parks and recreation facilities and accessory parking may be  
3031 permitted.

3032 d. ~~(4)~~ Any use of land is prohibited where flooding would create a public health hazard or  
3033 problem. This includes shallow wells, noncased deep wells, sanitary landfills, septic tanks

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- 3034 and on lot sewage disposal systems, water treatment plants, and also sewage disposal  
3035 systems not completely protected from inundation.
- 3036 ~~e. (5)~~ Any contemplated floodplain encroachment or channeling shall be thoroughly analyzed  
3037 and its effect on stream flow determined before such encroachment is undertaken. Any  
3038 construction, dumping and filling operations in a designated floodway constitute an  
3039 encroachment and must be approved by the planning commission before accomplishment.
- 3040 ~~f. (6)~~ No lot one acre or less in area shall include any portion of a 100-year floodplain when  
3041 computing the size of the lot. All lots containing more than one acre shall contain not less  
3042 than forty thousand (40,000) square feet of land which is at an elevation at least two feet  
3043 (2') above the elevation of the 100-year recurrence interval flood, or, where such data is not  
3044 available, five feet (5') above the elevation of the maximum flood of record.
- 3045 ~~3. d.~~ Drainage Basin: The drainage basin as a whole shall accommodate not only runoff from the  
3046 development area but also, where applicable, the system shall be designed to accommodate the  
3047 runoff from those areas adjacent to and "upstream" from the development itself, as well as its  
3048 effects on lands downstream. Basins by which the developer proposes to handle stormwater  
3049 drainage shall be designed for an event with a ten (10) year return period for all storm drain  
3050 pipe, and for an event with a one hundred (100) year return period for all storm drain detention  
3051 basins. The calculation must size the detention basin, size the orifice plate and determine the  
3052 amount of flow which can be released (the release rate can be 0.2 cfs/acre).
- 3053 ~~4. e.~~ Surface Drainage Structures: All proposed surface drainage structures shall be indicated on  
3054 the plans.
- 3055 ~~5. f.~~ Construction Materials And Elevations: All appropriate designs, details and dimensions needed  
3056 to clearly explain proposed construction materials and elevations shall be included in the  
3057 drainage plans.
- 3058 ~~6. g.~~ Permits: All necessary permits shall be obtained from applicable local, state and federal  
3059 agencies (i.e., state engineer, U.S. army corps of engineers, state division of health, etc.).
- 3060 ~~7. h.~~ Low Impact Development (LID):
- 3061 a. All development and redevelopment that warrants compliance with the Utah General  
3062 Construction Permit (UGCP) regulation must include an LID analysis that meets the objective  
3063 of mirroring the predevelopment hydrology and meets the objective of retaining on site.  
3064 Detention basins shall retain the required 24-hour storm equivalent, as required under the  
3065 Utah Pollutant Discharge Elimination System (UPDES) general discharge permit.
- 3066 ~~b. (1)~~ Low impact development (LID) is an approach to land development that uses various  
3067 land planning and design practices and technologies to simultaneously conserve and protect  
3068 natural resource systems and reduce infrastructure costs. LID still allows land to be  
3069 developed, but in a cost effective manner that helps mitigate potential environmental  
3070 impacts.
- 3071 ~~c. (2)~~ As part of the city of North Salt Lake permit, the city requires use of an LID approach,  
3072 which includes the implementation of structural BMPs, where practicable, that infiltrate,  
3073 evapotranspire or harvest and use stormwater for the site to protect water quality.
- 3074 ~~d.~~ Groundwater recharge may be considered to meet this the onsite retaining requirement,  
3075 where applicable and feasible. If meeting this the retention standard is technically  
3076 infeasible, a rationale shall be provided on a case by case basis for the use of an alternative  
3077 design criteria-

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3078 e. ~~(4)~~ No LID limits are defined except designs must not negatively impact surrounding  
3079 properties. The LID analysis must identify LID options considered and list the reasons why it  
3080 will be incorporated or why the considered LIDs are not practical for the site use or  
3081 conditions. Submit a report with stormwater calculations that summarizes the analysis and  
3082 results.

3083 f. ~~(5)~~ Suggested and preferred LIDs are outlined in the city's "Stormwater Best Management  
3084 Practices Handbook".

3085 8. ~~i.~~ Postconstruction Stormwater Maintenance Plan And Agreement:

3086 a. ~~(1)~~ The purpose of the postconstruction stormwater maintenance plan and agreement is to  
3087 control stormwater runoff and reduce pollutants in stormwater runoff after construction is  
3088 complete and the developed site is in operation. This is achieved by accomplishing the  
3089 following:

3090 i. ~~(A)~~ Controlling erosion.

3091 ii. ~~(B)~~ Controlling discharge of sediment into stormwater drainage facilities or off site.

3092 iii. ~~(C)~~ Preventing illicit discharges into on site soils, storm drainage facilities or off site.

3093 iv. ~~(D)~~ Prevention of debris and garbage from entering the stormwater system.

3094 b. ~~(2)~~ A postconstruction stormwater maintenance plan must be prepared and submitted with  
3095 the plans for approval for all privately owned or maintained facilities that warrant  
3096 compliance with the UGCP regulation. The plan shall be contained on a plan sheet of its  
3097 own, rather than being a part of another plan sheet, and is to contain at least the following:

3098 i. ~~(A)~~ The site plan, including vicinity map, proposed contours, permanent stormwater  
3099 features, and landscaping.

3100 ii. ~~(B)~~ BMPs to accomplish the purpose of the plan. Examples of appropriate BMPs may  
3101 include those addressing operation and maintenance of storm drainage quality control  
3102 facilities, operation and maintenance of stormwater discharge control facilities,  
3103 maintenance of landscaping, good housekeeping practices, etc.

3104 iii. ~~(C)~~ Showing the following for each BMP specified:

3105 1. ~~(i)~~ Location and extent of specified BMPs, as appropriate.

3106 2. ~~(ii)~~ Detailed schedule of execution for each specified BMP, in terms of starting time,  
3107 duration, frequency, etc., as appropriate.

3108 3. ~~(iii)~~ Any information in addition to or different from that shown on the BMP fact  
3109 sheets as necessary to employ the BMPs on the site.

3110 c. ~~(3)~~ The owner of development that warrants compliance with the UGCP regulation must  
3111 submit a signed stormwater maintenance agreement using the city of North Salt Lake  
3112 agreement template. The postconstruction maintenance agreement needs to be recorded  
3113 at the Davis County recorder's office. (Ord. 2016-12, 8-16-2016)

3114 **13-9-050: UNDERGROUND UTILITIES AND SANITARY SEWER:**

3115 A. A. Utilities, Sewers, Drains: All underground utilities, sanitary sewers and storm drains installed in  
3116 streets or alleys should be constructed prior to the surfacing of such streets or alleys. Connections  
3117 for all underground utilities, water lines, pressure irrigation lines, and sanitary sewers for each lot  
3118 should be laid to a point which will eliminate the necessity for disturbing the street or alley  
3119 improvements, when service connections thereto are made.  
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3121 B. Wires, Cables: All telephone, electric power, cable television or other wires or cables shall be placed  
3122 underground. Equipment appurtenant to the underground facilities, such as surface mounted  
3123 transformers, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be  
3124 above ground. The developer shall make all necessary arrangements with the utilities involved for  
3125 the installation of the underground facilities.

3126  
3127 C. ~~17~~-Sanitary Sewage Disposal; General Requirements:

3128 1. ~~a~~-The developer shall provide, or have provided, a piped sanitary sewerage system to the  
3129 boundary line of the development. ~~property line of e~~Every lot in the development shall be  
3130 provided a lateral, which shall be extended from the main line to a minimum of five (5') feet  
3131 behind the property line. The sewerage system shall meet the minimum standards and  
3132 requirements of the city and the regulating health department.

3133 2. ~~b~~-In all, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a  
3134 complete community or public sanitary system. All sewer mains shall be a minimum of eight  
3135 inches (8") in diameter. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

3136 D. ~~18~~-Test Procedures: Test of sanitary sewer mains, laterals and house connections shall be  
3137 conducted in accordance with local and state health requirements.

3138 E. ~~19~~-Water In Sufficient Quantity To Be Obligation Of Developer:

3139 1. ~~a~~-The procurement of water, whether by purchase of water rights, water shares, exchange or  
3140 service agreement, shall be the responsibility of the developer; and the water shall be provided  
3141 for the use of the development in an amount sufficient to meet minimum flows of two hundred  
3142 fifty (250) gallons per person, per day, plus outside irrigation and minimum static pressures of  
3143 fifty (50) pounds per square inch (psi), unless it can be proved to the planning commission that a  
3144 lesser amount is adequate.

3145 2. ~~b~~-However, in no event shall the quantity of water provided by the developer be less than that  
3146 required to meet fire flow standards as established by the fire department and the city council,  
3147 and the city council shall be given first right of refusal to purchase any excess water formerly  
3148 used on the land.

3149 F. ~~20~~-Culinary Water System: The culinary water delivery system shall extend to the ~~property~~  
3150 boundary line of the development. ~~e~~Every lot and shall be provided a lateral, which shall be  
3151 extended from the main line to a minimum of five (5') feet behind the property line. All laterals shall  
3152 be capable of delivering the flows and pressures as required. All water mains shall be a minimum of  
3153 ~~six-eight~~ inches (~~68~~" ) in diameter.

3154 G. ~~Water mains and fire hydrants connecting to the water system owned by the city shall be installed~~  
3155 as approved by the city. Mains and individual lot services shall be of sufficient size to furnish an  
3156 adequate water supply for each lot or parcel in the subdivision and to provide adequate fire  
3157 protection as determined by the fire marshal and as required under any applicable law, rule or  
3158 regulation.

3159 H. ~~21~~-Irrigation Systems (Including Drainage Facilities):

3160 1. ~~a~~-Where an existing irrigation system consisting of open ditches is located on or adjacent to or  
3161 within one hundred feet (100') of a proposed development, complete plans for relocation,  
3162 pipng, covering or other safety precautions shall be submitted with an application for  
3163 preliminary approval of a plat.

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3164 2. b- In all developments in which the smallest lot is less than one acre, all irrigation systems shall  
3165 be underground.

3166 3. c- All pressure irrigation systems in or within one hundred feet (100') of a proposed  
3167 development shall be identified and otherwise color coded as to pipe and valve color to meet  
3168 state standards and regulations.

3169 **13-9-060: FENCING OR PIPING OF HAZARDS:**

3170 A. Requirements: The developer shall install a six foot (6') nonclimbable chainlink fence along all canals,  
3171 waterways, nonaccess streets, open reservoirs or bodies of water, railroad rights of way, property in  
3172 agricultural use or zoned for agricultural use and other such features of potentially hazardous nature  
3173 which are on, cross or are contiguous to, the property being subdivided, except on those features which  
3174 the planning commission shall determine would not be a hazard to life, or where the fence itself would  
3175 create a hazard to the safety of the public. Fences required by this section shall comply with  
3176 construction standards established by the city.

3177 B. Irrigation Ditches: All irrigation ditches shall be piped, unless this requirement is waived by the city  
3178 council.

3179 **13-9-070: MONUMENTS:**

3180 Permanent monuments shall be furnished, accurately established, and set by the developer at such  
3181 points as are necessary to definitely establish all lines of the plat except those defining rear property  
3182 corners of individual lots which will be semipermanent.

3183 **13-9-080: COMPLETION:**

3184 A complete improvement plan "as built" shall be filed with the city upon completion of said  
3185 improvements. The "as built" plans shall be drawn on reproducible copies of the original tracings and  
3186 certified as to accuracy and completeness by the developer's licensed engineer.

3187 **13-9-090: PAYBACK AGREEMENTS FOR IMPROVEMENTS:**

3188 A. Scope Of Agreement: A payback agreement entered into between the city and the developer who  
3189 installs the improvements or facilities for water, storm sewer or roads is authorized, where the  
3190 improvements installed are intended to extend, expand or improve the city's water system, storm  
3191 sewers or roads beyond the improvements required to service or benefit the subdivision or  
3192 development proposed by the developer. Such payback agreements shall be for project improvements  
3193 and not system improvements as defined in the Utah impact fees act. The payback agreement is not  
3194 mandatory, but may be used at the option of the city manager, upon approval of the payback  
3195 agreement by the city council. The amount of the payback to the developer shall be determined by the  
3196 city council after receiving a recommendation from the city engineer after considering the  
3197 improvements or facilities required or benefiting developer's development, and those facilities or  
3198 improvements that are specifically oversized to provide for future development of adjacent projects.

3199 B. Nonliability Of City: The city shall, in all cases, be immune and not liable for any payments to the  
3200 developer if the payback agreement is determined to be unenforceable. The payback agreement shall  
3201 not confer a benefit upon any third party and shall be in a form approved by the city council. The

**TITLE 13 SUBDIVISION REGULATIONS**

**(REDLINE 02.06.2020)**

3202 responsibility for payment of the required improvements or facilities shall rest entirely with the  
3203 developer. The city shall not be responsible for collection of amounts from third parties.

3204

3205

1 CITY OF NORTH SALT LAKE  
2 PLANNING COMMISSION MEETING  
3 JANUARY 28, 2020  
4

5 **DRAFT**  
6

7 Commission Chair Ted Knowlton called the meeting to order at 6:30 p.m. and Kent Kirkham led  
8 those present in the Pledge of Allegiance.  
9

10 PRESENT: Commission Chair Ted Knowlton  
11 Commissioner Stephen Garn  
12 Commissioner Kent Kirkham  
13 Commissioner William Ward  
14 Commissioner Brandon Tucker  
15 Commissioner BreAnna Larson  
16 Commissioner Alisa Van Langeveld  
17

18 STAFF PRESENT: Sherrie Llewelyn, Community Development Director; Kate Werrett,  
19 Planner; Andrea Bradford, Minutes Secretary.  
20

21 OTHERS PRESENT: Tracy O'Connor, Phillip Sheppard, Hardwoods in Harmony; Robert  
22 Daughtery, Julia Coronado, The Vest Guy; Taylor Spendlove, Brighton Homes; Dee Lalliss,  
23 Chris Jacobs, residents.  
24

25 Chair Knowlton introduced Commissioner Alisa Van Langeveld. Commissioner Van Langeveld  
26 commented that she had lived in the City for twelve years and was a professor at the University  
27 of Utah in the Family and Consumer Studies department. She said part of her studies was in  
28 urban planning and how it impacted families. Commissioner Van Langeveld also said she had  
29 served on the Parks and Arts Board for three years with two years as the chair.  
30

31 1. PUBLIC COMMENTS  
32

33 There were no public comments.  
34

35 2. CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR AN  
36 APPAREL MANUFACTURING BUSINESS, THE VEST GUY, AT 215 NORTH  
37 REDWOOD ROAD UNIT 8, ROBERT DAUGHTERY, APPLICANT  
38

39 Kate Werrett reported that the applicant, Robert Daughtery, was proposing to relocate a vest  
40 making business from 400 West to 215 North Redwood Road. The applicant would be moving to  
41 the current Brighton Offices in order to have a retail space and showroom as well as a larger  
42 sewing area. "Apparel Manufacturing" would be a conditional use in the General Commercial  
43 (CG) zoning district.

44 Business activities at the site will include the manufacturing of reflective safety vests,  
45 photography vests, bean bags, soft sided storage and organization, and window coverings for  
46 vehicles. The onsite equipment will include sewing machines, a heat press and cutting tables  
47 with two 12-foot cargo trailers, which would be kept at the site. The retail hours would be from  
48 9:00 a.m. to 3:00 p.m. and by appointment with the manufacturing hours from 6:00 a.m. to 4:00  
49 p.m. weekdays, and 5:00 a.m. to 10:00 a.m. on Saturdays. The Vest Guy employs five people,  
50 which would all be present during the highest shift. The applicant anticipates two to three  
51 customers would visit the store per day.

52

53 The 4,879 square foot building would be divided into office and sewing space with a retail  
54 display area. Per the City code each use would require a certain quantity of parking. The retail  
55 use would require 3.68 stalls per the one stall for every 200 square foot regulation. The  
56 manufacturing use would require 5 stalls per one stall for every 1,000 square feet or one per  
57 employee on the highest shift. The office use would require 8.57 spaces for every one stall for  
58 every 250 square feet. The total parking stall requirement would be 17.25 spaces. There are  
59 currently 16 parking stalls in front of the building, two of which are ADA compliant, with an  
60 additional area behind the building for parking which is not currently striped.

61

62 The Development Review Committee (DRC) recommended that striping of the parking area  
63 behind the building be a condition of approval. The combination of parking in the front and rear  
64 of the building would meet or exceed the number of required stalls. The DRC also recommended  
65 that the existing dumpster be brought into compliance with current City standards. Section 10-1-  
66 33-D8 of the code requires that all “new or expanded uses” on parcels allows for trash enclosures  
67 to be brought up to the City standard that requires “a solid, opaque enclosure constructed of  
68 brick, masonry, or concrete wall panels of at least six feet in height”.

69

70 Commissioner Tucker asked how parking was configured for the suite and if there was a shared  
71 parking component for the entire building. Kate Werrett replied that the applicant submitted a  
72 parking plan showing sixteen stalls.

73

74 Robert Daughtery, The Vest Guy, commented that this portion of the building and parking lot  
75 were for their exclusive use and the other end of the building was used by another business,  
76 Fastenal.

77

78 Commissioner Tucker said that the applicant would most likely not use the required number of  
79 stalls but felt there needed to be ample parking retained for Fastenal.

80

81 Commissioner Garn asked the applicant when they planned to be operational at their new  
82 facility. Robert Daughtery replied approximately April 1<sup>st</sup> after Brighton had finished moving  
83 out.

84

85 Commissioner Kirkham asked about the trailers to be stored onsite. Robert Daughtery replied  
86 that they would be stored near the rear dumpster.

87  
88 Taylor Spendlove, Brighton Homes, commented that Brighton currently occupied the three bays  
89 on the end, Units 7, 8 and 9, and would be moving out before the applicant moved in.

90  
91 Commissioner Van Langeveld asked if the noise from machinery used for sewing would be  
92 prohibitive to the other tenants in the building. Robert Daughtery replied that the machinery was  
93 very quiet.

94  
95 **Commissioner Garn moved that the Planning Commission approve the conditional use**  
96 **permit for The Vest Guy located at 215 N Redwood Road, suite 8 with the following**  
97 **conditions be met prior to issuance of a business license:**

- 98  
99 **1) The parking stalls behind the building are to be striped in accordance with the**  
100 **City's minimum standards.**  
101 **2) The outdoor trash receptacle must be brought up to City standards, including the**  
102 **construction of a dumpster enclosure.**

103  
104 **Commissioner Kirkham seconded the motion. The motion was approved by**  
105 **Commissioners Knowlton, Kirkham, Garn, Ward, Tucker, Larson, Tucker and Van**  
106 **Langeveld.**

107  
108 3. CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR A  
109 CUSTOM CABINET AND FURNITURE MANUFACTURING BUSINESS,  
110 HARDWOODS IN HARMONY, INC., AT 780 NORTH 700 WEST, TRACY  
111 O'CONNOR, APPLICANT

112  
113 Kate Werrett reported the applicant, Hardwoods in Harmony, was proposing to locate a custom  
114 cabinets and furniture business at 780 North 700 West, unit 7. She explained that this unit was an  
115 add-on to the building. "Wood product manufacturing" is a conditional use under  
116 "Manufacturing" in the Manufacturing-Distribution (MD) Zoning District. Services would  
117 include design, construction, and the installation of cabinets and furniture. Onsite equipment  
118 would include wood working equipment such as table saws, dust collectors, planers, bores, air  
119 compressors, and other tools. The hours of operation would be from 7:00 a.m. to 5:00 p.m.

120  
121 The applicant intends to park two trailers and a 40 foot shipping container on the site. The  
122 shipping container would be placed to the east of the building and used for storage. As the  
123 shipping container would remain as a permanent storage structure, the DRC recommends that the  
124 conditional use have a condition that the shipping container placement and construction details  
125 be approved by the building official. The building official will likely require a building permit be  
126 submitted for the shipping container.

127 Per the Code, manufacturing requires “1 stall per 1,000 square feet of gross floor area or 1 stall  
128 per employee on highest shift, whichever is greater”. The gross floor area is 1,800 square feet  
129 and there will be five employees working at this location, with five on site during the highest  
130 shift. The applicant has five parking stalls, which would meet the code requirements.

131  
132 The DRC also noted that as this is a manufacturing business this would require specific review  
133 and final approval from the fire marshal as a condition of approval.

134  
135 Commissioner Kirkham questioned if there would be a paint booth for finishing products. Tracy  
136 O’Connor, Hardwoods in Harmony, replied that they would like to have a paint booth in the  
137 future but would finish products offsite at this time.

138  
139 Commissioner Kirkham then asked if there would be a showroom. Tracy O’Connor responded  
140 that they did not have a showroom and did not expect regular customers onsite.

141  
142 Commissioner Kirkham asked if there was space at this location for a paint booth in the future.  
143 Tracy O’Connor replied affirmatively.

144  
145 Commissioner Tucker inquired about the shipping container and what would be required for  
146 approval. Kate Werrett replied that the building official would want to review how the shipping  
147 container would be affixed permanently to the site. She said after speaking with the building  
148 official he would likely not be requiring a building permit for the shipping container.

149  
150 Tracy O’Connor clarified that the shipping container did not have wheels and was currently  
151 sitting on railroad ties.

152  
153 **Commissioner Larson moved that the Planning Commission approve the conditional use**  
154 **permit for Hardwoods in Harmony located at 780 North 700 West, unit 7 with the**  
155 **following conditions:**

- 156  
157 **1) Final approval from the fire marshal prior to business license approval.**  
158 **2) Shipping container plan approval from the building official.**

159  
160 **Commissioner Garn seconded the motion. The motion was approved by Commissioners**  
161 **Knowlton, Kirkham, Garn, Ward, Tucker, Larson, Tucker and Van Langeveld.**

162  
163 **4. CONSIDERATION OF A SITE PLAN APPROVAL FOR VILLAGE STATION AT**  
164 **EAGLEWOOD AT 421 AND 422 SOUTH ORCAHRD DRIVE, TAYLOR**  
165 **SPENDLOVE, APPLICANT**

166  
167 Sherrie Llewelyn reported that Brighton Homes was in the process of purchasing the last three  
168 lots of the development. The proposed application is for buildings 1, 2, & 3. Buildings 1 and 3

169 are residential apartments and building 2 is a mixed use building with apartments and  
170 commercial retail space on the first floor. The City and the developer entered into an agreement  
171 amending the Eaglewood Village Development Agreement on August 6, 2019. The agreement  
172 provides for construction of various buildings containing 27,000 square feet of  
173 commercial/retail, 16,000 square feet of office space and up to 424 dwelling units in four story  
174 buildings.

175  
176 The four story buildings include amenities for a swimming pool and clubhouse, bike and ski  
177 equipment lockers and extensive landscaping. The developer would be required to improve the  
178 area between the property line and the curb along Highway 89, which includes the City trail,  
179 with lawn and trees. Brighton Homes was in agreement as this would improve the visual entry to  
180 their development.

181  
182 Sherrie Llewelyn said the DRC was recommending that Orchard Drive, south of Eaglegate  
183 Drive, be vacated as a public street to restrict gravel truck traffic on that street. She said to help  
184 facilitate slower traffic within the site, a parking area would be included between the drive lanes  
185 on Orchard Drive. Mrs. Llewelyn commented that the DRC suggested that the Planning  
186 Commission recommend this as a condition of approval to the City Council.

187  
188 Commissioner Tucker asked if the access of Highway 89 would be closed there as well. He said  
189 his concern was that drivers would illegally use the access road to access this road. He suggested  
190 an island or other traffic calming to avoid the use of this road as a thoroughfare.

191  
192 Sherrie Llewelyn then spoke on the 319 proposed parking stalls on the first submittal and said  
193 the plan had been revised to 382 parking stalls, which would exceed the minimum parking  
194 requirement. She then spoke on landscaping which the Development Agreement required to be  
195 25% of the site but could be reduced to 20% if the UDOT parcel along Highway 89 was  
196 landscaped by the applicant. The applicant was proposing 21% in addition to the UDOT parcel.  
197 There would be several pedestrian connections to the trail as well as crosswalks for circulation.

198  
199 Mrs. Llewelyn reported on the proposed architecture, which would brick, masonry, and stucco  
200 with metal accents and balconies for a contemporary modern style that would meet the standard  
201 in the development agreement. The architecture would be consistent with the existing apartments  
202 in the vicinity. She spoke on building 1 and explained that there would be a leasing office,  
203 swimming pool, pool house, and bicycle/ski storage. A bicycle/ski storage area would be in each  
204 residential building. Building 2 would consist of a business center, reception area, and  
205 commercial space on the main floor with apartments in levels two through four. The architecture  
206 for this building would require more glass on the first floor elevation for a more commercial feel.  
207 Building 3 would be exclusively apartments with garages on the first floor. Mrs. Llewelyn then  
208 showed those present the location of carports, surface stalls, and garages on the site plan.

209

210 Sherrie Llewelyn reported that one of the issues for the property was the hillside above the  
211 development, which was contained on the portion of lot 3 contained a rock fall hazard. The  
212 geotechnical analysis required the removal of large  
213 boulders on the hillside, and the addition of a protective barrier, such as a retaining wall or  
214 netting, for any additional rock fall that may occur to protect damage to persons and property on  
215 the site. The lots must also be recombined or a plat amendment filed designating the area as  
216 permanent open space.

217  
218 Mrs. Llewelyn said the DRC recommended approval of the site plan for Village Station at  
219 Eaglewood with seven conditions. She said the conditions to convert on-street parking on  
220 Eaglegate Drive be changed to parallel parking, confirmation of the landscaping percentage, and  
221 the addition of 51 parking spaces had been met.

222  
223 Commissioner Garn asked in regards to the two parcels of land north of the service station.  
224 Sherrie Llewelyn said that those parcels were not included in this application but was included in  
225 the development agreement.

226  
227 Commissioner Garn asked if all the residential units would share the swimming pool. Taylor  
228 Spendlove replied that they wanted to gauge the use to see if there was a need for more than one.  
229 He said they were still reviewing options for another apartment building, a hotel, or more  
230 commercial uses.

231  
232 Commissioner Van Langeveld asked if there was a requirement in the code for the amount of  
233 landscaping and if it was to be aesthetic or useable/open space. Sherrie Llewelyn replied that it  
234 was a combination of both. She said the code required 10% but the City negotiated with the  
235 developer for 25% unless they obtained approval from UDOT to improve the right of way. The  
236 cumulative would include all the improved landscaping on the site.

237  
238 Commissioner Van Langeveld asked if there was useable open space. Taylor Spendlove replied  
239 that there was space behind building 2 and the intent of the UDOT parcel was to put up a split  
240 rail fence along the trail to provide useable space.

241  
242 Commissioner Van Langeveld also spoke on the pond adjacent to the property and said it was a  
243 safety hazard. She asked if there was any concern or consideration for the pond. Taylor  
244 Spendlove replied that it was not on their property so they had no control.

245  
246 Commissioner Van Langeveld asked who would be responsible to mitigate the rock wall hazard  
247 long term. Sherrie Llewelyn responded that it would always be the property owner's  
248 responsibility to maintain the hillside and improvements to mitigate the rock fall hazard there.

249  
250 Chair Knowlton spoke on the parking requirement and the potential to convert twelve parking  
251 spaces to landscaping to soften the look of Orchard Drive and improve and enable the pedestrian

252 connection. Taylor Spendlove responded that he would be willing to replace four to six stalls in  
253 that area with landscaping. He felt that there needed to be enough parking spaces in that area for  
254 the commercial use.

255  
256 Commissioner Kirkham asked if speed bumps would be a deterrent to through traffic in the area.  
257 Taylor Spendlove replied that their intention, if the road was vacated, would be to install some  
258 barrier to through traffic while still allowing City access for snow plowing.

259  
260 Commissioner Tucker said that the on-street parking north of the roundabout had not been a  
261 deterrent but the parking island would help to slow traffic in that area.

262  
263 Commissioner Kirkham then asked if the garages would potentially be used for storage. Taylor  
264 Spendlove said the intent was one assigned covered parking stall, either garage or carport, per  
265 unit. This would be monitored by the management company to ensure the garages were only  
266 used for parking.

267  
268 Chair Knowlton asked about any potential risk to privatizing the road. Sherrie Llewelyn replied  
269 that if the road was not vacated there would not be enough parking for the development. She then  
270 spoke on the cons and said the public works department felt that on-street parking was a traffic  
271 hazard and made it difficult to plow snow; however, the vacation would reduce through traffic  
272 and require traffic to slow down. Ms. Llewelyn said the vacation of the street would still need to  
273 be negotiated with the City Council.

274  
275 Taylor Spendlove commented that angled parking would result in the same number of stalls. He  
276 said they would like to road to be vacated for on-street parking unless the City would allow the  
277 proposed parking configuration with a public road.

278  
279 Commissioner Kirkham asked if these would be for lease units. Taylor Spendlove replied they  
280 would be for lease. He said two of the three buildings would be closed corridor and all would  
281 have elevators.

282  
283 Commissioner Garn suggested that the road could be closed at the end. Taylor Spendlove said if  
284 the road was vacated they would prefer the road to be blocked at Eagle Gate Drive to deter heavy  
285 truck traffic.

286  
287 Commissioner Tucker asked if there was any affinity for the street to remain public. Chair  
288 Knowlton said that he did not want a private street when it was adjacent to a development that  
289 the City would want individuals to move through such as a bicyclist, pedestrian, etc. He also said  
290 there were public streets with similar parking configurations such as Provo Center Street.

291  
292 The Commission also talked about potential issues with a private road with on-street parking  
293 including snow plowing, emergency services, and access to the pond.

294 Commissioner Van Langeveld asked in regards to the improvement of the UDOT property.  
295 Sherrie Llewelyn clarified that Brighton Homes would be improving land that was not part of  
296 their property and in return the City would be reducing their landscaping requirement. She said  
297 the applicant would be maintaining the UDOT property as well.

298

299 **Commissioner Ward moved that the Planning Commission recommends to the City**  
300 **Council the approval of the requested site plan for Village Station at Eaglewood at**  
301 **approximately 420 South Orchard Drive with a recommendation of:**

302

303 **1) Orchard Drive at Eaglegate roundabout to the Frontage Road being vacated for**  
304 **the conversion to a private parking and driveway facility as depicted on the**  
305 **attached parking exhibit and subject to the following conditions:**

306

307 **Conditions:**

308

309 **1) Lot 3 that had been separated for taxing purposes will be re-combined or a plat**  
310 **amendment approved;**

311 **2) The rock fall hazard will be mitigated to the satisfaction of the City engineer and**  
312 **City geological consultant by removing the largest rock fall hazards and providing**  
313 **barriers for any future rock fall; and**

314 **3) Correction of engineering redlines.**

315

316 Sherrie Llewelyn said that Chair Knowlton suggested a condition to increase the parking on  
317 Orchard Drive to be decreased at the landscaping ends to provide a crosswalk at the midblock  
318 area.

319

320 Taylor Spendlove commented that he would be amenable to the reduction of minimum four and  
321 maximum six parking stalls.

322

323 **Commissioner Ward amended his motion to include the additional condition 4) In the**  
324 **vacated Orchard area to increase landscaping and provide a pedestrian crosswalk at**  
325 **midblock.**

326

327 **Commissioner Garn seconded the amended motion.**

328

329 Taylor Spendlove commented that he was fine with the road remaining public as long as the  
330 development could have on-street parking.

331

332 The Commission then discussed vacating the road with concerns that a private road could restrict  
333 movement in the area, preventing through access to truck traffic, allowing public parking on a  
334 private road, and City access. They held an informal poll to determine who was in favor of a

335 private or public road with the parking configuration to remain as presented. Five commissioners  
336 were in favor of retaining the public road with three in favor of a private road.

337  
338 Sherrie Llewelyn commented that if the road remained a public road with on-street parking the  
339 City Council could adopt an ordinance that restricted specific traffic from a street based on the  
340 size and weight of a vehicle.

341  
342 Commissioner Van Langeveld asked if the vacation could include a stipulation that the private  
343 road not be closed to city (public) traffic. Taylor Spendlove said the road would be private  
344 property if it was vacated which would be a liability for the property owner to allow public use.

345  
346 **Commissioner Ward amended and restated his motion for a second time as follows:**

347  
348 **Commissioner Ward moved that the Planning Commission recommends to the City**  
349 **Council the approval of the requested site plan for Village Station at Eaglewood at**  
350 **approximately 420 South Orchard Drive with a recommendation of:**

351  
352 **1) Orchard Drive at Eaglegate Dr. roundabout to the Frontage Road not be**  
353 **vacated and remain a public street with the allowance of on-street parking as**  
354 **depicted and configured in the proposed site plan.**

355  
356 **Conditions:**

- 357  
358 **1) Lot 3 that had been separated for taxing purposes will be re-combined or a plat**  
359 **amendment approved;**  
360 **2) The rock fall hazard will be mitigated to the satisfaction of the City engineer and**  
361 **City geological consultant by removing the largest rock fall hazards and**  
362 **providing barriers for any future rock fall; and**  
363 **3) Correction of engineering redlines; and**  
364 **4) Within the on-street center parking on Orchard Dr. that the landscaping islands**  
365 **be increased in size and a pedestrian crosswalk be provide at midblock thru the**  
366 **island at the driveway intersections.**

367  
368  
369  
370 **Commissioner Larson seconded the amended motion.**

371  
372 Commissioner Van Langeveld commented that if the road remained public the City would be  
373 required to plow the street. She said she did not see a lot of pedestrian traffic at this location.  
374 Commissioner Larson replied that long term there would potentially be increased pedestrian and  
375 bike traffic through this area as there was a large development coming in across the street and  
376 future bus rapid transit.

377

378 **The motion was approved by Commissioners Knowlton, Kirkham, Garn, Ward, Tucker,**  
379 **Larson, Tucker and Van Langeveld.**

380

381 5. PUBLIC HEARING-CONSIDERATION OF PROPOSED AMENDMENTS TO THE  
382 CITY'S LAND USE ORDINANCE REGARDING THE R1-7, RM-7, AND RM-20  
383 ZONES, SUBDIVISIONS AND PUDS

384

385 Sherrie Llewelyn reported that last August the City Council imposed a moratorium in the R1-7,  
386 RM-7 and RM-20 to address some issues related to density, lot sizes, and the calculations of  
387 density. She said the proposed changes to Chapter 10 Residential and Multiple Residential  
388 Districts would address the moratorium, which expired on February 7<sup>th</sup>. The first change would  
389 clarify that subdivisions were a permitted, and not conditional, use as required by State code.  
390 Other changes and additions included making residential swimming pools a permitted use,  
391 providing for temporary model homes, sales pavilions or construction trailers as permitted uses,  
392 clarifying the lot size requirements for the residential zones, clarifying the allowed density for  
393 PUDs, and common development plans (more than one building on a single lot in multi-family  
394 developments), removing the Multiple Use (MU) zone from the code, clarifying where the  
395 minimum width of a lot is measured, clarifying setbacks for accessory structures and swimming  
396 pools, requiring certain infrastructure to be completed prior to issuing building permits in multi-  
397 family developments, and adding definitions for "Dwelling, attached" and updates the definition  
398 of a "Dwelling Unit".

399

400 Mrs. Llewelyn then provided an outline and highlights of the proposed amendments to Title 13  
401 Subdivision Regulations, which included: Chapter 1, General Provisions defines subdivisions,  
402 clarifies the purpose the regulations, and provides appeal procedures. Chapter 2, Administration  
403 and Application defines what land changes require subdivision approval, the penalties for not  
404 obtaining approval and the requirements for building permits. Chapter 3, Conceptual Plan  
405 defines the process for obtaining conceptual plan approval, required document submittals, and  
406 public notice. All concept plans must be recommended for approval by the Planning Commission  
407 and approved by the City Council. Chapter 4 Minor Subdivisions provides a streamlined  
408 approval process for small subdivisions 10 lots or less, with no required street dedication.  
409 Chapter 5 Major Subdivisions provides the process for all other subdivisions including  
410 preliminary and final plat approval and bonding. The proposed ordinance empowers the Planning  
411 Commission to grant these approvals as these actions are administrative in nature and cannot be  
412 denied if the applicant meets the minimum standards of the ordinance.

413

414 Chapter 6 addresses Planned Unit Developments, RV & Mobile Home Subdivisions and  
415 Condominium Subdivision. The proposed changes related to PUDs included: 1. Minimum street  
416 standards for private streets; 2. Requiring sidewalk and park strip on at least one side of the  
417 street; 3. Calculating density based upon net acreage (not including streets or other  
418 infrastructure); 4. Perimeter setbacks of 15' and 5. Building setbacks from other buildings

419  
420 The proposed changes to Condominium Subdivisions included: 1. Updating to meet fair housing  
421 requirements and 2. Matching the process for regular subdivisions.

422  
423 The proposed changes to RV & Mobile Home Subdivisions including: 1. Updating to meet fair  
424 housing requirements and 2. Adds requirements for capital facility and maintenance funds of  
425 common areas.

426  
427 Chapter 7 Plat Amendments streamlines the process for simple plat amendments and routine  
428 lot line adjustments. Chapter 8 General Requirements outlines the standards required for  
429 subdivisions related to layout, design, blocks, lot shapes, street widths, utilities and easements,  
430 and public dedications. Significant changes include prescribed right of way widths for private  
431 streets, requiring private streets or other private infrastructure to be built to the same standard as  
432 public improvements. The changes also consolidate the bulk of the subdivision regulations,  
433 provide modernization, conformance to state code, and reduces the maximum grade of new roads  
434 to comply with Fire Code standards. Chapter 9 Essential Improvements provides the direction to  
435 the city standards and specifications, specifically prepared for all essential infrastructure whether  
436 public or private. It further describes the required infrastructure to be installed by the developer  
437 and provides a mechanism for payback agreements, where the developer can recover certain  
438 costs for upgraded infrastructure from future developers who will benefit from the installation of  
439 said improvements.

440  
441 **Chair Knowlton opened the public hearing related to the proposed changes to the City's**  
442 **residential zones R1-7, RM-7, and RM-20 zones, subdivisions and PUDs at 8:17 p.m.**

443  
444 Dee Lalliss said his concern was the change in density on Main Street in the visualization  
445 changed the courtyard area and could create dead space behind properties. He felt spaces like this  
446 could collect garbage and asked if there should be something in the code to require that the  
447 property owner maintain the open space.

448  
449 Taylor Spendlove commented on HOAs and said that requiring the developer to fund the first  
450 three years of maintenance may not be the best way as there was not really much degradation in  
451 the first few years. He recommended that an investment fee be collected from the homeowners at  
452 closing which would go into a savings account. This would be in addition to the percentage from  
453 the monthly dues that would go into the savings account per State law. Sherrie Llewelyn said  
454 that was a good idea. She said that her purpose was to ensure the developer had setup the  
455 mechanisms to collect the correct amount of money to pay for long term improvements.

456  
457 **Chair Knowlton closed the public hearing at 8:24 p.m.**

458  
459 The Commission then reviewed each page of the Chapter 10 Residential and Multiple  
460 Residential Districts revision, which included a table of use regulations as permitted or

461 conditional or the linear or square feet required in the R1-12, R1-10, R1-7, RM-7 and RM-20  
462 zones.

463  
464 Chair Knowlton commented that assisted living and group homes were now permitted uses.  
465 Sherrie Llewelyn replied that any area where residential housing was allowed must also allow  
466 residential buildings for the elderly and disabled per the Fair Housing Act.

467

468 **Commissioner Garn moved that the Planning Commission approve the proposed**  
469 **amendments to the Chapter 10 Residential and Multiple Residential Districts.**

470 **Commissioner Tucker seconded the motion.**

471

472 **Commissioner Garn amended his motion that the Planning Commission recommend to the**  
473 **City Council approval of the proposed amendments to the Chapter 10 Residential and**  
474 **Multiple Residential Districts with the following findings:**

475

476 **1) The proposed amendment is in accord with the comprehensive general plan, goals**  
477 **and policies of the City.**

478 **2) Changed or changing conditions make the proposed amendment reasonably**  
479 **necessary to carry out the “purposes” stated in this title.**

480

481 **Commissioner Tucker seconded the amended motion. The motion was approved by**  
482 **Commissioners Knowlton, Kirkham, Garn, Ward, Tucker, Larson, Tucker and Van**  
483 **Langeveld.**

484

485 Sherrie Llewelyn recommended tabling Title 13 until a later date for further review and  
486 consideration by the Commission.

487

488 **Commissioner Larson moved to table the recommendation regarding the Title 13**  
489 **Subdivision Regulations until the next Planning Commission meeting. Commissioner**  
490 **Kirkham seconded the motion. The motion was approved by Commissioners Knowlton,**  
491 **Kirkham, Garn, Ward, Tucker, Larson, Tucker and Van Langeveld.**

492

493 **6. REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY**  
494 **PLANNING COMMISSION**

495

496 Chair Knowlton reported on an item related to the active transportation plan and said that he  
497 reviewed UDOT’s list of communities that requested bicycle funding. He said there was not a lot  
498 of competition for the UDOT funding match. Sherrie Llewelyn reported that the City Council  
499 adopted the active transportation plan at their January 21<sup>st</sup> meeting.

500

501 **7. APPROVAL OF MINUTES**

502

503 The Planning Commission meeting minutes of January 14, 2020 were reviewed and approved.  
504 **Commissioner Tucker moved to approve the Planning Commission minutes for the**  
505 **January 14, 2020 meeting as written. Commissioner Garn seconded the motion. The**  
506 **motion was approved by Commissioners Knowlton, Kirkham, Garn, Ward, Tucker,**  
507 **Larson, Tucker and Van Langeveld.**

508  
509 8. ADJOURN

510  
511 Chair Knowlton adjourned the meeting at 8:41 p.m.

512  
513  
514  
515  
516

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Chair

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Recorder