

**ORDINANCE NO. 2024-01**

**AN ORDINANCE AMENDING TITLE 10 LAND USE ORDINANCES,  
CHAPTERS 1, 3, 7; REPEALING TITLE 10, CHAPTER 19 (CONDOMINIUMS);  
AND CREATING TITLE 13, SUBDIVISION ORDINANCE**

**WHEREAS**, the City of North Salt Lake is an incorporated city in Davis County Utah;  
and

**WHEREAS**, the Utah State Code was amended in 2023 by SB174 which requires municipalities to updated their subdivision ordinances to comply with new regulations before February 1, 2024; and

**WHEREAS**, the City Council of North Salt Lake finds the proposed amendments are in conformance with SB174; and

**WHEREAS**, the City Council of North Salt Lake finds the proposed amendments are also in accord with the comprehensive general plan, goals and policies of the City; and

**WHEREAS**, the City Council of North Salt Lake finds that changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes stated in this title; and

**WHEREAS**, the City Council finds that it is in the public interest that the North Salt Lake City Code, be amended at this time.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of North Salt Lake as follows:

Section 1. Code Amendment. Pursuant to Utah Code 10-9a-502, Title 10 Land Use Ordinance is hereby amended as follows:

- a. Chapters 1, 3, and 7 are hereby amended as shown in the attached Exhibit "A";
- b. Title 10, Chapter 19, Condominium Subdivisions is hereby repealed; and
- c. Title 13, Subdivision Ordinance is hereby adopted as shown in the attached Exhibit "A"

Section 2. Effective Date. This Ordinance shall take effect upon posting as required in Utah Code 10-3-713.

**APPROVED AND ADOPTED** by the City of North Salt Lake, Utah on this 16<sup>th</sup> day of January, 2024.



CITY OF NORTH SALT LAKE

By:

BRIAN J. HORROCKS

Mayor

ATTEST:

WENDY PAGE  
City Recorder

City Council Vote as Recorded:

Council Member Watts Baskin

aye

Council Member Clayton

aye

Council Member Jackson

aye

Council Member Knowlton

aye

Council Member Van Langeveld

aye

**Certificate of Posting Ordinance:**

I, the duly appointed recorder for the City of North Salt Lake, hereby certify that the foregoing Ordinance No. 2024-01 was passed by the governing body on the date shown above, and that copies were posted as required by Utah Code 10-3-713 within the municipality.

Recorded this 30<sup>th</sup> day of January, 2024.

Wendy Page, City Recorder



[Seal]

**TITLE 10**  
**LAND USE ORDINANCE**

**TITLE 10 LAND USE ORDINANCE**

**CHAPTER 1 GENERAL AND SUPPLEMENTARY PROVISIONS**

**10-1-42: MAINTENANCE, CONDITION AND APPEARANCE OF PROPERTIES:**

- A. Appearance And Condition Of Premises: The appearance and condition of premises has a significant effect on property values. Accordingly, the following regulations shall apply:
1. The outside surface of buildings shall be maintained in good condition.
  2. Any lot in any zone shall be improved and maintained as follows:
    - a. Landscaping shall be installed and properly maintained in a good condition, free from weeds taller than six inches (6") and noxious plants, refuse and debris in front and side yards, including the park strip. Landscape design shall conform to Title 10, Chapter 22, Water Efficient Landscape Standards.
    - b. Landscaping for single-family and two-family dwellings shall be installed within twelve (12) months from the date of occupancy.
    - c. Landscaping for commercial, industrial, institutional, or multi-family residential shall be completed prior to final occupancy.
    - d. When unique or unforeseen circumstances exist, the community and economic development director may grant an extension of time for landscape installation. Extensions will only be approved upon submission of an erosion control plan, including soil stabilization, and shall be reviewed by the Storm Water Inspector for compliance with Storm Water Pollution Prevention Plan regulations.
  3. Trash, weeds or other unsightly material shall not be allowed to remain on any lot outside of approved containers in the City. Junk, debris, trash, abandoned vehicles, or similar refuse material shall not be stored or allowed to remain outdoors, unless otherwise allowed by city code.
  4. View obscuring berms, fences, walls or hedges shall be installed by the property owner to block the view from the public right of way, or from neighboring properties, whenever uses of land are found by the Planning Commission to be offensive, detracting, obnoxious, visually polluting or otherwise visually devaluing to neighboring properties or the community.
- B. Recreational Vehicle Storage:
1. Recreational vehicles which do not include facilities necessary to be "mobile homes", as defined in section 10-1-47 of this code, shall not be used at any place within the corporate boundaries of the City, at any time, for living quarters except in designated camping areas or recreational vehicle parks.
  2. Recreational vehicles which are unoccupied for living space may be stored on an owner's private residential lot, provided the parking complies with the regulation in section 10-6-6 of this title. Long term commercial storage of recreational vehicles, maintenance operations, reconstruction or construction activities are permitted within zoning districts allowing such uses.

C. Abandoned, Wrecked Or Inoperative Vehicles:

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**10-1-47: DEFINITIONS:**

**BUILDABLE AREA:** The buildable area of a lot shall be designated as follows:

1. The portion of a lot remaining after required yards, utility easements, scenic easements, or other rights of way have been provided;
2. The area designated as the buildable area or building envelope on an approved subdivision plat which is less than thirty percent (30%) slope;
3. Any portion of the lot not defined as nonbuildable.

**NONBUILDABLE AREA:** The nonbuildable area of a lot shall be designated as follows:

1. Any portion of a lot defined as nonbuildable under Title 10, Chapter 12;
2. Any portion of a lot defined as nonbuildable by an approved geotechnical study;
3. Any portion of a lot with slopes which are thirty percent (30%) or greater;
4. Any portion of a lot included within a defined building envelope on a plat which have slopes which are thirty percent (30%) or greater; or
5. Any portion of a lot with known or reasonably known geologic hazards.

**FLAG LOT:** A lot of irregular configuration in which an access strip (a strip of land of a width less than the required lot width) connects the main body of the lot to the street frontage.

**FLOOD CONTROL WORDS AND PHRASES:** All flood controlled related terms as defined in 11-2-1.

**INTEGRATED DEVELOPMENT PLAN:** Comprehensive management for best assurance of maintaining standards and conditions of approval is the intent in the administration of a conditional use permit. Therefore, every assurance will be required to maximize the meeting of the community's performance standards and minimize the problems of their enforcement through approved comprehensive management plans which have been prepared by the applicant and approved by the City Administrative Land Use Authority

**LOT LINE, REAR:** Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore shaped lot, a line ten feet (10') in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where this definition is ambiguous, the Community Development Director shall designate the rear lot line.

**LOT, RESTRICTED:** A lot shall be designated as restricted when any of the following conditions exist upon the lot:

1. located within the designated Sensitive Lands Area Overlay Zone;
2. noted as restricted on a recorded subdivision plat;
3. having an average slope of fifteen percent (15%) or greater;
4. containing critical slopes;
5. with known, suspect or probable geologic hazards;
6. with critical wildlife habitat;
7. with critical drainage channels or other natural features;

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8. containing other vital infrastructure; or
9. or having been designated by the City Engineer as restricted.

**OPEN SPACE, USABLE:** Usable open space shall be any portion of a lot or building which meets all the following conditions:

- A. The open space shall be open to the sky or shall be open to view on at least two (2) sides.
- B. The space shall be readily accessible by foot traffic from the dwelling unit to which it is accessory.
- C. If the space is provided on a balcony, roof or other facility above grade, it shall have such protective devices as are deemed necessary by the Building Official to assure reasonably safe usage by children and adults.
- D. The space shall not be provided from any required front or side yard, parking area or driveway space.

**PERMANENT MONUMENT:** Any structure of concrete, masonry or metal, permanently placed on or in the ground placed for the surveying reference.

**DEVELOPER:** Any person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself/herself or others, a developer.

TITLE 10 LAND USE ORDINANCE

CHAPTER 3: AMENDMENTS TO LAND USE REGULATIONS & ZONING MAP

**10-3-1: Authority Of The City Council:**

**10-3-2: Procedures For Proposed Amendments And Rezoning:**

**10-3-1: AUTHORITY OF THE CITY COUNCIL:**

In accordance with Utah Code Annotated, Title 10, Chapter 9a, Part 5, as amended, the City Council may amend any provisions of this Title or the Official Zoning Map of the City in accordance with the procedures set forth herein, including amendments to the number, shape, boundaries, or area of any zoning district; any land use regulation of or within a zoning district; or any other provision of this title. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

**10-3-2: PROCEDURES FOR PROPOSED AMENDMENTS AND REZONINGS:**

- A. Residents Or Other Interested Persons: Any resident of the City or other person having an equitable interest in real property located in the City may petition the City for an amendment or rezoning.
- B. Application; Information Required: The person seeking to amend this Title or Official Zoning Map shall make application to the Community Development Department on the form provided for such amendment with the following information and documents:
  - 1. The name and address of the applicant and the name and address of every person or company that the applicant represents in relation to the application.
  - 2. A written description of the proposed amendment and the reasons therefor.
  - 3. A nonreturnable amendment application fee.
  - 4. If the proposed amendment requires a change to the Official Zoning Map, the application shall include the following:
    - a. An accurate property map showing the areas which would be affected by the proposed amendment, all abutting properties, and the present and proposed zoning classifications, along with an accurate legal description of the area to be rezoned.
    - b. A list of the names and addresses of all owners of the subject property. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
    - c. A list of the names and addresses of all property owners within three hundred feet (300') of the subject property boundary, obtained from the public records maintained by the Davis County Recorder. (Ord. 02-3, 1-15-2002)
    - d. Stamped and addressed legal size envelopes for each of the property owners identified in section c above. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- C. If the proposed amendment requires a change in text of the ordinance, the application shall include the chapter and section of the proposed amendment, and a draft of the proposed wording being requested.
- D. Notice; Public Hearings And Public Meetings:

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1. Public Hearings: The City shall prepare and give notice at least 10 calendar days before a public hearing to consider such amendment by mail to affected entities and for the area directly affected by the proposed land use regulation or zoning map amendment as a class B notice as provided by Utah Code Annotated sections 10-9a-205, 10-9a-502, and 63G-30-102, as amended. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
  2. Public Meetings: The city shall provide notice of public meetings as a class A notice, as provided by Utah Code Annotated sections 10-9a-205, 10-9a-502, and 63G-30-102, as amended.
- E. Planning Commission Review: The Planning Commission shall hold a public hearing to review the application and make its recommendations concerning the proposed amendment to the City Council within forty five (45) days from receipt of the amendment application in a regularly scheduled meeting. The Planning Commission shall recommend adoption of a proposed amendment only when the following findings are made:
1. The proposed amendment is in accord with the 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.
- F. City Council Review: The City Council shall review the proposed amendment to this Title or Official Zoning Map and shall schedule a public meeting on the proposed amendment as provided herein. The City Council may:
1. Adopt the amendment;
  2. Modify the proposed amendment and adopt the amendment;
  3. Modify the proposed amendment and refer back to the Planning Commission for its recommendation to be returned to the City Council within thirty (30) days; or
  4. Reject the amendment.
- G. Previously Denied Applications: Where an application for zoning amendment has been denied, the Planning Commission and the City Council shall not review the same zoning amendment application within one (1) year of a denial unless there is a substantial change of conditions since the earlier application. A new application and fee will be required. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)



TITLE 10 LAND USE ORDINANCE

CHAPTER 7

CONDITIONAL USES

**SECTION:**

**10-7-1: Purpose and Intent:**

**10-7-2: Conditional Use Permit Process:**

**10-7-3: Performance Standards For Conditional Uses:**

**10-7-4: Specified Review Criteria for Certain Conditional Uses (Reserved):**

**10-7-1: PURPOSE AND INTENT:**

The purpose of this chapter and the intent of the city in its adoption is to promote the health, safety, convenience and general welfare of the present and future inhabitants of the City. This chapter accomplishes the aforesaid purpose and intent by providing sufficient flexibility to allow in certain areas compatible integration of uses which are related to the permitted uses of the district or are of a temporary nature only, but which may be suitable and desirable only in certain locations in that district due to conditions and circumstances peculiar to that location or upon certain conditions which make the uses suitable or only if such uses are designed, laid out and constructed on the proposed site in a particular manner. While flexibility in allowing uses which would otherwise be generally unsuitable to a given district is an important goal of this chapter, it is also recognized that constraints on governmental decision making are a legal imperative. This chapter, therefore, also provides a framework of standards within which those governmental decisions must be made.

**10-7-2: CONDITIONAL USE PERMIT PROCESS:**

- A. Conditional Use Permit Required: A conditional use permit shall be required for all uses listed as conditional uses in this Title.
- B. Preapplication Procedures: To facilitate the handling of applications, the Community Development Department may adopt preapplication procedures to allow for adequate investigations and staff review and may require compliance with such preapplication review procedures as a prerequisite to formal application and action by the Planning Commission. Preapplication review shall in no way be interpreted to mean review by the Planning Commission.
- C. Requirements: An application for a conditional use permit shall be filed with the Community Development department on a form provided for such request, and shall include the following:
  - 1. Signature of the property owner or his authorized representative;
  - 2. Payment of the review fee as specified in the current fee schedule;
  - 3. A detailed description of the proposed use, including all pertinent information related to the use and applicable to the conditional use including, but not limited to:
    - a. A site plan and building floor plan detailing the area to be used in operation of the conditional use, any onsite features existing or proposed such as detention/retention facilities, fencing, landscaping, parking, building footprint, or other site amenities;

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- b. A general description of the major activities associated with the conditional use (indoor and outdoor), such as the number of employees, equipment used, hours of operation, etc. as applicable;
  - c. A description of any disruptive impacts the conditional use may have on properties adjacent to or in the vicinity, such as noise, chemical use or storage, lighting, or odors;
  - d. A description of any potential health hazards to employees, customers, or residents adjacent to or in the vicinity of the conditional use, including potential hazards created by accidental chemical release or other emergency;
  - e. A description of the expected traffic generated by the conditional use such as passenger vehicles and delivery trucks, including hours and frequency.
  - f. A description of future land uses expected on the site, such as additional building construction and expansion of the current or proposed land use;
  - g. A description of the expected water and sewer demand for the conditional use;
  - h. A description of any potential environmental impacts, such as emission, dust generation, or storm water drainage;
  - i. All proposed mitigation measures to address potential impacts related to the conditional use;
  - j. For new construction or conditional uses which will require site or public improvements, a concurrent site plan application is required.
- D. Submission And Docketing For Review: Upon receipt of a complete application, including payment of all required fees and submission of all necessary documentation related to the proposed use, the Community Development Director and other members of the development review staff, shall review the application for completeness and compliance with the provisions of this Title and other pertinent City regulations. When the Community Development Director, or designee, determines that the application is properly prepared and ready for submission to the Planning Commission for review, the application will be docketed for review at the next regular public meeting of the Planning Commission. Incomplete applications shall not be docketed for Planning Commission review.
- E. Action By Planning Commission:
- 1. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
  - 2. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.
- F. Public Hearings: A public hearing may be held when deemed by the Planning Commission to be in the public interest and shall be noticed as a class B notice sent to any affected entities and all property owners within 300' of the property boundary a minimum of 10 calendar days prior to the hearing date. However, in the following instances, the holding of a public hearing shall be mandatory:

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1. The Planning Commission determines that existing streets and thoroughfares are not suitable and adequate to carry anticipated traffic or on-street parking demand, and increased densities resulting from the proposed use may generate traffic in such amounts as to overload the street network outside the district.
  2. The Planning Commission determines that increases in miscellaneous traffic, light, odor or environmental pollution generated by the proposed use may significantly change the intended characteristics of the district as outlined in this Title, or may present unsuitable safety risks to inhabitants of the district.
  3. The Planning Commission determines that the architectural design of the proposed use varies significantly from the architectural characteristics of the district (as outlined in this Title) in which such use is proposed. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- G. Appeal: Any decision made in the administration of this chapter may be appealed as outlined in 10-2-2 of this Title.
- H. Revocation Of Permit:
1. Temporary Suspension: In the event any person holding a conditional use permit pursuant to this chapter violates the terms of the permit, or conducts or carries on said site development in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the property of the said permittee, a temporary suspension may be made effective immediately upon notification by the Community Development Director.
  2. Hearing; Notice: No conditional use permit shall be permanently revoked or suspended until a hearing is held by the Planning Commission. The permittee shall be notified in writing of such hearing and said notification shall state:
    - a. The grounds for complaint or reasons for the revocation or suspension, in clear and concise language.
    - b. The time and place such hearing is to be held. Such notice shall be served by registered mail or personal service on the permittee at least ten (10) calendar days prior to the date set for the hearing. At any such hearing, the permittee shall be given an opportunity to be heard, and he may call witnesses and present evidence on his behalf. Upon conclusion of such hearing, the Planning Commission shall determine whether or not the permit shall be suspended or revoked. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
    - c. Action by the Planning Commission to revoke a conditional use permit may be appealed in accordance with City Code section 10-2-2.
- I. Expiration Of Permit: Every conditional use permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within one (1) year, or is not completed within two (2) years from date of issue. If the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits, the Planning Commission may grant a reasonable extension of time, up to one (1) year, if written application is made before the expiration of the permit. (Ord. 01-05, 4-3-2001)

- J. Inspections: Following the issuance of a conditional use permit, the Community Development Director, or designee, with the assistance of any other applicable department shall inspect such use to ensure that development is undertaken and completed in compliance with the conditional use permit.

**10-7-3: PERFORMANCE STANDARDS FOR CONDITIONAL USES:**

- A. Conditions Relating To Safety For Persons And Property: Applicants for conditional use permits shall meet all specific requirements made in this Title. In addition, the Planning Commission may require additional studies or reports from qualified subject matter experts for recommendations related to mitigation of concerns of safety for persons and property, health and sanitation, environment, general plan proposals and neighborhood needs, performance and administration. More specifically, the Planning Commission may require:
1. Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.
  2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
  3. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this Title.
  4. Appropriate design, construction and location of structures, buildings and facilities in relation to any earthquake fault hazard which may exist on the property, and limitations or restrictions on the use and/or location of uses due to special site conditions, including, but not limited to, geologically hazardous areas, floodplains, fault zones and landslide areas.
  5. Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
  6. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
  7. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.
  8. Reduction of permitted street grades for winter and storm conditions or exposure.
  9. Fences shall not create visual nor other safety hazards. Backing movements, passing vehicles, sidewalk traffic or small children shall be considered in the location of fences.
  10. Mitigation strategies as recommended in any required studies or reports.
- B. Conditions Relating To Health And Sanitation:
1. Water: A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the City Council.
  2. Wastewater And Waste Disposal Systems: A wastewater disposal system and a solid waste disposal system meeting standards adopted by the City Council.

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3. Water, Sewer And Drainage Facilities: Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the City.

**C. Environmental Concerns:**

1. Sensitive Areas: Limitations or restrictions on the use or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.
2. Pollution: Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors.
3. Ground Cover: The planting of ground cover or other surfacing to prevent dust and erosion.
4. Structuring Land: Restructuring of the land and planting of the same as directed by the Planning Commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.

**D. Conditions Relating To Compliance With Intent Of General Plan And Characteristics Of Vicinity (Or Neighborhood):**

1. Incompatible Characteristics: The removal of structures, debris or plant materials, incompatible with the intended characteristics of the district outlined in this Title.
2. Screening: The screening of yards or other areas as protection from obnoxious land uses and activities.
3. Landscaping: Landscaping to ensure compatibility with the intended characteristics of the district as outlined in this Title.
4. Walls, Fences, Hedges And Screening: Limitations or controls on the location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations or other unsightly development.
5. Structure Relocation: The relocation of proposed or existing structures as necessary to provide for future streets on the major street plan of the City, adequate sight distances for general safety, groundwater control or similar problems.
6. Recreational Facilities: Provision for or construction of recreational facilities necessary to satisfy needs of the conditional use.
7. Density; Intensity: Population density and intensity of land use limitations where land capability or vicinity relationships make it appropriate to do so to protect health, safety and welfare, or conservation of values.
8. Other Improvements: Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the district from the proposed conditional use.
9. Fencing: The character of the neighborhood and aesthetics of the streetscape shall be considered in the location of fences and in determining the reduction of any front yard for fencing purposes.

**E. Conditions Relating To Performance:**

1. Time limits on the validity of the conditional use permit. Such time limits shall be determined by the following guidelines:
  - a. A conditional use permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for two (2) years, whichever period of time is shorter.
  - b. Unless there is substantial and positive development action under a conditional use permit within a period of one (1) year of its issuance, said permit shall expire. The Planning Commission may grant a maximum extension for one (1) year, when deemed in the public interest.
2. A bond or other valuable assurance in favor of the City in an amount to be determined by the City. The amount of said bond or other valuable assurance shall be calculated by the City Engineer.
3. Specific short and long range plans of development may be required to demonstrate timeliness, feasibility and impact on the public.

**F. Energy Conservation Concerns and General Performance:**

1. Solar orientation of buildings and uses.
2. Use of renewable energy sources.
3. Efficiency of exterior lighting.
4. Shading and protection of important buildings and pavings (parking lots, etc.), landscaping and trees, location of buildings and screens.
5. Effective use of vestibules.
6. Wind screening.
7. Circulation (travel) efficiency.
8. Efficiency of stormwater removal and erosion control.
9. Maintenance efficiency for on site improvements to be maintained by users, occupants and owners, etc.

# **TITLE 13**

## **SUBDIVISION ORDINANCE**

**TITLE 13 SUBDIVISION ORDINANCE**

**CHAPTER 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 ADMINISTRATIVE LAND USE AUTHORITY DECISIONS:**

**13-1-100: APPEAL FROM APPEAL AUTHORITY DECISION:**

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

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

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

- A. Scope Of Subdivisions: Subdivisions in the City shall be designed for building purposes without apparent 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 parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure or safety protections are not in place or cannot be provided for, the subdivision shall not be allowed.
- B. Conformance To Adopted Standards: Any proposed essential infrastructure improvement shall conform to adopted 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. Purpose:



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1. The purpose of this section and the intent of the City in its adoption is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of the City.
2. This section will accomplish this purpose by:
  - a. Providing policies, standards, requirements and procedures to regulate and control the design and improvements of all developments.
  - b. Assisting in the implementation of the City's goals, objectives, policies and programs by ensuring that all proposed developments, together with provisions for their design and improvements, are consistent with the General Plan and other applicable plans.
  - c. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, natural watercourses, wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the public access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto.
  - d. Preserving and protecting the special environmental quality and aesthetic character of any hillside and mountainous area; preventing detrimental impacts on the soil mantle, vegetative cover and other environmental factors; reducing the hazards of life and property from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a development to the slope of the natural terrain.
  - e. Encouraging the clustering of housing and building developments where subdivisions or other developments are permitted in hillside and mountainous areas, minimizing grading, preserving the natural terrain and enlarging open spaces.
  - f. Regulating land use intensity and population density, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces.
  - g. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used.
  - h. Providing streets of adequate capacity and design for the traffic that will utilize them and ensuring maximum safety for pedestrians and users of vehicles.
  - i. Ensuring adequate access to each building site.
  - j. Providing sidewalks, pedestrian ways, bike paths, and equestrian and hiking trails for the safety, convenience and enjoyment of residents of new developments.
  - k. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting and other utilities needed for public health, safety and convenience.
  - l. Providing adequate sites for public facilities needed to serve residents of new developments.

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- m. Ensuring that costs of providing land for streets, alleys, pedestrian ways, bike paths, easements and other rights of way and for the improvements therein needed to serve new developments are borne by the developer.
  - n. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities or hazardous geological conditions from being developed for any use or in any manner tending to create an increased detriment to the public health, safety or general welfare.
  - o. Ensuring that, insofar as possible, land is developed in a manner that will promote the public health, safety, convenience and general welfare and the physical, social and economic development of the area in conformance with the General Plan, and provide access for solar and other renewable energy sources to the maximum extent possible, and encourage energy conservation through design, layout, "siting" and other techniques.
  - p. Preserving and protecting to the maximum extent possible, solar access to structures and encouraging, promoting or requiring energy conservation and the use of renewable energy sources.
  - q. Providing space for off street parking, as needed.
  - r. Providing space for bike paths and trails.
- B. Intent: This Title is designed to inform the developer and public of the requirements and conditions necessary to obtain approval of a subdivision as specifically provided.

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

- A. Interpretation: These regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. The burden of proof shall, in all proceedings pursuant to this title, rest with the proponent of an application for development approval. Any dispute arising from the administration of this title may be appealed to the City's Administrative Appeal Authority (Hearing Officer) as provided for in City Code section 10-2-2(C).
- B. General Interpretation:
- 1. The word "shall" is mandatory and not discretionary. The word "may" is permissive and discretionary.
  - 2. The words "City Planner" shall mean the City Planner of the City or designee.
  - 3. The words "City Engineer" shall mean the City Engineer of the City or designee.
  - 4. The words "Building Official" shall mean the Building Official of the City or designee.
  - 5. The words "Community Development Director" shall mean the Community Development Director of the City or designee.
  - 6. The words "Public Works Director" shall mean the Public Works Director of the City or designee.

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7. The words "City Manager" shall mean the City Manager of the City or designee.
8. The words "Planning Commission" shall mean the City Planning Commission.
9. The word "Council" shall mean the City Council, the governing body of the City.
10. The word "City" shall mean the City of North Salt Lake.
11. The word "County" shall mean Davis County Utah.
12. The word "State" shall mean the State of Utah.
13. The words "Zoning Ordinance" shall mean Title 10 of the municipal code of the City.
14. The words "Subdivision Ordinance" or "this title" shall mean Title 13 of the municipal code of the City
15. The word "code" shall mean the municipal code of the City.

**C. Conflict With Other Provisions:**

1. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule, regulation, statute or provision of law. If any provision of these regulations imposes a restriction different from those imposed by another provision, ordinance, rule, regulation or law, whichever provision is more restrictive or imposes higher standards shall control.
2. Further, these regulations are not intended to abrogate any easement, covenant, private agreement or restriction, including, but not limited to, restrictive covenants and declarations of covenants, conditions and restrictions; provided, however, that the City is under no obligation to enforce private covenants or agreements.

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

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

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

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

- A.** These regulations shall not be construed as abating any action under prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the

municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action for the municipality, except as shall be expressly provided for in these regulations.

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

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

- A. General Plan & Land Use Ordinance: The General Plan and the City's Land Use Ordinance (Title 10) shall guide the use of all land within the corporate boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, or the provisions for any special facilities in any subdivision shall conform to the land uses and the standards established in the Land Use Ordinance, construction standards & specifications manuals, and other applicable ordinances or regulations which are guided by the General Plan and adopted by the City Council.
- B. Natural Landscape & Existing Conditions: Trees, native land cover, natural watercourses and topography shall be preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape and shall be in conformance with City Code Title 10, Chapter 12: Sensitive Area District and Geologic Hazards. The design of new subdivisions shall consider and relate to existing street widths, alignments and names.
- C. Community Facilities: Community facilities, such as parks, recreation areas, trails and transportation facilities shall be provided in the subdivision in accordance with the General Plan, this Title, and other applicable ordinances and resolutions. This title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner and coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the developer may be required to dedicate, grant easements or otherwise reserve land for parks, playgrounds, public ways, utility easements or other public purposes as specified.

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

- A. Developer: The developer shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the essential infrastructure improvements required. The City shall process the submitted plat in accordance with the regulations set forth herein. The developer shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the necessary approvals as outlined herein have been obtained.
- B. Development Review Staff: Development review will be conducted by applicable staff members and directed by the Community Development Director, or designee. Review staff shall consist of

representatives from city departments and special service district representatives as required by the City Manager, or designee, and as applicable to each development application. Development proposals shall be reviewed for design; for conformity to the General Plan, Town Center Master Plan, or other applicable plans, and to the Land Use Ordinance; and for the environmental quality of the subdivision design. The Community Development Director, or designee, shall ensure that developments are processed as provided for in this Title.

- C. Other Agencies: Any application for a proposed subdivision may be referred by the development review staff to such special districts, governmental boards, bureaus, utility companies and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. Developers shall be responsible for distributing plans to and coordinating the comments received from all public and private entities and obtaining will-serve letters or permits, as applicable.
- D. Public Works Director and City Engineer: The Public Works Director and City Engineer, or their designees, shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed essential infrastructure improvements are consistent with this Title and other applicable ordinances, construction standards & specifications, or any other applicable regulations, and shall be responsible for the inspection and approval of all construction of essential improvements. Street layout and overall circulation shall be in accord with adopted transportation plans and sound transportation planning principles.
- E. Administrative Land Use Authority (ALUA): The Administrative Land Use Authority is charged with making investigations, reports and findings on proposed subdivisions as to their conformance to land use and subdivision ordinances, and other pertinent plans, ordinances, or regulations.
  - 1. The Planning Commission shall act as the Administrative Land Use Authority for:
    - a. Preliminary Plans.
    - b. Plat amendments which do not include the vacation of any public right of way, public trail or municipal utility easement.
  - 2. Community Development Director, with the assistance of the applicable staff and as directed by the City Manager, shall act as the Administrative Land Use Authority for:
    - a. Final plat
    - b. Minor subdivisions
    - c. Lot line adjustments
  - 3. The City Council shall act as the Administrative Land Use Authority for plat amendments which include the vacation of any public right of way, public trail or municipal easement only after receiving a recommendation from the Planning Commission regarding the vacation of any public right of way, public trail or municipal utility easement as a condition of plat amendment approval, in accordance with City Code section 13-7-010.

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- F. City Attorney: The City Attorney, or designee, shall verify, prior to recordation of a plat, that the form of the final plat is correct and acceptable, the developer dedicating land for public use is the owner of record, and the land is free and clear of unacceptable encumbrances or tax clearances according to the title report submitted by the developer, or any other liens or encumbrances on land being dedicated for public use.
- G. Mayor: The Mayor shall perform the non-discretionary and ministerial act of signing the plat solely to accept offers of dedication.

**13-1-090: APPEAL OF ADMINISTRATIVE LAND USE AUTHORITY DECISIONS:**

- A. As provided in City Code section 10-2-2, appeal may be made to the City's designated Appeal Authority (Hearing Officer) from any decision, determination or requirement of the Administrative Land Use Authority under this title by filing with the City Recorder a notice thereof in writing within fifteen (15) days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the developer, or other interested person, is aggrieved. In the event of an appeal, application deadlines set forth in this title shall be extended to incorporate the time necessary to hear and consider such appeals.
- B. Hearing: The City Recorder, or designee, shall set the appeal for hearing before the City's designated Appeal Authority, as provided in City Code section 10-2-2, to be held within a reasonable time from the date of receipt of the appeal. The appellant shall be notified of the appeal hearing date at least seven (7) days prior to the hearing. After hearing the appeal, the Hearing Officer may affirm, modify, overrule the decision, determination or requirement appealed, or remand the decision to the Administrative Land Use Authority for additional review and enter any such order or orders. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Hearing Officer.

**13-1-100: APPEAL FROM APPEAL AUTHORITY DECISION:**

Any person adversely affected by the Appeal Authority's decision may petition the District Court for a review of the decision within thirty (30) days of said decision.

**TITLE 13 SUBDIVISION ORDINANCE**

**CHAPTER 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: DEVELOPMENT CONSTRUCTION:**

**13-2-060: BUILDING PERMITS:**

**13-2-070: CERTIFICATES OF OCCUPANCY:**

**13-2-080: PENALTIES:**

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

- A. 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.
- B. Applicability:

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.
- C. Approval Required: No lot within a development created and recorded prior to the effective date hereof nor any development thereafter approved by the Administrative Land Use Authority 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 of the Administrative Land Use Authority as provided in this Title.
- D. Restricted Lots: Any lot deemed to be restricted shall require a site specific geotechnical review in accordance with Title 10, Chapter 12, Sensitive Lands Overlay and Geologic Hazards prior to the issuance of a building permit. All construction and grading on restricted lots shall incorporate specific geotechnical design solutions as recommended by an approved geologic hazard study. Lots shall be deemed restricted for any lot:
  - 1. located within the designated Sensitive Lands Area Overlay Zone;
  - 2. noted as restricted on a recorded subdivision plat;
  - 3. having an average slope of fifteen percent (15%) or greater;
  - 4. with known, suspect or probable geologic hazards;

5. with critical wildlife habitat;
6. with critical drainage channels or other natural features; or
7. containing other vital infrastructure.

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

A. Content: If any land is laid out and platted, the owner of the land shall cause an accurate plat to be made of them that sets forth and describes:

1. Any parcel of ground laid out and platted, by boundaries, course and extent, and if they are intended for streets or other public uses, together with any area that is reserved for public purposes; and
2. Any block or lot intended for sale or otherwise reserved for private purposes and all parcels offered for dedication for any purpose, with all dimensions, boundaries, and courses clearly shown and defined.

B. Acknowledgment Required:

1. The owner of the land shall acknowledge the plat and owner's dedication before an officer authorized by law to take acknowledgment of conveyances of real estate.

The surveyor of the plat shall certify that the surveyor:

- a. Holds a license in accordance with Utah, Code Annotated, Title 58, Chapter 22 (as amended), Professional Engineers and Professional Land Surveyors Licensing Act;
  - b. Has completed a survey of the property described on the plat in accordance with Utah Code section 17-23-17 (as amended) and has verified all measurements; and
  - c. Has placed monuments as represented on the plat.
2. The City Engineer shall sign the final plat, certifying that the plat and other data submitted therewith, is substantially the same as it appeared on the preliminary plan and any approved alterations thereof on that the final plat is in conformity with City ordinances and adopted specifications and standards.
  3. The City Attorney shall be responsible for reporting to the Mayor as to the form of the final plat or other recordable instruments evidencing any action under this title. The City Attorney shall certify that any lands dedicated to the public are dedicated in fee simple and that the person or persons dedicating the land are the owners of record.
  4. The designated Administrative Land Use Authority shall determine whether the plat conforms with the preliminary plan approval, City ordinances and adopted specifications and standards and shall sign the approved final plat as provided by law.
  5. The Mayor shall perform the non-discretionary and ministerial act of signing the plat solely to accept offers of dedication.



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- C. Filing And Recording: After the plat has been acknowledged, certified and approved, the City Recorder, or designee, shall file and record it in the County Recorder's Office in the county in which the lands platted and laid out are situated. The owner shall pay the expense of such recording.
- D. Plat Expiration: The recording of the subdivision plat is to be done within one hundred eighty (180) calendar days of the completed approval from the Administrative Land Use Authority. Failure to record the approved plat within the allotted time required shall void all approvals for the subdivision. Prior to the expiration of the plat approval, the owner or developer may request a onetime extension of one hundred eighty (180) days, by submitting to the Community Development Director a written request of the owner or developer, explaining the reasons for the delay. The Community Development Director shall consult with applicable city review staff to prepare an analysis of any amendments to the City Code, regulations or standards and their effect on the subdivision. If such amendments to the City regulations or standards are essential to protecting the health, safety, and welfare of the citizens, the Community Development Director shall not grant the extension unless the plat conforms to the new regulations or standards.
- E. Subdivision Approval Procedure: No one may file or record a subdivision plat in the County Recorder's Office unless:
  - 1. The subdivision plat has been approved by the designated Administrative Land Use Authority; and
  - 2. The required approvals and acceptance of any dedicated property or right of way are entered in writing on the plat as designated in this ordinance.

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

Subdivided land shall not be transferred, sold or offered for sale, nor shall a building permit be issued for a structure thereon, until an approved subdivision plat is recorded in the County Recorder's Office in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been constructed or guaranteed as provided herein.

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

No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions of this title. A subdivision plat recorded without the signatures required by Utah Code Annotated, section 10-9a-604 (as amended) is void. A transfer of land pursuant to a void plat is voidable by the land use authority.

**13-2-050: DEVELOPMENT CONSTRUCTION:**

- A. Inspections: Following the approval of a final plat, the City Engineer, or designee, shall inspect such use to ensure that development is undertaken and completed in compliance with the approval.
- B. Minimum Construction And Improvement Standards: Construction standards, including drawings, tables, charts, references and regulations as adopted by the City Council shall constitute land development standards supplementing this title.

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- C. **Conflicting Provisions:** Where specific requirements are made or exemptions allowed under other sections of the code, those requirements or exemptions shall prevail over the land development standards supplementing this title.
- D. **Improvement Construction Obligation Of Developer:** Improvements required by this title shall be constructed at the expense of the developer and shall comply with the land development standards supplementing this title.
- E. **Commencement Of Construction:** Site improvement or grading of any proposed development site prior to preliminary plat approval by the Administrative Land Use Authority is prohibited. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
- F. **Phase Development:**
  - 1. Final plat and construction plan approval may be granted on less than the entire project covered by preliminary plat approval and may be done in phases as provided below. The development of the phases of project shall be done in an orderly manner and in such a way that the required improvements of each of the phases will be made available for the full effective and practical use and enjoyment thereof by the lessees or the grantees of any of the lands developed within the time hereinafter specified. The phases of any project shall, when possible, be contiguous to previously approved phases or other existing development.
  - 2. Each phase must be approved by the Administrative Land Use Authority. preliminary plat approval for phase developments will remain valid so long as an application for final plat and construction plan approval for a single phase within the phase development is submitted each twelve (12) months after preliminary plat approval and the applicant diligently pursues approval of the application. In no event will preliminary plat approval for phase developments remain valid beyond ten (10) years from the date of original approval.
  - 3. For developments subject to a development agreement with the City Council, the agreement shall govern the validity of preliminary plat, final plat and construction plan approvals for phase developments.
  - 4. If the developer does not maintain the required bond, or if the developer fails to complete all of the required on or off site essential infrastructure improvements or if the developer is in default under any other term or condition which was required for final plat and construction plan approval, the Administrative Land Use Authority may deny any further request for development of succeeding phases of the proposed development until the outstanding defaults have been cured.
- G. **Appeals Procedure:** Appeals from any administrative decision may be made to the Hearing Officer as provided in City Code section 10-2-2. (Ord. 2012-07, 4-30-2012)
- H. **Changes:** Any significant changes made in an approved drawing require resubmission of the drawing for approval by the Administrative Land Use Authority.

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- I. Additional Required Information: The Administrative Land Use Authority, development review staff, or City Attorney may require such additional information as necessary to complete a proposal for the written record, demonstrate capability, solve anticipated problems, or show geotechnical solutions to site development.
- J. Preconstruction Meetings: Prior to excavating or starting of the work, the developer shall attend a preconstruction meeting with representatives from city departments, as directed by the City Engineer, and any other special service districts with jurisdiction over the infrastructure installation. The developer shall bring to the meeting all contractors responsible to build the improvements associated with the project. The purpose of this meeting shall be to:
  - 1. Verify recordation of the plat and final approval of the plans.
  - 2. Determine schedule of construction.
  - 3. Determine names, addresses and phone numbers of contractors, inspectors and all persons involved.
  - 4. Review plans and special conditions or requirements.
  - 5. Review the process for bond reduction request.
  - 6. Coordinate inspection and testing.
  - 7. Discuss City Standards and Specifications.
- K. Construction Review: Construction work involving the installation of public improvements in subdivisions shall be subject to construction review by the City Engineer, Public Works Inspector, and SWPPP Inspector.
  - 1. Daily construction review shall be required on the following types of work:
    - a. Laying of street surfacing.
    - b. Placing of concrete for curb and gutter, sidewalks and other structures.
    - c. Laying of drainage pipe, water pipe, valves, hydrants and testing.
    - d. Street grading and gravel base.
    - e. Excavations for curb and gutter and sidewalks.
    - f. Excavations for structures.
  - 2. Requests for construction review shall be made to the City Engineer or to the designated inspector as directed, by the person responsible for the construction. Requests for construction review on work shall be made one (1) working day prior to the commencement of the work.

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- L. Correcting Defective Work: Construction reviews shall be made by the City Engineer, designee, or Inspector after various phases of the construction work is completed. Any faulty or defective work shall be corrected by the developer or contractor within a period of thirty (30) days from the date of construction review wherein the faulty or defective work is noted and written notice is given to the developer and/or contractor. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

**13-2-060: BUILDING PERMITS:**

A. Requirements:

1. No building permit shall be issued for any structure within a subdivision until the subdivision plat is recorded in the County Recorder's Office, a bond is provided acceptable to the City ensuring the adequate installation of required essential infrastructure improvements and utilities, and the required improvements and utilities have been installed and are operable as provided herein and as deemed essential infrastructure (defined by Utah Code Annotated 10-9a-802, as amended) which is necessary to meet the requirements of the building code and fire code.
2. No building permit shall be issued for any structure within a subdivision until all sanitary sewer, storm sewer, culinary water lines, pressure irrigation (if applicable), fire hydrants, curb and gutter, streets, other underground utilities located under the street surface, required grading and drainage improvements, and paving, are installed and fully functional, as determined by the City, providing continuous access or service to the lot.

- B. Exception: The City's development review staff, with the approval of the City Engineer and Fire Marshal, may approve the issuance of building permits prior to the installation of permanent paving under the following conditions:

1. The street improvements are being constructed during the months when cold weather prohibits the laying of a hard surface on the street and within months or in locations where the accumulation of snow is no longer likely to occur prior to the scheduled paving.
2. The streets shall be completed with all utilities, rough grading, and all weather road base sufficient for emergency vehicle access and construction traffic. Sufficiency of the road base, including road base gradation and thickness, shall be determined by the City Engineer upon review and consideration of applicable soils reports, drainage factors and existing topographic conditions of the property.
3. The developer enters into an agreement with the City that the developer will take responsibility to ensure that the road is accessible for emergency vehicles and construction traffic at all times, including snow removal, if any, and other required maintenance.
4. The developer enters into an agreement with the City that developer will hard surface the road as soon as weather permits and as authorized by the City. If developer fails to do so, the City can declare the developer in default of the applicable improvements bond agreement and may withdraw any or all of the funds from the bond and cause the improvements to the street to be

constructed, completed or repaired in accordance with the terms and procedures set forth in the bond agreement for the withdrawal of funds.

5. The building contractor, property owner and building permit applicant enters into an assumption of risk agreement acknowledging the lack of hard surface streets within the subdivision and an acknowledgement of the developer's obligation regarding maintenance and access of the same and assuming the risk of proceeding with construction under such circumstances pursuant to the terms and conditions set forth herein.
  6. Prior to hard surfacing road, the City Engineer shall inspect road conditions for road base contamination, rutting, or other deficiencies. Any deficiencies found shall be repaired in a manner required by the City Engineer and approved prior to any paving.
  7. No certificate of occupancy shall be granted for any structure within the subdivision until all streets are hard surfaced.
- C. Notwithstanding the foregoing, for lots fronting existing streets that obtain access only from that street and have existing fully functional utilities, the building official may issue permits, subject to compliance with applicable requirements, including adequate access for emergency vehicles.
- D. Model Homes: After recording of a subdivision plat, building permits for model homes may be issued before completion of on and off site improvements, subject to the following requirements:
1. The applicant must provide proof of ownership of the property where the model home is proposed to be located.
  2. The applicant must sign a statement acknowledging that the applicant takes full responsibility for the risks being taken by constructing a model home before on and off site improvements are completed.
  3. All on and off site improvements for the full plat must be completed within forty five (45) days of issuance of the first model home building permit. If, in the opinion of the City Engineer or the Building Official, on and off site improvements cannot be completed within forty five (45) days of the issuance of a permit for a model home, then the City Engineer or the Building Official may withhold approval of a model home building permit.
  4. If all on and off site improvements for the full plat are not completed within the forty five (45) day period, the City may suspend issuance of additional permits until improvements are completed.
  5. A maximum of two (2) model homes will be allowed in each plat.
  6. Prior to the issuance of a building permit for a model home, hard surfaced roads must be completed such that they provide reasonable access to the structure(s).

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7. All fire protection requirements must be met as set and approved, in writing, by the South Davis Metro Fire District.
8. No dwelling unit, including model homes, will be issued a certificate of occupancy until all on and off site improvements are completed.
9. Model homes may be operated until a building permit is issued for the last remaining lot within the development.
10. Issuance of any building permit for a model home before the completion of on and off site improvements is subject to predicted weather conditions. No building permit application for a model home prior to completion of on and off site improvements will be accepted between September 15 and March 1. (Ord. 2011-06, 5-3-2011)

**13-2-070: CERTIFICATES OF OCCUPANCY:**

No building within a subdivision shall be occupied until a certificate of occupancy has been issued for such structure by the City. No certificate of occupancy shall be issued for any structure within a subdivision until all required improvements for the subdivision are complete, including the hard surfacing of the streets, required street signs and traffic control signs, house numbers on the structure, required utilities providing service to the structure, and any other applicable ordinance provisions have been met.

**13-2-080: PENALTIES:**

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

**TITLE 13 SUBDIVISION ORDINANCE**

**CHAPTER 3: CONCEPT PLAN**

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

**13-3-020: CONCEPTUAL PLAN REVIEW NONBINDING:**

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

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

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

**13-3-060: CONCEPTUAL PLAN REVIEW:**

**13-3-070: COMPLETION OF CONCEPTUAL PLAN REVIEW:**

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

A conceptual Plan review is not required, but highly encouraged, for subdivisions for one or two family dwelling and townhome developments. Conceptual plan review shall be required for commercial, industrial, multi-family subdivision and any subdivision of land which is subject to geologic hazard review. Conceptual plan review provides the developer with an opportunity to consult with and receive assistance from the city staff 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 plan. The conceptual plan should be based on an accurate survey showing boundaries, topography, important physical features, adjacent properties and the proposed layout of the subdivision. The applicant or applicant's duly authorized agent shall submit an application to the Community Development Department for conceptual plan review and at the same time, the applicant shall pay an application fee as provided in the City's Comprehensive Fee Schedule.

**13-3-020: CONCEPTUAL PLAN REVIEW NONBINDING:**

The conceptual plan process is designed to provide the developer with helpful information and suggestions before the expense and time involved in preparing a preliminary plan is incurred. Conceptual plan review shall be nonbinding on any subsequent review steps nor binding upon the designated Administrative Land Use Authority in the exercise of their authority or approval.

**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 complete preliminary plat plan application which meets 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:**

- A. The developer shall submit the proposed conceptual plan which will enable a review of a proposed project for general scope and conditions and its impact on the City. The Community Development Department will determine if the appropriate plan and application is submitted, if the application is complete and if all the fees have been paid. If the application is deemed to be incomplete the

applicant shall be notified in writing within ten (10) days of the application date, or as reasonably practical upon discovery of a deficiency.

- B. Document Requirements: The following items shall be submitted to the Community Development Department for conceptual plan review:
1. An application form, as provided by the City, detailing the proposed development and addressing the following:
    - a. A general explanation of the project size, scope, and land uses;
    - b. Identification of any potential impacts or conflicts with adjacent land uses, along with proposed mitigation of any adverse aspect of the plan;
    - c. Identification of any known or potential geologic hazards on the property or within the development area in general;
    - d. A statement regarding the proposed development, its conformance to the existing zoning and general plan or other adopted plans or policies, and identifying any opportunity for the provision of housing which meet the goals and objectives of the City's Moderate Income Housing Plan; and
    - e. Any additional pertinent information related to the project.
  2. An electronic copy of the conceptual plan which is reproducible at a printed size of twenty four inches by thirty six inches (24" x 36").
  3. Conceptual plan set shall include the following:
    - a. Cover Sheet which includes the following:
      - (1) The proposed project name, approximate address of the project, and the relevant parcels within the project;
      - (2) Vicinity plan. An aerial map at a scale of one inch equals one hundred feet (1" = 100') or other competent base map showing the area within six hundred feet (600') of the project boundaries giving context to the proposed development;
      - (3) Drawing index;
      - (4) Developer name, address, and phone number;
      - (5) Property owner name, address, and phone number, if different from the developer;
      - (6) General notes regarding the project;
      - (7) Boundaries of zoning districts, taxing and other special districts; and
      - (8) The name, address, and phone number of the engineer or surveyor who prepared the conceptual plan set.
    - b. Existing Conditions or Demolition Plan. The following shall be drawn to scale:



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- (1) Existing topographic contours at no greater interval than two feet (2');
  - (2) A slope analysis shading all areas with existing slopes of thirty to fifty percent (30-50%) and all areas with existing slopes greater than fifty percent (50%).
  - (3) Existing buildings, utilities, and improvements;
  - (4) Location of existing culinary and irrigation water systems and points of proposed connection and extension;
  - (5) Location and size of existing utility services and proposed connection and extension (sewer, power, gas, telephone cable);
  - (6) Watercourses, impoundments, streams, springs, wells, floodplains, and areas subject to continuous or occasional flooding, including those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;
  - (7) Significant vegetative patterns;
  - (8) Geologic hazards, formations and soils type;
  - (9) Public and private easements related to site, including trails and parks as identified within the adopted General Plan or other adopted plans or policy documents; and
  - (10) Existing survey monuments.
- c. Conceptual Site Plan. The following elements shall be drawn to a scale of a minimum one inch equals thirty feet (1"=30'):
- (1) North arrow and scale;
  - (2) Names of all abutting property owners;
  - (3) The dimensions of the site and total acreage, with proposed density;
  - (4) A proposed lot layout showing approximate size of each lot;
  - (5) Location of existing and proposed streets, trails, and sidewalks;
  - (6) Proposed buildings, or building envelopes, as applicable;
  - (7) Proposed public facilities and open spaces;
  - (8) Location of proposed parking;
  - (9) Preliminary location of all proposed on site uses and desired improvements, including any off-site improvements if considered essential to the project; and
  - (10) Any additional information which will convey information that is necessary to determine feasibility and identify problems that need to be addressed on the preliminary design plan, including topography and grading for slopes which may exceed 30%.

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

Upon receipt of a complete conceptual plan application, the Community Development Director, or designee shall notify and distribute copies of the conceptual plan application to the development review staff and other affected entities or agencies, as applicable. Conceptual Plans that contain parks, trails, public art or recreational amenities shall be distributed to the Parks, Trails, Arts and Recreation Advisory Board. The board shall provide input to the Administrative Land Use Authority prior to preliminary plan review regarding the design, function, and relationship to existing facilities and the parks master plan or other policy documents, as adopted.

**13-3-060: CONCEPTUAL PLAN REVIEW:**

Scope Of Review: Conceptual plan shall be reviewed for compliance with the City General Plan, Land Use Ordinance, this title, and other appropriate regulations. The Community Development Director, or designee, shall coordinate review with the appropriate development review staff and affected entities, as appropriate for the size, scope, and location of the proposed subdivision. The Community Development Director, or designee, shall make findings regarding the submitted conceptual plan, specifying any inadequacy in the information submitted, noncompliance with City regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist the developer in preparation of a preliminary plan application.

**13-3-070: COMPLETION OF CONCEPTUAL PLAN REVIEW:**

Once conceptual plan review has been completed, the developer may apply for preliminary plan approval consistent with the conceptual plan. If preliminary plan approval for any portion of an approved conceptual plan has not been obtained within twelve (12) months of the date on which conceptual plan review was completed, a resubmittal of the conceptual plan shall be required.

**TITLE 13 SUBDIVISION ORDINANCE**

**CHAPTER 4: MINOR SUBDIVISIONS**

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

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

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

**13-4-040: CONCEPTUAL PLAN REVIEW:**

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

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

**13-4-070: ADMINISTRATIVE LAND USE AUTHORITY 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, with the exception of the dedication of required public utility easements;
- 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, other than extension of service laterals. 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 filed. 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 that requires right of way dedication;
- 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;
- G. Utility easements shall be dedicated;
- H. Property must not be located within the Sensitive Lands Overlay Area Map or be property which is subject to geologic hazard review as required by Section 10-12-3 for known or reasonably suspected geologic hazards such as landslides, earthquakes, flooding, problem soils or rocks; and
- I. Property must not be located within a Flood Hazard Area (FHA) as identified on the Digital Flood Insurance Rate Map (DFIRM) or Flood Insurance Rate Map (FIRM).

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

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

**13-4-040: CONCEPTUAL PLAN REVIEW:**

Prior to filing a minor subdivision application, all developers of proposed minor subdivisions are encouraged to complete a conceptual plan review as set forth in this title.

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

All developers of proposed minor subdivisions shall submit a minor subdivision application on a form provided by the City. The application shall include an electronic submission which is reproducible as a 24" x 36" plat suitable for recordation and all applicable documents meeting the requirements of section 13-4-100 of this chapter. If essential infrastructure improvements, as specified within this chapter, are required, the application shall be accompanied by improvement drawings for such improvements. The City Engineer may require that a soils report be provided which meets the requirements set forth in section 13-5-040 of this Title. At the time the application is submitted, the developer shall pay the appropriate application fee as set forth in the City's Comprehensive Fee Schedule.

The Community Development Department, or designee, will determine if the appropriate plan and application is submitted, if the application is complete and if all the fees have been paid. If the application is deemed to be incomplete the applicant shall be notified in writing within ten (10) days of the application date, or as reasonably practical upon discovery of a deficiency.

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

The Community Development Director, or designee, shall coordinate review with the appropriate development review staff and affected entities, as appropriate for the size, scope, and location of the proposed subdivision. Within fifteen (15) business days of receipt of a complete application submittal, the Community Development Director shall prepare findings regarding the minor subdivision plan, specifying any inadequacy in the information submitted, noncompliance with City regulations, questionable or undesirable design and/or engineering, and the need for any additional information required prior to final approval.

**13-4-070: ADMINISTRATIVE LAND USE AUTHORITY ACTION:**

- A. Scope Of Action: The Community Development Director, or designee, is designated as the Administrative Land Use Authority for minor subdivisions and shall coordinate review with the appropriate development review staff and affected entities, as appropriate for the size, scope, and location of the proposed subdivision. The Community Development Director, or designee, shall assure that the plat is in conformity with the requirements of this chapter and title, other applicable ordinances or regulations, and any conditions of approval required by this title, city ordinance, or adopted specifications and standards. If the proposed plat complies with those requirements the plat shall be approved or approved with conditions.
- B. Disapproval: If the Community Development Director, or designee, determines that the proposed plat is not in conformity with the ordinances of the City or required conditions imposed, the plat shall not be approved and the developer shall be notified of the specific reasons for such disapproval. If a proposed plat is disapproved, no further plat shall be submitted and a new minor subdivision application shall be required to initiate minor subdivision approval, including the payment of the required fee.
- C. Appeal: Within ten (10) business days of notification of disapproval of a minor subdivision, the developer may request a review by the Planning Commission.

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

If the plat is not recorded within six (6) months from the date of final approval, such approval shall be null and void. This time period may be extended one (1) time for an additional six (6) month period by the Community Development Director, or designee, with the consent of the City Engineer. The developer must petition for an extension, prior to the expiration of the original six (6) months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the City. If any of the fees charged as a condition of subdivision approval, including, but not limited to, inspection fees, impact fees, as well as the amounts the City uses to estimate bonds to ensure completion of improvements have increased, the City Engineer may require that the bond estimate be recalculated and that the developer pay any applicable increases as a condition of granting the extension.

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

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

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

- A. Contents: Each plat submitted under this chapter shall, at a minimum, contain the following:
  - 1. The meets and bounds description of the parcel(s) of ground to be subdivided using the Utah Coordinate System of bearing rotations, otherwise known as NAD83; meets and bounds descriptions may also be provided in Davis County coordinates with a rotation provided to NAD83 coordinates;

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2. The number and address of the lots intended for sale, including the area, boundaries, courses and dimensions of each lot;
  3. Existing right of way and easement grants of record for underground facilities, as defined in Utah Code Annotated section 54-8a-2, and for other utility facilities;
  4. An acknowledgment from the owner(s) of the property to be subdivided acknowledging the preparation of the plat and the owner's consent to subdivide the parcel as shown on the plat;
  5. A certification from the surveyor preparing the plat; and
- B. Coordinates shall be added to all angle points to the exterior boundary of the subdivision in the coordinate system matching the meets and bounds description.

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

Upon approval of a minor subdivision application under this chapter, and approval of a proposed plat prepared in accordance with this chapter, the developer shall provide the City with a current title report to be reviewed by the City Attorney. A "current title report" is considered to be one which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. Once title to the property has been approved by the City Attorney, the approved plat shall be signed by the Mayor and all those required. The City Recorder, or designee, shall present the mylar to the Davis County Recorder's Office for recordation.

**TITLE 13 SUBDIVISION ORDINANCE**  
**CHAPTER 5: STANDARD SUBDIVISIONS**

**13-5-010: PRELIMINARY PLAT PURPOSE:**

**13-5-020: PRE-APPLICATION MEETING:**

**13-5-030: APPLICATION AND FEES:**

**13-5-040: PRELIMINARY PLAT & SUBDIVISION IMPROVEMENT PLANS:**

**13-5-050: STAFF REVIEW OF PRELIMINARY PLAT APPLICATION:**

**13-5-060: ADMINISTRATIVE LAND USE AUTHORITY ACTION; PRELIMINARY PLAT:**

**13-5-070: NOTIFICATION OF ACTION:**

**13-5-080: EFFECT OF APPROVAL OF THE PRELIMINARY PLAT:**

**13-5-090: FINAL PLAT; PURPOSE:**

**13-5-100: FILING DEADLINE, APPLICATION AND FEES:**

**13-5-110: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:**

**13-5-120: EVALUATION OF FINAL PLAT:**

**13-5-130: ADMINISTRATIVE LAND USE AUTHORITY ACTION; FINAL PLAT:**

**13-5-140: DISAPPROVAL OF THE FINAL PLAT:**

**13-5-150: SECURITY BOND; DEVELOPER:**

**13-5-160: DELAY AGREEMENT:**

**13-5-170: RECORDING OF PLAT:**

**13-5-010: PRELIMINARY PLAT PURPOSE:**

The purpose of the preliminary plat is to require formal preliminary approval of subdivisions not classified as minor subdivisions, in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat 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: PRE-APPLICATION MEETING:**

- A. An applicant may request a pre-application meeting, prior to submittal of a preliminary plat application. Within fifteen (15) business days after a request for a pre-application meeting, the Community Development Department shall schedule a meeting to review the proposed preliminary plat for the subdivision and give initial feedback.
- B. At the pre-application meeting, city staff shall provide or have available on the City website the following:
  - 1. Copies of applicable land use regulations;
  - 2. A complete list of standards required for the project;
  - 3. Preliminary and final application checklists; and
  - 4. Feedback on the concept plan.

**13-5-030: APPLICATION AND FEES:**

- A. The developer of a subdivision shall file an application for preliminary plat approval on a form provided by the City. The application shall include an electronic submission of the preliminary plan set (preliminary plat & preliminary subdivision improvement plans) reproducible as 24" x 36" prints, all other documents required by this Title and an application fee as published in the Comprehensive Fee Schedule of the City.
- B. The Community Development Department shall determine if the appropriate application has been submitted, if the application is complete and if all required application fees have been paid. Within fifteen (15) business days of receipt of an application for preliminary plat review, a letter of acknowledgment or notice of incomplete application will be provided to the applicant.
- C. Upon determination of a complete application, the Community Development Department shall provide notification to and distribute the preliminary plan set to the applicable development review staff and all appropriate public and private affected entities for review and comment. The notice shall provide a specific deadline for submittal of comments to the City, such that the initial review can be provided to the applicant within fifteen (15) business days of the date of determination of complete application.
- D. Prior conceptual plan review shall be required for commercial, industrial, and multi-family subdivisions, or for subdivision of lands within the Sensitive Lands Overlay Area Map or those subject to geologic hazard review as required by City Code section 10-12-3.
- E. Prior to application for preliminary plan review, the applicant shall complete a geologic hazards study and report in accordance with Title 10, Chapter 12, Sensitive Area District and Geologic Hazards for properties within the Sensitive Lands Overlay Area Map or those subject to geologic hazard review as required by City Code section 10-12-3, for known or reasonably suspected geologic hazards such as landslides, earthquakes, surface fault rupture, fire, flooding, erosion, liquefaction, problem soils, debris flow or rock falls, or any other natural or manmade hazards. The preliminary plan set shall be designed in accordance with the approved geologic hazards study and the findings and recommendations made therein.

**13-5-040: PRELIMINARY PLAT AND SUBDIVISION IMPROVEMENT PLANS:**

- A. Form: The preliminary plan set shall be clearly and legibly drawn 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.
- B. Document Requirements: The following items shall be submitted in an application for preliminary plat review:
  - 1. A preliminary title report covering the entire land in the proposed project, or other approved evidence of title insurability.
  - 2. Evidence that the applicant has sufficient control and financial capability over the land to effectuate the proposed use, such as an executed purchase contract or an owner's certificate



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signed and acknowledged by all parties having any record interest in the land subdivision, consenting to the subdivision application.

3. When applicable, letters from the public agencies which will provide water and sewer service to the proposed development. The letter should state what type, if any, of interim system will be allowed until full service can be provided by the public agency; and that potable water will be available to the developer in quantities and quality as required by state requirements for the project.
4. Statement of the estimated starting and completion dates for each phase of development, including proposed grading work and any landscape work.
5. A copy of proposed protective covenants, articles of incorporation, association or condominium, where applicable.
6. Tabulations showing the square footage and percent of total area proposed in:
  - a. Off street parking;
  - b. Streets and impervious surfaces;
  - c. Developed parks, landscaped areas, and proposed sod; and
  - d. Natural open spaces or undeveloped parks.
7. Tabulations showing the square footage and percent of area covered by buildings.
8. Tabulations showing the square footage and total floor space by type of use, i.e., residential, commercial, industrial, etc.
9. Copies of any agreements with adjacent property owners relevant to the proposed subdivision.
10. An adequate traffic report prepared by a qualified traffic engineer when required by the City Engineer or Planning Commission.
11. For developments that are not within the sensitive lands area, a soils data report from a registered soils engineer, engineering geologist or other qualified person, based upon adequate test boring or excavations within the proposed project. (Ord 01-05-4-3-2001) The soil report shall include a description of the soil types and characteristics on the site, describe whether or not groundwater was encountered in any of the test borings and at what elevation it was encountered, and shall identify the location of any seismic zones or flood zones on the property.
12. Soils Investigation Report: If the soil report indicates the presence of critically expansive soils, high water table, the presence of toxic or hazardous waste, or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water, premature deterioration of the essential infrastructure improvements, or which would represent a public health hazard, a soil investigation of each lot in the subdivision may be required by the City Engineer. The soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and/or essential infrastructure

improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application.

13. A geologic hazard study prepared in accordance with Title 10, Chapter 12 for all developments on properties: within the sensitive lands overlay area; with an average slope of fifteen percent (15%) or greater; with native slopes of thirty percent (30%) or greater; with known, suspect, or probable geologic hazards; critical wildlife habitat or natural features; critical drainage channels; or other vital infrastructure.
- C. Required Information: The following information and documentation shall be included on the preliminary plat or preliminary subdivision improvement plans, as applicable:
1. A vicinity map of the proposed subdivision, drawn at a scale of five hundred feet to the inch (1" = 500'), which defines the location of the subdivision within the City.
  2. The proposed name of the subdivision, which shall not duplicate or nearly duplicate the name of any subdivision in the City or in the incorporated and unincorporated area of Davis County, unless part of a multi-phased subdivision.
  3. The names and addresses of the developer, owner, or agent, as applicable, the engineer and surveyor of the development, and the owners of the land immediately adjoining the land to be developed. If the developer is represented by an agent, there shall be a statement from the recorded owner authorizing the agent to act on behalf of the property owner.
  4. The date, north arrow, written and graphic scales.
  5. The boundary lines of the tract to be subdivided, with all dimensions shown and a legal description defining the location and boundaries of the proposed subdivision.
  6. The location, widths and other dimensions of proposed streets, alleys, easements, or other public or private rights of way.
  7. The location and size of all sites proposed to be dedicated or reserved for parks, open spaces, common area, or other recreational uses. All sites shall be clearly labeled as proposed for public or private dedication and use.
  8. Boundary lines of adjacent subdivisions and the names of owners of adjacent unsubdivided land within one hundred feet (100') of the tract proposed for subdivision, showing ownership and property monuments.
  9. A contour map at one foot (1') intervals, for predominant ground slopes within the subdivision between level and five percent (5%), and at two foot (2') intervals, for predominant ground slopes within the subdivision over five percent (5%), showing all unusual topographic features with verification by a qualified engineer or land surveyor. Such contours shall be based on Utah State Coordinate System of bearing rotations, otherwise known as NAD 83. The closest Davis County section corner shall be used and its elevation called out on the map. Survey monument information shall be obtained from the Davis County surveyor or City Engineer. Davis County Coordinates may be used with a rotation to NAD 83 coordinates provided.

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10. Grading plan showing existing and proposed contour lines at no greater than two foot (2') intervals at a scale of not less than one inch equals one hundred feet (1" = 100'). For subdivisions with slopes greater than or equal to thirty percent (30%), shading identifying areas thirty percent (30%) or greater and areas fifty percent (50%) (different color) or greater must be provided, with contour lines no greater than five feet (5') in these areas.
11. The boundaries of areas subject to 100-year flooding or stormwater overflow, as determined by the Digital Flood Insurance Rate Map (DFIRM), and the location, width and direction of flow of all watercourses, including all existing and proposed irrigation and natural runoff channels and courses within the subdivision or within two hundred feet (200') thereof, and all known wells or springs (consult state engineer's office).
12. The existing use or uses and zoning of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale.
13. The location, proposed names, widths and a typical cross section of curbs, gutters, sidewalks and other improvements of the proposed street and access easements, and names of all existing or recorded streets, alleys and easements, both within the proposed project and within one hundred feet (100') of the boundary thereof, showing whether recorded or claimed by usage.
14. The location and dimensions to the nearest existing benchmark or monument, and section line.
15. The location and principal dimensions of all watercourses, public utilities, and other important features and existing structures within the land adjacent to the tract to be developed, including railroads, power lines and exceptional topography.
16. Layout of all lots, including the minimum lot size, lot divisions and consecutive numbering.
17. Existing and proposed off site and on site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, subdrains, fire hydrants, and any other public or private utility within the tract or within one hundred feet (100') thereof.
18. Location and size of all existing and proposed easements, dedications, and deed restrictions, including solar, public utility lines, water and sewage lines, storm drains and facilities, watercourses, irrigation systems, land drains, etc.
19. Stormwater drainage plan and management plan in accord with City Code section 8-5-21 by which the developer proposes to handle stormwater drainage for an event with a ten (10) year return period for all storm drain pipe, and for an event with a one hundred (100) year return period for all storm drain detention basins. The calculation must size the detention basin, size the orifice plate and determine the amount of flow which can be released (the release rate can be 0.2 cfs/acre). Detention basin shall retain the required 24-hour storm equivalent, as required under the Utah Pollutant Discharge Elimination System (UPDES) general discharge permit. All development and redevelopment that warrants compliance with the Utah General Construction Permit (UGCP) regulation must include a Low Impact Development (LID) analysis that meets the objective of mirroring the predevelopment hydrology and meets the objective of retaining on site, with no discharge, in accordance with the adopted standard by the Utah Division of Water Quality.

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20. If the site requires substantial cutting, clearing, grading or other earthmoving operations in the construction of improvements, the application shall include a soil erosion and sedimentation control plan prepared by a registered civil engineer.
21. Dimensioned parking layout showing location of individual parking stalls, driveways and other areas of ingress and egress.
22. Landscaping plan: As applicable for subdivisions containing common area, entry monuments, open space, and public or private parks, a landscape plan for the site(s) and, if appropriate, information relating to the landscaping on adjacent or surrounding areas affected by the proposed development. Such landscaping plans shall be prepared by a qualified professional team showing:
  - a. Conformance with Title 10, Chapter 22, Water Efficient Landscape Standards;
  - b. Distribution of plant material, existing and proposed trees, and work involved as related to slope control and/or physical environment;
  - c. Special effects and decorative materials;
  - d. Automatic irrigation systems (sprinkler, bubbler, etc.);
  - e. Recreation equipment.
23. If the location of the development is part of a larger tract or parcel not included in the preliminary plat, the submittal shall include a concept of the prospective future street system of the unsubdivided portion of the property, and the street system of the part submitted shall be considered in light of adjustments and connections with the future street system of the surrounding area and in accordance with the City General Plan.
24. If it is contemplated that the development will proceed by phases, the boundaries of such phases shall be shown on the phasing plan sheet along with the estimated construction schedule for each phase.
25. Certification of the accuracy of the preliminary plat of the development and any traverse to permanent survey monuments by a land surveyor, registered to practice in the state.
26. The words "Preliminary Plat - Not To Be Recorded" shall be shown on the plat.
27. Signature blocks for the approval of Land Use Authority, City Engineer, City Attorney, and Mayor's acceptance.
28. All drawings shall meet the minimum requirements of the City's adopted Specifications and Standards Manual.

**13-5-050: STAFF REVIEW OF PRELIMINARY PLAT APPLICATION:**

- A. Single Family, Two Family and Townhome Subdivisions: Preliminary plat review shall be limited to two (2) review cycles as follows:
  1. Review cycle restrictions shall not apply to areas with suspected or identified geologic hazards.

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2. Initial review of the preliminary plan set shall be completed by the Development Review Staff within fifteen (15) business days of certification of complete application.
3. An incomplete application shall not prohibit review staff from providing feedback on portions of the application submitted to assist in the preparation of a complete application.
4. Review Cycle 1:
  - a. The review of the preliminary plat application shall include redline corrections and requests for additional information which include specific citations of adopted ordinances, standards and specifications and shall be logged in a separate index of requested modifications or additions.
  - b. The applicant shall have a period of twenty (20) business days to respond to each of the redline corrections or request for additional information and shall provide corrected drawings and a written response identifying and explaining the applicant's revision and reasoning for declining to make revision, if any. The explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of the revisions or additions for each required correction.
  - c. If the applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.
5. Review Cycle 2:
  - a. The development review staff shall have a period of fifteen (15) business days to review the re-submittal and corrections and shall review the revised preliminary plat plan set and any modifications made in the first review cycle for additional redline corrections and shall provide a second set of redline corrections and requests for additional information which include specific citations and a separate index of requested modifications.
  - b. The applicant shall have a period of twenty (20) business days to respond to each of the redline corrections or request for additional information and shall provide corrected drawings and a written response identifying and explaining the applicant's revision and reasoning for declining to make revision, if any. The explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of the revisions or additions for each required correction.
  - c. If the applicant fails to address a review comment in the response, the review cycle is not complete until all comments are addressed.
  - d. The development review staff shall review the resubmittal to determine that all redline corrections have been completed. Staff shall notify the applicant within ten (10) business days of resubmittal of incomplete corrections.
  - e. Upon determination of completion of redline corrections, the preliminary plat application shall be forwarded to the Administrative Land Use Authority for approval.

- B. Commercial, Industrial, or Multifamily Subdivisions: Preliminary plat review shall be in accordance with the following:
1. Initial review of the preliminary plan set shall be completed by the Development Review Staff for certification of a complete application.
  2. An incomplete application shall not prohibit review staff from providing feedback on portions of the application submitted to assist in the preparation of a complete application.
  3. Review:
    - a. Upon certification of a complete application, development review staff shall review the preliminary plat and provide to the applicant any redline corrections and requests for additional information, as required by code or adopted standards and specifications.
    - b. The applicant shall respond to each of the redline corrections or request for additional information and shall provide corrected drawings and a written response identifying and explaining the applicant's revision and reasoning for declining to make revision, if any. The explanation shall be comprehensive and specific to the corrections requested.
    - c. The development review staff shall review the resubmittal to determine that all redline corrections have been completed. Staff shall notify the applicant of incomplete corrections.
    - d. Upon determination of completion of redline corrections, the preliminary plat application shall be forwarded to the Administrative Land Use Authority for approval.

**13-5-060: ADMINISTRATIVE LAND USE AUTHORITY ACTION; PRELIMINARY PLAT:**

- A. The Planning Commission is designated as the Administrative Land Use Authority for preliminary plat approval. If the Planning Commission finds that the proposed plat complies with the adopted ordinances, standards and specifications, it shall approve the plat, and may attach conditions for any outstanding corrections. If the Planning Commission finds that the proposed plat does not meet the requirements of this Title or other applicable ordinances, it shall deny approval of such plat.

Findings: The Planning Commission may approve or deny the preliminary plat and shall make findings regarding the submitted plat, specifying any inadequacy in the information submitted, noncompliance with City regulations, and the need for any additional information which may assist the Planning Commission to evaluate the preliminary plat. The Planning Commission shall approve only those preliminary plats which the commission finds:

1. To be developed in accordance with the intent, standards and criteria specified in this Title and other applicable regulations.
2. To conform to an approved concept plan.
3. To create no substantial financial hardship to the City.
4. To create no substantial environmental consequence which will adversely impact upon adjacent properties and the health, safety or welfare of the inhabitants of the city.

- C. The Planning Commission may condition preliminary plat approval with specific conditions which are necessary to mitigate possible adverse impacts from the proposed development.

**13-5-070: NOTIFICATION OF ACTION:**

The Community Development Department shall notify the developer, in writing, of the action taken by the Planning Commission. Notification of the approval of the preliminary plat application shall be authorization for the developer to proceed with the preparation of the final plat and final subdivision improvement plans and specifications as required by City ordinances.

**13-5-080: EFFECT OF APPROVAL OF THE PRELIMINARY PLAT:**

Approval of the preliminary plat shall in no way relieve the developer of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards. The preliminary plat approval shall become null and void unless the developer submits an application for final plat approval for all phases encompassing the area of the preliminary plat within twelve (12) months after approval or conditional approval by the Planning Commission, except as otherwise provided for by written agreement with the City. This time period may be extended for up to twelve (12) months for good cause shown if the developer petitions the Community Development Director in writing requesting an extension prior to the expiration date of the preliminary plat together with any applicable fees. Only one (1) extension of the preliminary plat approval may be granted and is subject to review for and compliance to any ordinance, standards, or fee amendments which have occurred since the original approval.

**13-5-090: FINAL PLAT; PURPOSE:**

The purpose of the final plat is to require final review and approval of all documents before a subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this title. The final plat and improvement plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat approval. Pursuant to Utah Code Annotated section 10-9a-604.1, as amended, the Community Development Director is designated as the Administrative Land Use Authority for final plat approval with the advice and consent of the City Engineer and City Attorney.

**13-5-100: FILING DEADLINE, APPLICATION AND FEES:**

The developer shall file an application for final plat approval within twelve (12) months of preliminary plat approval. Applications shall be filed with the Community Development Department on a form and in an electronic format prescribed by the City along with all required final plat fees.

**13-5-110: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:**

- A. The final plat and final subdivision improvement plans (final plan set) shall provide technical and engineering solutions to all identified problems as required by this Title. The following items shall be submitted to the Community Development Department for final plat review:
1. An electronic file of the proposed final plat, including property lines, easements, centerline of roads, etc.

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2. An electronic file of the proposed final plan set.
3. One (1) electronic copy of all applicable documents or studies required as a condition of preliminary plat approval or geologic hazards review.
4. A certificate of title insurance for any land to be dedicated to the City.
5. Trust agreement for perpetual care funds when required as a condition of approval.

**B. Final 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, and will conform to current engineering and drafting practices. A poorly drawn or illegible plan is sufficient cause for final plat rejection.
2. The final plat shall consist of a digital document designed to print at twenty-four by thirty-six inches (24'x36"). The plat shall be drawn that the top of the sheet either faces north or east, whichever accommodates the drawing best.
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. The title of each sheet shall consist of the approved name and phase number of the subdivision, if any, at the top of the page followed by the words "City of North Salt Lake".
5. An accurate and complete survey map in accordance with Utah State Code shall be made of the land to be subdivided. The record of survey map shall be filed in the office of the Davis County Surveyor prior to recording the final subdivision plat. The exterior boundaries shown on the final plat shall be consistent with the boundary lines as depicted on the filed record of survey map and shall close mathematically within 0.01 feet.
6. The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, arc length, chord bearing and distance of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves.
7. Every block, lot and parcel offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. Parcels to be conveyed to the City other than dedication for streets or easements shall be designated by parcel letter and conveyed by separate warranty deed to be recorded with the plat. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof and shall close mathematically within 0.01 feet.



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8. On curved boundaries and all curves in the plat, sufficient data shall be given to enable the reestablishment of the curves on the ground. This curve data shall include the following for circular curves:
  - a. Radius of curve;
  - b. Central angle;
  - c. Tangent;
  - d. Arc length;
  - e. Chord (bearing and length).
9. Excepted parcels shall be marked "not included in this development" and the boundary completely indicated by bearings and distances.
10. The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within two hundred feet (200') of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown.
11. All streets within the project shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the City. Each lot shall show the street addresses assigned thereto and shall be according to the standard addressing methods approved by the City. In the case of corner lots, the address will be assigned to the street frontage which the home is most likely to front. In the event the home is faced to the alternate street frontage, the address shall be reassigned, by the City Engineer, at the time of building permit application. The City Engineer shall submit the address change to the Davis County Recorder's Office by affidavit.
12. Sheets shall be so arranged that no lot is split between two (2) or more sheets, and wherever practicable, blocks in their entirety shall be shown on one (1) sheet.
13. Lot numbers shall begin with numeral "1" and continue consecutively throughout the subdivision with no omissions or duplications. When a subdivision is developed in phases, the phase number shall precede each lot number. For example, phase 2 would be numbered 201, 202, 203, etc.
14. All Lots shall include a 10-foot-wide Public Utility easement along all street frontages and at other locations and dimensions as required by any Public Utility company entitled to the use of a Public Utility easement pursuant to Section 54-3-27, Utah Code Annotated 1953, or successor statute.
15. If a plat creates an easement, the plat shall include specific conveyance language and purposes for said easement. The side lines of all easements shall be shown by fine dashed lines. The widths of all easements and sufficient ties thereto to definitively locate the same with respect to the subdivision shall be shown. Any other easements shown on the plat shall specify to whom the easement is being conveyed, and for what purpose.

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16. The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitively locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.
17. If the Subdivision is adjacent to a waterway, the plat shall show the line of high water with a continuous line and shall also show with a fine continuous line, any Lots subject to inundation by a 100-year Flood as shown on the current Digital Flood Insurance Rate Map (DFIRM).
18. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys, excepted parcels, common areas, building areas, parking areas, drainage facilities, landscape areas, or permanent open space, etc.
19. All dimensions of irregularly shaped lots shall be indicated in each lot.
20. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
21. Parcels not contiguous shall not be included in one (1) plat. Contiguous parcels owned by different parties may be embraced in one (1) plat, provided all owners join in dedication and acknowledgment.
22. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.
23. The information on the plat shall include description of project boundaries, public streets and easements (utility, drainage, access, etc.), as well as other design elements and the following:
  - a. Name of development, astronomic north arrow and basis thereof, and date, and names of developer and engineer. The title of each sheet of the final plat shall consist of the approved name and phase number of the subdivision in bold letters, and if applicable, the words "a Planned Unit Development (PUD)", followed by the words "City of North Salt Lake" at the top of the sheet.
  - b. Name and address of owner or owners of record.
  - c. Total acreage of development project; total number of lots and acreage of each.
  - d. Township, range, section (and quarter section, if portion).
  - e. Graphic scale.
24. The final plat shall contain the name of the surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
  - a. Registered land surveyor's certificate of survey;
  - b. A statement by the surveyor certifying that the lots in the subdivision comply with the applicable zoning ordinance in the area and dimension at the date of the survey;

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- c. Owner's dedication certificate;
  - d. Notary public's acknowledgment for each signature on the plat;
  - e. A correct metes and bounds description of all property included within the subdivision or project;
  - f. Plats shall contain blocks for signatures of the Administrative Land Use Authority, City Engineer, City Attorney, and the Mayor with an attestation by the City Recorder;
  - g. A block for the Davis County recorder shall be provided in the lower right corner of the final plat;
  - h. Such other affidavits, certificates, acknowledgments, endorsements and notaries seals as are required by law, by this Title or by the City Attorney;
  - i. A description of all property being subdivided with reference to maps or deeds of the property as shall have been previously recorded or filed (Each reference in such description shall show a complete reference to the book and page of records of the county. The description shall also include reference to any vacated area with the vacation ordinance number indicated, as applicable);
  - j. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the City Subdivision Standards and Specifications;
  - k. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the developer under the direction of the City Engineer. The following required monuments shall be shown on the final plat:
    - i. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;
    - ii. All right of way monuments at angle points and intersections as approved by the City Engineer.
25. Prior to recordation of the plat, the developer shall submit a current title report to be reviewed by the City Attorney. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property, and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.
26. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the developer shall submit with the final plat the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas.
- C. Final Subdivision Improvement Plan (Construction Plans) Requirements:

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1. Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance with the requirements of this Title and the adopted City Design Standards & Specifications Manual. Final approval of the project shall not be granted until the final construction plans have been reviewed and approved by the City Engineer. No construction shall be started until the final plat and final construction plans have been approved by the City. Plans for all utilities located in the street right of way shall be contained in the same plan set.
2. The following standards are set for the purpose of standardizing the drawings and to obtain uniformity in appearance, clarity, size and reproduction:
  - a. All drawings shall be clear and legible and conform to good engineering and drafting practice. Electronic files shall be prepared to be reproducible at a print size of twenty four inches by thirty six inches (24" x 36") (trim line) with one-half inch ( $\frac{1}{2}$ " ) border on top, bottom and right sides, left side one and one-half inches ( $1\frac{1}{2}$ " ).
  - b. The plans shall include the following information:
    - (1) A qualified and licensed engineer's stamp and signature;
    - (2) North arrow;
    - (3) Elevations referenced to NAD 83 datum;
    - (4) Stationing and elevations for profiles;
    - (5) Title block located in lower right corner of sheet, to include, project title (subdivision, etc.), specific type and location of work, and name of engineer or firm preparing drawings with license number.;
    - (6) Standard engineering scale, either one inch equals twenty feet (1" = 20'), 30 feet (1" = 30') or forty feet (1" = 40') horizontally; one inch equals two feet (1" = 2'), four feet (4') or five feet (5') vertical. Variations in scale may be accepted when conditions warrant;
    - (7) Both plan view and profiles for curb and gutter plans shall be shown for each side of the street, street centerline profile may be eliminated, top of curb elevations with curve data must be shown for all curb returns;
    - (8) Size and location of culinary water lateral mains, meters, valves, elbows, air vacs, pressure reducing stations, and hydrants;
    - (9) Type of pipe;
    - (10) Size and location of irrigation lateral mains, meters, valves, fittings, drains, etc.;
    - (11) Size, location and profile of sewer, storm drains and subdrains and their manhole cleanouts. Approval of sewer infrastructure by South Davis Sewer District is required to be submitted with final plans.
    - (12) Detention and retention basins, including pertinent elevations, orifice diameter sizes, headwall details, etc.

- (13) Calculation and traverse sheets giving bearings, distances and coordinates of the boundary of the subdivision and blocks and lots as shown on the final plat;
  - (14) Design data, assumptions and computations for proper analysis in accordance with sound engineering practice, along with appropriate plan, section and profile sheets for all essential infrastructure improvements.
3. As needed, separate sheet of details for structures which are to be constructed. All structures shall be designed in accordance with minimum requirements established by the adopted ordinances and standards of the City.

**13-5-120: EVALUATION OF FINAL PLAT:**

- A. Community Development Department: The Community Development Department will determine if the final plat submission 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 shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities.
- B. Single Family, Two Family, and Townhome Subdivisions: Final plat review shall be limited to two (2) review cycles as follows:
  - 1. Review cycle restrictions shall not apply to areas with identified or suspected geologic hazards;
  - 2. Initial review of the final plat and final subdivision improvement drawings shall be completed by the Development Review Staff within fifteen (15) business days of certification of complete application;
  - 3. An incomplete application shall not prohibit review staff from providing feedback on portions of the application submitted to assist in the preparation of a complete application;
  - 4. Review Cycle 1:
    - a. The review of the final plat application shall include redline corrections and requests for additional information which include specific citations of adopted ordinances, standards and specifications and shall be logged in a separate index of requested modifications or additions;
    - b. The applicant shall have a period of twenty (20) business days to respond to each of the redline corrections or request for additional information and shall provide corrected drawings and a written response identifying and explaining the applicant's revision and reasoning for declining to make revision, if any. The explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revision or additions for each required correction.
    - c. If the applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

5. Review Cycle 2:
  - a. The development review staff shall have a period of fifteen (15) business days to review the re-submittal and corrections and shall review the revised final plat plan set and any modifications made in the first review cycle for additional redline corrections and shall provide a second set of redline corrections and requests for additional information which include specific citations and a separate index of requested modifications.
  - b. The applicant shall have a period of twenty (20) business days to respond to each of the redline corrections or request for additional information and shall provide corrected drawings and a written response identifying and explaining the applicant's revision and reasoning for declining to make revision, if any. The explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revision or additions for each required correction.
  - c. If the applicant fails to address a review comment in the response, the review cycle is not complete and final plat may not be approved until all comments are addressed.
  - d. The development review staff shall review the resubmittal to determine that all redline corrections have been completed. Staff shall notify the applicant within ten (10) business days of resubmittal of incomplete corrections.
  - e. Upon determination of completion of redline corrections, the final plat application shall be forwarded to the Administrative Land Use Authority for approval.
6. If the applicant makes material change to a plan set during any review cycle, the City shall have the discretion to restart the review process at the first review cycle.
- C. Commercial, Industrial, or Multifamily Subdivisions: Final plat review shall be in accordance with the following:
  1. Initial review of the final plat and final subdivision improvement drawings shall be completed by the Development Review Staff for certification of complete application;
  2. An incomplete application shall not prohibit review staff from providing feedback on portions of the application submitted to assist in the preparation of a complete application;
  3. Review:
    - a. Upon certification of a complete application, development review staff shall review the final plat and provide to the applicant any redline corrections and requests for additional information, as required by code or adopted standards and specifications.
    - b. The applicant shall respond to each of the redline corrections or request for additional information and shall provide corrected drawings and a written response identifying and explaining the applicant's revision and reasoning for declining to make revision, if any. The explanation shall be comprehensive and specific to the corrections requested.

- c. The development review staff shall review the resubmittal to determine that all redline corrections have been completed. Staff shall notify the applicant of incomplete corrections.
- d. Upon determination of completion of redline corrections, the final plat application shall be forwarded to the Administrative Land Use Authority for approval.

**13-5-130: ADMINISTRATIVE LAND USE AUTHORITY ACTION; FINAL PLAT:**

- A. The Community Development Director, acting as the Administrative Land Use Authority shall review the final plat application for conformance to City Ordinance and any conditions of preliminary Plat approval and shall verify the approvals from the City Engineer, City Attorney, applicable development review staff and affected entities. Upon verification of final plat approvals, the director shall send notice of approval to the applicant in writing and authorize the final plat mylar to be printed. The City shall provide the applicant a signed and dated copy of the approved Subdivision Improvement Plans.
- B. The applicant shall submit an executed final plat mylar complete with the surveyor's certification and signed owner's dedication accompanied by the following:
  - 1. Final title report updated within the previous thirty (30) days;
  - 2. Any executed documents required for recordation with the plat, such as easements, owner's association incorporation bylaws or protective covenants;
  - 3. Stormwater Management Agreement;
  - 4. Subdivision Improvement Agreement;
  - 5. Acceptable assurance document in accordance with section 13-5-150 for the installation of essential improvements:
    - a. The developer may elect to install any required public landscaping improvements or infrastructure improvement prior to recordation of the plat in accordance with Utah State Code 10-9a-604.5, as amended; or
    - b. Post an improvement completion assurance equivalent to 100% of the estimated costs of the required public landscaping improvements or infrastructure improvements which are incomplete, not inspected or unaccepted at the time of recording the final plat.
  - 6. A CAD (Computer Aided Draft) file of the final plat and approved construction drawings;
  - 7. Payment of all applicable outstanding subdivision review fees, geologic hazard review fees, and subdivision improvement inspection fees in accordance with the City's Comprehensive Fee Schedule;
  - 8. Payment of all applicable water or storm water impact fees and connections fees associated with improvements to common areas in accordance with the City's Comprehensive Fee Schedule;
  - 9. Any other applicable agreement or fee as required by this Title, adopted Standards and Specifications Manual, approved development agreement, ordinance, regulation, or law.

- C. Upon receipt of the mylar and associated documents, the Community Development Department shall obtain the required signatures of the City Engineer, City Attorney, Community Development Director, and Mayor.
- D. The signed and executed final plat mylar and associated document required for recordation, shall be delivered to the office of the Davis County Recorder for their review and recordation by the City Recorder. The County Recorder and County Surveyor shall review the final plat for correctness and provide notification to the City of any deficiencies in the plat and the required recordation fees owed. The City shall forward the County Recorder corrections and notice of payment due to the applicant upon receipt. The applicant shall be responsible to provide any required corrections requested by the County Recorder and payment of all recordation fees directly to the County Recorder's Office.
- E. The final plat approval shall become null and void unless the final plat is recorded within twelve (12) months after approval, except as otherwise provided for by written agreement with the City. This time period may be extended for up to six (6) months for good cause shown if the developer petitions the Community Development Director in writing requesting an extension prior to the expiration date of the final plat together with any applicable fees. Only one (1) extension of the final plat approval may be granted and is subject to review for and compliance to any ordinance, standards, or fee amendments which have occurred since the final plat approval. An extension may be granted only if it is determined that it will not be detrimental to the City. If any of the fees charged as a condition of subdivision approval, including, but not limited to, inspection fees, parks fees, flood control fees, as well as the amounts the City uses to estimate bonds to ensure completion of improvements, have increased, the Community Development Director may require that the bond estimate be recalculated and bond security be increased as required, and that the developer pay any applicable fee increases as a condition of granting the extension.

**13-5-140: DISAPPROVAL OF THE FINAL PLAT:**

If the Administrative Land Use Authority determines that the final plat is not in conformity with this title or other applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval. Within one (1) year after the disapproved plat, the developer may file with the Community Development Department a plat altered to correct the deficiencies. No plat shall have any force or effect until the same has been approved by the Administrative Land Use Authority and has been recorded in the Office of the County Recorder.

**13-5-150: SECURITY BOND; DEVELOPER:**

Prior to the installation of or any work on any required essential infrastructure improvements, the developer shall enter into a subdivision improvement agreement including an acceptable security bond, as described in this section, to the City to insure completion of all essential infrastructure improvements required to be installed in the subdivision. The agreement shall be in a form and contain such provisions as approved by the City Attorney. The agreement shall include, but not be limited to, the following:

- A. Incorporation: Incorporation by reference of the final plat and all accompanying data required herein which is used to compute the cost of the improvements by the City Engineer.



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- B. Completion Of Improvements: Completion of the improvements within a period of time not to exceed two (2) years from the date the agreement is executed.
- C. Satisfactory Completion: The improvements shall be completed to the satisfaction of the City and according to City standards specified in this Title.
- D. Amount: The bond amount shall be equal to one hundred percent (100%) of the City Engineer's estimated cost of the essential infrastructure improvements to be installed.
- E. Exclusive Control By The City: The bond proceeds may be released only upon written approval of the City Engineer.
- F. Reduction: The bond proceeds may be reduced upon request of the developer as the improvements are installed. The amount of the reduction shall be determined by the City. Such requests may be made only once every thirty (30) days and no reductions shall be authorized until such time as the City has inspected the improvements and found them to be in compliance with City standards and approved improvement plans. All reductions shall be with the written authorization of the City Engineer. The bond shall not be reduced below ten (10%) of the engineer's estimate, until such time that all improvements have been accepted and upon the expiration of the one (1) year warranty period. The warranty period shall begin once as built drawings in CAD format have been submitted to the City, and all improvements have been completed and approved by the City Engineer, with the exception of the required preservation treatment.
- G. Deficiency In Bond Proceeds: If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to City standards for whatever reason, including previous reductions, the developer shall be responsible for the deficiency and no further building permits shall be issued in the subdivision or development until the improvements are completed or new bond, satisfactory to the City, has been executed and delivered to the City to ensure completion of the remaining improvements.
- H. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within two (2) years from the date of approval of the development by the City Council or to pay all liens in connection therewith, the City Council may declare the bond or other assurance forfeited and the City may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurance to defray the expense thereof, including attorney fees and court costs. After the required improvements have been made, any balance after expenses shall be returned to the developer at the end of the assurance period.
- I. Reimbursement To City: Upon receipt of the bond proceeds, after the expiration of the time period, the costs of completion shall include reimbursement to the City for the costs of administration incurred by the City in obtaining the completion of the improvements.
- J. Nonliability: The developer shall agree to hold the City harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the City certifies the improvements as complete.

- K. Type Of Bond Agreement: The bond agreement shall be one of the following types as dictated by the City and in a form approved by the City Attorney:
1. A cash bond agreement accompanied by a cashier's check, or a money market certificate made payable only to the City;
  2. An escrow bond agreement and an escrow account with a financial institution federally insured;
  3. A letter of credit bond agreement accompanied by an irrevocable letter of credit with a financial institution federally insured; or
  4. A corporate surety performance bond in favor of the City.
- L. Right Of Rejection: The City reserves the right to reject any bond. The bonds required by this section are for the sole benefit of the City. The bonds are not for the benefit of any individual citizen or identifiable class of citizens, including the owners or purchasers of lots within the subdivision or project.
- M. Extension: The time period for the completion of the required essential infrastructure improvements may be extended in the following manner upon approval of the City Engineer:
1. The developer may submit a new bond for approval;
  2. The existing bond may be extended upon payment, by the developer, of the actual administrative costs incurred in reevaluating the sufficiency of the bond amount;
  3. Subject to review for and compliance to any ordinance, standards, or fee amendments which have occurred since the original approval.

**13-5-160: DELAY AGREEMENT:**

In lieu of the bond requirements outlined above, at the City's sole option, the developer may be permitted to execute an agreement, in a form acceptable to the City attorney, delaying the installation of any or all of the essential infrastructure improvements required pursuant to this Title. The agreement shall specify that the infrastructure improvement which is to be delayed is subject to ordinances, standards, and specifications adopted at the time of the installation. The agreement shall specify that the infrastructure improvement which is to be delayed is subject to ordinances, standards, and specifications adopted at the time of the installation.

**13-5-170: RECORDING OF PLAT:**

After Land Use Authority approval, completion of the required essential infrastructure improvements or filing of the bond agreement described herein, and signing of the plat by all those required, the plat shall be presented by the City Recorder to the Davis County recorder for recordation.

**TITLE 13 SUBDIVISION ORDINANCE**

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

**13-6-010: PLANNED UNIT DEVELOPMENTS; SPECAIL REQUIREMENTS:**

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

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

**13-6-010: 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. 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.
- B. 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. The City may apply the flexibility of the planned unit development regulations, when the development, through its design and establishment, will provide benefits that may include, but are not necessarily limited to the following:
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.
- C. In return for greater flexibility in site development, the PUD introduces some special requirements and standards for design approval. These conditions will be employed to maximize quality of site design. They will not be used to cause undue delays nor unwarranted increase in costs, when compared to more conventional development. The PUD process will not be used as a device to force a decrease in residential density below that otherwise allowed by the comprehensive plan and underlying zoning.
- D. Planned Unit Developments Approval: A development which is to be developed as a PUD shall be processed in the same manner as subdivisions. PUD developments shall comply with the underlying zoning requirements except as specifically varied by this section.
- E. Deviation From Design And Improvement Standards: Requests for design deviations, other than those outlined in this section or as approved by development agreement in conjunction with a P-District rezone, may only be approved as a legislative decision by the City Council. Where, in the opinion of the City Council, the literal enforcement of the design and improvement standards in this Title would result in an unreasonable utilization of land and water or undue hardship due to unique circumstances compliance with one or more of the design and improvement standards may be waived, according to the following procedure:
  1. Application: Application for a modification of design standards shall be made on a form provided by the City and shall include:
    - a. A description of the land to be developed;
    - b. An identification of the title provision from which the modification is requested;
    - c. A description of the peculiar physical conditions pertaining to the land in question and which do not pertain to other lands in the general area;
    - d. A description of the hardships which will accrue to the detriment of the property owner if the requested modification is not granted;
    - e. A nonrefundable modification review fee, where established and payable to the City, in accordance with the Comprehensive Fee Schedule as adopted by resolution of the City Council.
  2. Public Hearing; Notice: The Planning Commission shall hold a public hearing before making a recommendation on the requested modification. Notice of said public hearing shall be given in accordance with USC 10-9a-205 as a class B notice.
  3. Recommendation To City Council: The Planning Commission shall review the modification application and shall submit its written recommendations for approval or disapproval of such application to the City Council, along with written reasons therefore within thirty (30) calendar days from receipt of said application at a regularly scheduled meeting of the Planning Commission. The Planning Commission may at its own discretion conditionally approve a preliminary plat subject to approval of the modification by the City Council, or may table action on a preliminary plat until the City Council has acted on the modification request.

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4. Decision Of City Council: The City Council may approve the requested modification upon making a finding based upon the record submitted that the issuance of the modification will not be detrimental to the interest of the public safety, health or welfare, the proposed development substantially complies with the City General Plan and adopted Zoning Ordinance, and the proposed modification will result in improved overall development design.
5. Records Maintained: A record of all correspondence, recommendations, submissions and official action regarding all design modifications applications shall be maintained permanently by the City as a public record.
- F. P-District Developments: PUD developments in conjunction with a Planned (P) District rezone shall also require the approval of a development agreement by the City Council which includes all design standard variations.
- G. Planned Unit Developments To Meet Use Limitations Of Districts Wherein Located:
  1. Land uses permitted within a PUD subdivision shall comply with the underlying zone district or the negotiated terms contained in an approved P-District development agreement. Multi-family attached dwellings shall only be allowed to the extent permitted in the underlying zone.
  2. The density allowed in a residential PUD shall be determined by calculating the net developable area of the development divided by the minimum land area required per dwelling unit within the zone district. Net developable area is defined as the total development parcel less the area required for private or public road rights of ways and including the required adjacent pedestrian walkways and park strips.
- H. Development Standards:
  1. Area: No planned unit development shall have an area less than that approved by the Planning Commission as adequate for the proposed development.
  2. Arrangement Of Structures:
    - a. Open Space: The Planning Commission shall require such arrangements of structures to consolidate and maximize usable open spaces for the enjoyment and convenience of future tenants of the development. Care shall be taken to assure that adjacent properties will not be adversely affected.
    - b. Perimeter Setback: All structures within a PUD shall be setback from the perimeter boundary of the development a minimum of fifteen feet (15').
    - c. Increased Perimeter Setback Relative to Structure Height: The perimeter setback shall be a minimum of twenty-five feet (25') for structures with greater than two (2) stories adjacent to a property line shared with single or two family dwellings or single and two family zones. An additional five feet (5') shall be required for each story above three (3) stories.
    - d. Front Setback (street): All front facades of buildings which face a private or public street right of way shall be setback a minimum distance of twenty feet (20') 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 four feet (4') in height, shall be setback from the perimeter boundary or wall a minimum distance of twenty-five feet (25').
  - f. Building Separation-front facade(s): Residential structures which front a courtyard or other shared common open space have a minimum building separation of thirty feet (30'). Front porches, patios, awnings, or above ground decks may extend into the separation distance up to five feet (5'). Fenced limited common area may extend up to ten feet (10') into the separation distance. Pedestrian walkways within the front separation shall be a minimum of five feet (5') in width.
  - g. Building Separation (rear facades): Residential structures without rear garage or rear alley access, shall have a minimum separation distance of thirty feet (30'). Fenced limited common area may extend up to fifteen feet (15') into the separation distance.
  - h. Building Separation (side facades): Adjacent side building facades shall have a minimum separation distance of twenty-five feet (25'). 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 feet (5') in width.
  - i. Building Separation Increased Relative to Structure Height: The required building separation increased by a minimum of five feet (5') for each story above the second story. The Planning Commission may reduce the required additional separation for facades which face a street or alley.
  - j. Rear setback (alley loaded): Residential structures with alley loaded garages shall be setback from the private street right of way a minimum of distance of five feet (5').
3. Street and Alley Widths in Townhome or Multi-family Subdivisions:
- a. Public Streets: Public streets shall be designed and constructed to meet the minimum width standards as established for the designated street type.
  - b. Private Street/Alley Width: The minimum street right of way width for a private street shall be twenty-six feet (26') with a minimum of twenty-two feet (22') of pavement.
  - c. Alley Width: One-way single loaded alleys (one side only) may be reduced in right of way width to twenty-four feet (24') with a minimum of twenty feet (20') of pavement. One-way alleys which do not provide direct access to a unit's driveway or garage may be reduced to fifteen feet (15') of pavement in those areas.
  - d. Town Center Street Design: All public streets within the Town Center shall have the following improvements:
    - (1) Increased park strip and sidewalk width as shown on the adopted cross sections within the Town Center Master Plan.

- (2) Street trees in accordance with Title 7, Chapter 9, Community Forestry.
- (3) Street amenities as in accordance with the Town Center Master Plan and as provided in the adopted Standards and Specifications Manual for tree grates, planter box, seating, and street lights.
- e. Improvements to Existing Public Streets: Existing public streets which do not meet the adopted standards and designated street type in relation to the approved cross section design, shall be required to be improved as part of the development including right of way dedication. Where planned right of way improvements for widening or narrowing of the street right of way the City, at its sole discretion and as recommended by the City Engineer, may choose to delay installation of the improvements in the following circumstances:
  - (1) Installation of the improvements would not be practical because the roadway design has not been completed by the City and the location or elevations of curb and gutter are unknown or the development and the required improvements are located in the middle of a block and would significantly affect the functionality of the storm water system or other utilities;
  - (2) The proposed improvements are shown on the City's adopted Capital Facilities Plan for future installation within five (5) years; and
  - (3) The City Engineer recommends to the Planning Commission that the developer be allowed pay to the City a fee in lieu of installation, which fee shall be equivalent to the projected and estimated construction cost of the improvement. Said fee will be held in trust by the City and used for the construction of the improvement required with the larger capital improvement for the project.
- f. The minimum width shall be increased when required by the Fire Marshal to meet the minimum standards of the International Fire Code or when required by the City Engineer to meet minimum turning radius requirements.
- g. Private streets or alleys adjacent to a perimeter property boundary shall be required to have a minimum eight foot (8') landscape buffer between the private street/alley and the abutting property line.
- 4. Parking:
  - a. Parking Design: All parking facilities shall be designed in accordance with Title 10, Chapter 6, Off Street Parking Facilities, unless specifically modified by this section.
  - b. Driveways, Residential: Where individual residential units have driveways provided or are required by the Planning Commission, the minimum driveway length shall be twenty-two feet (22').
  - c. Parking, Multi-Family Residential:

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- (1) A minimum of one (1) covered parking space per unit shall be provided for the exclusive use of the residents of said unit and shall be provided for the use of tenants and included within the terms of any lease agreement.
- (2) Total parking shall be provided based upon bedroom count for the project as outlined in the table below:

Unit Type	Parking
Studio/1 bedroom	1.5
2 bedroom	2.0
3 or greater bedroom	2.5

- d. Parking, non-residential: The minimum parking required shall be established based upon the proposed uses as outlined in Section 10-6-5, Minimum Off Street Parking Stall Requirements for Specific Uses.
- e. Shared Parking: Where multiple uses will share parking facilities, the total required parking may be reduced by determining the minimum requirement for the highest use time period based upon the following schedule:

Use Category	Weekdays			Weekends		
	12:00 am-8:00 am	8:00 am-6:00 pm	6:00 pm-12:00 am	12:00 am-9:00 am	9:00 am-6:00 pm	6:00 pm-12:00 pm
Entertainment/Recreation	5%	20%	100%	5%	50%	100%
Hotel	100%	65%	100%	100%	65%	100%
Office	5%	100%	5%	0%	5%	0%
Residential	100%	50%	80%	100%	75%	75%
Restaurant	25%	80%	100%	35%	70%	100%
Retail/Service	0%	100%	80%	0%	100%	60%

- f. Bike parking or storage facilities shall be provided at the rate of one (1) bike for every twenty (20) vehicle parking spaces in visible and sheltered locations near entrance doors.
- g. Electric vehicle charging (level 2 or greater) shall be provided for all developments with twenty or more units at a rate of two (2) charging stations per twenty (20) vehicles.
- h. Additional Modification of Parking Requirements: As outlined in Section E above, the City Council may approve parking less the required minimum established in this section when supported by a parking study from a qualified professional, demonstrating that due to the nature of the development, proximity to transit, off site shared parking facilities, or other unique circumstances, the reduced parking requirement is sufficient to meet the needs of the future tenants. The City Council may require as a condition of modification, a



development agreement, covenant or other guarantee outlining parking management practices required for the development.

**5. Public/Community Spaces:**

- a. Outdoor spaces such as plazas, patios, courtyards, window shopping areas, and pedestrian ways intended to provide outdoor dining shall be designed to offer attractive and inviting pedestrian scale features, spaces and amenities.
- b. Entrances and parking lots shall be configured to be functional and inviting with walkways conveniently tied to logical destinations.
- c. Bus stops and drop-off/pick-up points shall be considered as integral parts of the configuration.
- d. Pedestrian ways shall contain design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls and other architectural elements that define circulation ways and outdoor spaces.
- e. Developments which do not provide thru street access or developments with ten (10) or more dwelling units shall be provided with common trash removal in the form of community dumpsters. Developments which provide individual garbage collection from each unit shall provide designated areas for the placement of individual trash and recycling containers at each unit's private street access.

**6. Pedestrian Access & Building on Cross Slopes:**

- a. Buildings fronting on a public or private street shall be constructed with pedestrian entry doors a minimum of six inches (6") and a maximum of thirty-six inches (36") above the finished curb height of the adjacent street.
- b. Commercial, office, or other retail shall provide pedestrian entrances at a rate of one (1) entrance for every thirty feet (30') of facade. The Planning Commission may reduce this requirement based upon the projected ground floor use for larger retail storefronts and slope of the road.
- c. Cross Slopes: all structures shall be stepped in elevation on cross slopes as shown in the figure below:



**7. Outdoor storage, trash collection and loading areas:**

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- a. Loading areas and outdoor storage areas shall be screened, recessed, or enclosed when visible from adjoining properties and/or public streets.
  - b. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one (1) building is located on a site and the buildings are not more than forty feet (40') apart, or on those sides of buildings that do not have customer entrances.
  - c. Areas for outdoor storage, truck parking, trash collection or compaction, loading or other such uses shall not be visible from adjacent properties or public right-of-way.
  - d. No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within thirty-five feet (35') of any public street, public sidewalk or internal pedestrian way.
  - e. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Screening materials shall be of similar color and quality of the principal materials of the building and landscape.
8. Additional Design Considerations:
- a. Lot area, width, yard, height and coverage requirements shall be determined by approval of the preliminary design plan.
  - b. 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.
  - c. The development will be planned so as to provide solar access to all of the residential units, unless waived by the Planning Commission.
9. Plan Preparation: All plans must be prepared by a qualified professional team.
- I. Preservation, Improvement, Maintenance And Ownership: Preservation, maintenance and ownership of required open spaces within development shall be accomplished by:
- 1. Improvement of open spaces shall be designed, installed, and maintained in accordance with Title 10, Chapter 22, Water Efficient Landscaped Standards.
  - 2. Dedication: Dedication of the land to the City as a public park or parkway system, including a certificate of title insurance; or
  - 3. Easement:
    - a. Granting to the City a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or park use, with ownership and maintenance being the responsibility of an owners' association

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established with articles of association and bylaws which are satisfactory to the City Council;  
or

- b. Granting to the City a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or park use, to be maintained from the proceeds of a Perpetual Maintenance Trust Fund established by the developer in an amount satisfactory to the City Council; or by
  - c. Condominium Ownership Act: Complying with the provisions of the Condominium Ownership Act, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
4. The developer shall provide the following:
- a. Adequate and reasonable guarantees as determined by the Planning Commission for permanent retention of open spaces and for the maintenance of roadways, storage facilities, service facilities and landscaping resulting from the application of these regulations.
  - b. The developer shall record against the property a declaration of covenants, conditions, restrictions, and easements (CCRs) which shall provide for an owner's association (HOA or other entity) responsible for the maintenance of all common areas and private infrastructure.
  - c. The declaration shall provide provisions for the creation of an initial operating budget, as well future yearly budgets, long term reserves, annual maintenance, and required payments of dues and fees by lot owners of the PUD for both yearly maintenance and long range reserve projects or maintenance.
  - d. The developer shall implement any reasonable steps in the creation of the appropriate accounts and funding sources for the HOA yearly operations and maintenance costs prior to occupancy of any units in the PUD. The developer shall ensure that said accounts are funded in a manner to cover ongoing maintenance costs during construction of all HOA common facilities and units, so long as the developer remains the declarant in control of the HOA to the extent that the HOA is not self-sustaining.
  - e. The declaration shall require a reinvestment fee, or other mechanism as permitted by law, for the purposes of funding the HOA in perpetuity. The reinvestment fee shall apply to all closings within the HOA in perpetuity, including initial closings from the developer to a buyer and all subsequent closings. The reinvestment fee shall be used to fund the reserve and operating funds of the HOA.
  - f. The developer shall provide to the Planning Commission a management plan and a first year budget at build out demonstrating the viability of the HOA to meet its obligations including a proposed HOA monthly or annual assessment. The management plan developed by the applicant shall outline standards of operation, and remedies for failure to comply with those

standards. A letter from a qualified HOA management company shall be provided confirming that any submitted HOA budgets are reasonable.

5. Tax Liability For Private Open Space: Ownership for tax liability of private open space reservations shall be established in a manner acceptable to the City Council and made a part of the conditions of the plan approval
- J. The City and the Developer may enter into a formal Development Agreement when specific PUD performance standards are imposed or deviation in design standards have been approved.

**3-6-020: CONDOMINIUM SUBDIVISIONS:**

- A. The procedures and requirements of this section shall apply to and govern the processing of condominium record of survey maps pursuant to the requirements of the condominium ownership act, Utah Code Annotated title 57, chapter 8. Said procedures and requirements shall supplement zoning, site development, health, building and other ordinances applicable to a particular condominium project, and shall apply to the approval of such projects involving new construction, as well as those involving the conversion of existing structures. In addition, condominium projects which contemplate dedication of real property or improvements for the use of the public, or condominium projects in which units are not contained in existing or proposed buildings, shall also be considered subdivisions requiring compliance with all applicable codes of the City.
- B. It is the intent of this chapter to establish a reasonable process whereby the City can assess the impact of mixing collective and individual ownerships, as presented in a particular condominium project, upon the public health, safety, convenience and general welfare of present and future inhabitants of the City. In the case of commercial or residential conversions of existing buildings, corrections of building code violations, the upgrading of vehicle parking facilities and safety of common functional elements of the structure or structures are of prime importance. It is also recognized the conversion of existing apartments or similar multi-family rental dwelling structures present the potential of relocation hardship to existing tenants, especially senior citizens, and warrants that reasonable notice and disclosure requirements be established by the City to minimize said hardships. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- C. Application Requirements: The owner or developer of a proposed condominium project desiring approval shall file an application with the Community Development Department in accordance with applicable subdivision process or plat amendment. In addition to the subdivision application requirements the following shall also be submitted:
  1. Proposed map accurately drawn to scale as required by Utah Code Annotated section 57-8-13, as amended, which shall be made by a registered Utah land surveyor. In addition, said map or an additional site plan shall include diagrammatic floor plans identifying boundaries of the project units, convertible and expandable areas or spaces and common areas. Said map or plan should designate the intended use of common areas (e.g., storage, recreational, parking for guests as opposed to unit owners, open space, etc.) and should indicate whether such common areas are to be open to the public, assigned to specific units or semiprivate and available only to unit owners. Said map or site plan shall also identify and describe in detail the location of existing or

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proposed driveways, pedestrianways, curb cuts, walls, structures, fences, landscaping and sprinkling systems.

2. The proposed condominium declarations and bylaws.
  3. Where conversion of an existing building is proposed as part of the condominium project, a property report and code analysis, prepared by a licensed architect or engineer, including the following information with the plan for proposed improvements, renovations and repairs:
    - a. The age of the building or buildings.
    - b. The general condition, useful life and capacity of the building's structural elements, including the roof, foundations, mechanical system, electrical system, plumbing system, boiler, and other structural elements.
    - c. The age and condition of all underground utility systems, including meters, and identifying utility improvements required to provide separate meters and services to individual units.
    - d. All known conditions constituting deficiencies requiring repair to meet existing Building Codes.
    - e. All known conditions which may require repair or replacement within the next succeeding five (5) year period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
    - f. The property report shall certify that the structure or structures conform to the International Building Code minimum standards, or the owner shall present plans to bring the structure or structures into conformity with said standards prior to issuance of certificates of occupancy.
    - g. Where it is determined that physical conditions in an existing building do not allow the strict application of the International Building Code standard, the City Board of Appeals, as provided for in the International Building Code, shall review all requests to vary from these standards and may grant variances or approve alternates where it is determined the intent of the requirement will be met. In any event, there shall be disclosure to buyers of any conditions that do not meet code or standards set by the City. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
  4. Proof of notice to tenants as required by section K below shall be required before final approval, but may be submitted, at the owner/developer's option, after preliminary plat approval is obtained from the Planning Commission.
  5. To assist the City to defray costs involved with the review of the project, fees shall be submitted with a preliminary plat application as outlined in the Comprehensive Fee Schedule. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- D. Copies Routed: Upon receipt of a completed application for approval of a condominium project, the Community Development Department staff shall route copies of the application and development plans in the same manner as a standard subdivision as outlined in chapter 5 of this title.

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

1. Planning Staff Review:

- a. Letter Of Intent: A letter of intent shall be submitted indicating proposed concept of project for review. The condominium declarations and bylaws shall be reviewed as part of the final approval process and will include provisions addressing and fixing responsibility for the maintenance, upkeep and repair of common areas, including common walls, electrical, mechanical, plumbing or utility systems, recreational areas, landscaping and parking areas. The declarations shall also restrict the use of any individual residential dwelling unit to single "families", as defined in section 10-1-47 of the City Code. The staff shall also review said declaration to require appropriate disclosure of any unusual circumstances, variances or conditions placed upon the condominium project for approval.
- b. Plans And Related Documents: The staff shall review the plans and related documents to determine whether the project conforms to applicable requirements of this Title, the status or extent of nonconforming rights, applicable conditions imposed upon the building or use by ordinance, variance, conditional use permit and/or prior approval under a PUD, clustered or group dwelling plan. If the planning staff finds there are violations of applicable zoning ordinances or requirements, the staff may recommend denial of the condominium project until such violations have been corrected or requirements completed or bonded for prior to final approval by the Planning Commission. (Ord. 2012-07, 4-30-2012)

2. Building Inspection Staff Review:

- a. Upon receipt of the application for approval of a condominium project, the Building Inspection Department shall review the proposed building plans for new construction and/or in the case of a conversion project, the property report and plan of improvement, renovations and repairs to determine conformance with applicable building codes. In the case of a conversion, the department shall require inspections of the property and may require supplementation, revision and resubmission of the property report where necessary. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- b. In the preliminary review report to the Planning Commission, the Building Official shall note corrections, repairs and replacements which must be made to bring the structures into code compliance, together with a list of renovation improvements proposed by the owner/developer which are not required by code. The Building Official shall also list any requirements of the International Building Code that needs Board of Appeals consideration due to unique circumstances associated with the structure, as provided in City Code 9-3-1. The Building Official may then recommend denial until such time as existing violations of code are corrected or may recommend preliminary approval of the project and building report subject to correction of the violations prior to final approval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

3. Fire Marshal Review: The Fire Marshal shall inspect each structure proposed for conversion and shall submit a report thereon to the City outlining the conditions of the structures as they relate

to fire safety. The Marshal shall stipulate those conditions requiring improvement, prior to occupancy, in the report. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

- F. Planning Commission Consideration: Upon completion of the recommendations of the development review staff, the matter shall be set for consideration by the Planning Commission in the same manner prescribed for a subdivision or plat amendment as provided in this Title.
- G. Findings For Approval: The Planning Commission may grant approval of the project if it finds that the project is:
  - 1. in full compliance with applicable city ordinances;
  - 2. meets the requirements of the condominium ownership act;
  - 3. that proper notice to tenants has been given; and
  - 4. that in every way the project is ready for preliminary approval.
- H. Preliminary Approval: If the Planning Commission finds that the project substantially complies with the above mentioned criteria but that certain facts of the proposal require changes or modifications prior to final approval, or that tenant notification has not been completed, the Planning Commission may grant conditional preliminary approval to the project with instructions as to what criteria must be met prior to submission for final approval by the Community Development Director.
- I. Disapproval: If the Planning Commission finds the project in conflict with the ordinances of the City and/or the state and is not in the best interests of the City as a whole and/or specific neighborhood in which the project is proposed to be located, or if it is not satisfied with the site development plans of the project, the Planning Commission may disapprove the project specifying in detail the reasons for disapproval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- J. Notice: As part of the application for approval of a condominium project, when said project involves the conversion of an existing structure where the structure has been occupied by residential or commercial tenants prior to application for conversion, the owner/developer shall provide notice of intended conversion to said tenants by certified mail. This notice requirement shall not apply to a structure that was vacant and remained so during the year prior to filing of the developer's application for conversion. Such notice shall include:
  - 1. The proposal for the conversion of the building to a condominium project;
  - 2. The established dates of construction period and termination of occupancy which shall not be less than sixty (60) days from the date notice is served upon occupants or expiration of individual leases, whichever is longer;
  - 3. The disclosure of the sales price for each unit shall be no greater than the price initially advertised and offered to the general public at such time as when the condominiums are offered for public sale;
  - 4. Relocation information for the tenants specifying available alternative housing relocation resource agencies and organizations and a plan of any services to be voluntarily provided by the owner/developer. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

- K. Dissemination Of Notice: A copy of said notice, together with a list prepared by the owner/developer identifying names, apartment or unit numbers, approximate ages, rental rates and other known special disabilities or factors affecting relocation needs of the tenants, shall be submitted to the Davis County Housing Authority and any applicable social services department of the County or State to advise said agencies of the conversion and/or solicit their assistance with relocation services. No final approval of such a conversion project shall be granted by the Planning Commission until the owner/developer has provided proof of notice by certified mail or subsequent proof of actual delivery by method of services allowed under state law of such notices and relocation information as required above, and any plans for relocation services to be voluntarily provided by the owner/developer and the time designated therein (a minimum of 60 days) has expired. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
- L. Protest Review Procedure: When a tenant of a residential dwelling has received written formal notice of eviction without cause and without at least sixty (60) days notice of conversion required above and has reason to believe that notice was issued because of a proposed condominium project, he may, within thirty (30) days of the date of the notice of eviction, initiate an appeal regarding the issue of proper notice to the Community Development Director, or designee. The filing of such a protest shall stay the issuance of any approval or issuance of any permits for the structure in question for a period not to exceed thirty (30) days and the matter shall be set for hearing before the Planning Commission.
- M. Investigation: Upon filing a tenant appeal, the City staff shall institute an investigation to determine if the notice requirements set forth above were satisfied. They shall then report their findings to the Planning Commission within ten (10) days of filing of the appeal. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

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

- A. The procedures and requirements of this section shall apply to and govern the processing of mobile home parks, mobile home subdivisions and recreational vehicle parks. The owner or developer of a proposed mobile home or recreational vehicle project desiring approval shall file an application with the Community Development department in accordance with applicable subdivision process or plat amendment. Applications will be processed in the manner described within Chapter 5 Subdivisions or Chapter 7 Plat Amendments, as applicable, and shall be in conformance to purpose and intent of the regulations contained within this section.
- B. Purpose And Intent: The purpose and intent of this section is to:
  - 1. Permit variety and flexibility in land development for residential purposes by allowing the use of mobile homes and recreational vehicles under certain conditions.
  - 2. Require that mobile home and recreational vehicle developments will be of such character as to promote the objectives and purposes of this Title; to protect the integrity and characteristics of the district contiguous to those in which mobile home parks are located; and to protect other land use values contiguous to or near mobile home or recreational vehicle developments.
- C. Location:



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1. Mobile Homes: No mobile home shall be located anywhere within the corporate boundaries of the City except in a licensed mobile home park or approved mobile home subdivision. Emergency or temporary parking of any unoccupied mobile home outside a licensed mobile home park or mobile home subdivision will be permitted for a period not exceeding twenty four (24) hours. This limitation does not apply to unoccupied mobile homes in licensed mobile home sales areas.
2. Recreational Vehicles:
  - a. Recreational vehicles which do not include facilities necessary to be "mobile homes", as defined in section 10-1-47 of this code, shall not be used at any place within the corporate boundaries of the City, at any time, for living quarters except in designated camping areas or recreational vehicle parks.
  - b. Recreational vehicles which are unoccupied for living space may be stored on an owner's private residential lot, provided the parking complies with the regulation in section 10-6-6 of this Title. Long term commercial storage of recreational vehicles, maintenance operations, reconstruction or construction activities are permitted within zoning districts allowing such uses.

**D. Standards And Requirements:**

1. Determination Of Compliance: The Planning Commission shall review the proposed development plan to determine its compliance with all portions of the City General Plan and, among other things, shall attempt to make sure that such development will constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area. Standards higher than the minimum standards contained in this Title may be required if necessary for local conditions of health, safety and protection of property, and to ensure that the development will mix harmoniously with contiguous and nearby existing and planned uses.
2. Required Facilities: The Planning Commission shall not approve any application for mobile home park, recreational vehicle park or mobile home subdivision if the developer cannot provide required water supplies and facilities, waste disposal systems, storm drainage facilities, access or improvements, or if the developer cannot assure that the development will be completed within twelve (12) months, or if the Planning Commission determines there would be unusual danger of flood, fire or other hazard, or if the proposed development would be of such character or in such a location that it would:
  - a. Create excessive costs for public services and facilities;
  - b. Endanger the health or safety of the public;
  - c. Unreasonably hurt or destroy the environment;
  - d. Cause excessive air or water pollution, or soil erosion; or
  - e. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.

3. Standards And Requirements Specified; Exception: The development shall conform to the following standards and requirements, unless modified by an approved planned unit development plan:
  - a. The area shall be in one (1) ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.
  - b. A strip of land at least fifteen feet (15') wide surrounding the entire park shall be left unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings, garages or any accessory buildings or uses, and shall be planted and maintained in lawn, shrubs or trees, with an approved durable permanent wall or fence designed to afford privacy to the development.
  - c. All storage and solid waste receptacles outside the confines of any mobile home or recreational vehicle shall be housed in a closed structure compatible in design and construction to the mobile homes, and to any service buildings within the development; all patios, carports, garages and other additions shall be compatible in design and construction with the mobile home. The service buildings shall be constructed in accordance with standard commercial practice and kept in good repair. In mobile home developments where units will be situated with long axis perpendicular to the street, streets will run in a north-south direction to the greatest extent possible. This is to promote solar orientation of the units.
  - d. In addition to meeting the above requirements and conditions, and conforming to the other laws of the City, all mobile home parks, recreational vehicle parks, and mobile home subdivisions shall also conform to all applicable state regulations. In the event of any conflict between said regulations and this chapter, this chapter shall take precedence where its regulations are more strict, and the provisions of the state regulations shall take precedence where such regulations are more strict.
4. Utilities Underground: Every mobile home park, recreational vehicle park and mobile home subdivision shall provide and maintain underground utility service to every mobile home stand or lot including, but not limited to, water, sewer, power, natural gas (mobile home parks only), and telecommunications.
5. Inspection And Special Regulation Of Mobile Homes: Mobile homes are considered by the City to be less durable and less resistant to deterioration than are conventional homes; therefore, all mobile homes which are used for human habitation, whether conforming or nonconforming, and whether located in mobile home parks, in mobile home subdivisions or on bona fide farms and ranches, shall be subject to the following special regulations:
  - a. Permits are required for mobile home set up, plumbing and electrical hookups, and such hookups shall be made only by licensed plumbers and electricians.
  - b. A certificate of compliance is required for all mobile homes within the City, whether occupied or awaiting occupancy, and may be obtained from the building official following an inspection wherein the mobile home is found to meet the safety, sanitary and structural

standards adopted by the City. The state or federal inspection certificate will be honored in lieu of a certificate of compliance.

6. Compliance With Other Regulations: Any mobile home or recreational vehicle located in any permitted area shall comply with and conform to all other zoning laws, rules and regulations, and building, plumbing, electrical and fire prevention codes, and all other codes and requirements applicable to a structure or building erected within the district in which said mobile home or recreational vehicle is located.
7. Guarantees:
  - a. For mobile home parks and recreational vehicle parks, adequate and reasonable guarantees must be provided for permanent retention of open spaces and for the maintenance of roadways, storage facilities, service facilities and landscaping resulting from the application of these regulations. The developer shall provide the following:
    - (i) Adequate and reasonable guarantees for permanent retention of open spaces and for the maintenance of roadways, storage facilities, service facilities and landscaping resulting from the application of these regulations.
    - (ii) The developer shall record against the property a declaration of covenants, conditions, restrictions, and easements (CCRs) which shall provide for a home owner's association (HOA) or management entity responsible for the maintenance of all common areas and private infrastructure.
    - (iii) The declaration shall provide provisions for the creation of an initial operating budget, as well future yearly budgets, long term reserves, maintenance, and required payments of dues and fees by lot owners of the park for both yearly maintenance and long range reserve projects or maintenance.
    - (iv) The developer shall implement any reasonable steps in the creation of the appropriate accounts and funding sources for the HOA yearly operations and maintenance costs prior to occupancy of any units in the park. The developer shall ensure that said accounts are funded in a manner to cover ongoing maintenance costs during construction of all common facilities and units, so long as the developer remains in control of the park.
    - (v) The declaration shall require a reinvestment fee, or other mechanism as permitted by law, for the purposes of funding the improvements in perpetuity. The reinvestment fee shall apply to all closings within the park in perpetuity, including initial closings from the developer to a buyer and all subsequent closings. The reinvestment fee shall be used to fund the reserve and operating funds for the park.
    - (vi) The developer shall provide a management plan and a first year budget at build out demonstrating the viability of the park to meet its obligations including proposed monthly or annual assessment. The management plan developed by the applicant shall outline standards of operation and remedies for failure to comply with those standards,

as well as a single responsible person or entity for its administration and communication with the City.

(vii) The City and the Developer may enter into a formal Development Agreement when specific PUD performance standards are imposed or deviation in design standards have been approved.

- b. In any case, when a mobile home park or recreational vehicle park is owned by more than one (1) person, the owners shall establish and appoint a park manager. The manager shall be authorized to receive, process and represent fully the interests of the owners in respect to continuing management and maintenance of the park.
  - c. A prerequisite to the operation of any mobile home park or recreational vehicle park in the City shall be the obtaining of an annual business license from the City.
  - d. In the event a mobile home or recreational vehicle park is not completed according to approved plans, or operated and maintained according to the approved management plan, the annual business license may be denied or revoked. The mobile homes or recreational vehicles and associated property and facilities shall be removed, and all services discontinued before any part of the land within the development planning area may be used for any other purpose, or be subdivided.
  - e. The premises on which any mobile home is located, used or occupied shall be maintained in a clean, orderly and sanitary condition. The accumulation of any rubbish, waste, weeds, inoperative vehicles or other unsightly material thereon shall constitute a public nuisance and a violation of this Title. Reasonable guarantees to assure compliance with this requirement will be required of the developer and/or owner as a condition of conditional use permit approval and ultimately the issuance of the annual City business license.
- E. Additional Requirements For Mobile Home Parks: In addition to the requirements for mobile home parks outlined in this section, mobile home parks shall meet the following requirements:
- 1. Number Permitted: The number of mobile homes shall be limited to seven (7) units per acre and may be limited to fewer units, depending on mobile home size, topography, and other factors of the particular site. The mobile homes may be clustered; provided, that the total number of units does not exceed the number permitted on one(1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads or parking shall be set aside and developed as parks, playgrounds and service areas for the common use and enjoyment of occupants of the development, and the visitors thereto.
  - 2. Distance Between Structures: No home or addition shall be located closer than ten feet (10') from the nearest portion of any other home or add on. All such homes and additions shall be set back at least ten feet (10') from road curbs or walks. If the mobile home tongue remains attached, it shall be set back a minimum of six feet (6') from road curbs or walks. All mobile homes, storage buildings, service buildings, garages, carports or other additions, etc., shall be set back at least fifteen feet (15') from any boundary of the mobile home park.

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3. Off Street Parking: Off street parking shall be provided at the rate of two (2) parking spaces per mobile home space, and each such parking space shall have a minimum width of ten feet (10') and minimum depth of twenty feet (20'). In no case shall the parking space be located farther than one hundred feet (100') from the mobile home space.
4. Bulk Storage Areas: One-story bulk storage areas shall be provided within a mobile home park, equivalent to sixty (60) square feet per mobile home space. The area designated for said bulk storage shall be improved, landscaped and screened.
5. Residential Accommodations: Not less than ten percent (10%) of the gross land area shall be set aside for the joint use and enjoyment of occupants in a parklike setting with both active and passive recreational accommodations. The land covered by vehicular roadways, sidewalks, off street parking and required setbacks shall not be construed as part of this ten percent (10%) common area required; provided, however, that in initial stages of development or special smaller developments, the minimum area shall be not less than one (1) acre or ten percent (10%), whichever is greater.
6. Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for protective yard lighting the full length of all driveways and walkways.
7. Landscaping: All areas not covered by mobile homes or recreational vehicles, hard surfacing or buildings shall be landscaped in accordance with Title 10, Chapter 22 Water Efficient Landscape Standards and such landscaping shall be permanently maintained.
8. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be hard surfaced before the adjacent spaces may be occupied.
9. Roadways: The private roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
  - a. One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for maneuvering mobile homes.
  - b. Two-way traffic: A minimum of thirty feet (30') in width.
  - c. Entrance roadways: A minimum of thirty six feet (36') in width.
  - d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24") rolled gutters or an approved equivalent.
  - e. Sidewalks: Sidewalks shall be installed on all main roadways within the development and to public streets adjacent to the development. The sidewalk width shall meet the minimum ADA requirements. Interior circulation sidewalks not adjacent to roadways shall be required to be a minimum of five feet (5') in width.
  - f. Access: Each park shall have at least two (2) accesses to public streets, unless more than one (1) access is prohibited by a responsible public agency.

10. Skirting: Within forty five (45) days of occupancy, each mobile home shall be skirted, or if shields are used, they are to be fireproof, well painted or otherwise preserved.
  11. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities must be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development and shall be provided in accordance with Title 8, Chapter 5, Stormwater Management.
  12. Character; Acreage; Construction And Phase Completion Plan: The mobile home park shall:
    - a. Be in keeping with the general character of the district in which it is to be located.
    - b. Be located on a parcel of land not less than ten (10) acres, or on two (2) or more parcels separated by a street or alley only, and totaling ten (10) acres, unless modified by an approved planned unit development plan.
    - c. Have at least twenty five (25) spaces completed, ready for occupancy, or an approved financing plan for construction and phase completion, together with approved security to assure compliance, before first occupancy is permitted.
  13. Laundry Facility: A laundry for convenience of park occupants, but not for the general public, may be included in mobile home parks.
  14. Term Of Occupancy: No mobile home space shall be rented for a period of less than thirty (30) days, and occupancy shall be by written lease. Leases shall be made available for inspection by the officials of the City upon demand.
  15. Access: Access shall be provided to each mobile home stand for maneuvering mobile homes into position. The accessway shall be kept free from trees and other immovable obstructions. Paving under mobile homes will not be required if adequate support is provided as required by state regulations. Uses of planks, steel mats or other means to support the mobile home during placement shall be allowed, so long as the same are removed upon completion of placement.
- F. Additional Requirements For Recreational Vehicle Parks: In addition to the requirements for recreational vehicle parks outlined in this section, recreational vehicle parks shall meet the following requirements:
1. Location: Recreational vehicle parks shall generally be located:
    - a. Adjacent to or in close proximity to a major traffic artery or highway.
    - b. Near adequate shopping facilities.
    - c. Within or adjacent to a mobile home park.
  2. Recreational Area: Not less than ten percent (10%) of the gross land area shall be set aside for the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks and off street parking shall not be construed as part of the ten percent (10%) common area required for parks and playgrounds for occupants; provided, however, that in initial stages of

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development or in special smaller developments, the minimum area shall not be less than one-half (1/2) acre or ten percent (10%), whichever is greater.

3. Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for protective yard lighting the full length of all driveways and walkways.
4. Landscaping: All areas not covered by recreational vehicles, hard surfacing or buildings shall be landscaped and permanently maintained pursuant to a plan approved by the Planning Commission.
5. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be paved with asphalt or concrete before the adjacent recreational vehicle spaces may be occupied.
6. Roadways: The private roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
  - a. One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for maneuvering recreational vehicles.
  - b. Two-way traffic: A minimum of thirty feet (30') in width.
  - c. Entrance roadways: A minimum of thirty six feet (36') in width.
  - d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24") rolled gutters or an approved equivalent.
  - e. Sidewalks: Sidewalks shall be installed on all main roadways within the development and to public streets adjacent to the development. The sidewalk width shall meet the minimum ADA requirements. Interior circulation sidewalks not adjacent to roadways shall be required to be a minimum of five feet (5') in width.
  - f. Access: Each recreational vehicle park shall have at least two (2) accesses to public streets, unless more than one (1) access is prohibited by a responsible public agency.
7. Term Of Occupancy: No individual space in a recreational vehicle park shall be used by one individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space be rented or leased to any one individual for a period longer than ninety (90) days in any one calendar year.
8. Use As Permanent Living Quarters Prohibited: Recreational vehicles may be stored where permitted, but not used for permanent living quarters.
9. Sales Lots: Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a conditional use.
10. Screening; Access: Recreational vehicles may be accommodated in an approved and licensed mobile home park; provided, that:

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- a. The recreational vehicle park portion of the development is separated by barriers, screens or otherwise from the area of mobile homes.
  - b. The recreational vehicle use area shall have direct access to a collector or arterial street.
  - c. Separate ingress and egress shall be provided for recreational vehicles when required by the Planning Commission.
11. Area; Construction And Phase Completion Plan: Recreational vehicle parks may be approved in locations permitting such use in this Title. Before such approval is given, the Planning Commission shall find that the proposed development will:
  - a. Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park, unless modified by a planned unit development plan.
  - b. Before first occupancy, have at least twenty five (25) spaces completed (10 if in a mobile home park), or an approved schedule of financing, construction and phase completion, and approved security, to assure compliance.
- G. Additional Requirements For Mobile Home Subdivisions: In addition to the requirements for mobile home subdivisions outlined in this section, mobile home subdivisions shall meet the following requirements:
  1. Area; Lots; Homeowners' Association: Mobile home subdivisions may be approved in locations permitting such use in this title. Before such approval may be granted the Planning Commission shall find that the proposed development will:
    - a. Be located on a parcel of land containing not less than five (5) acres.
    - b. Contain lots with a minimum net area of five thousand (5,000) square feet and a minimum width of fifty feet (50').
    - c. Be organized in a homeowners' association, if mobile home lots are to be sold to individual owners.
  2. Security Compound: The Planning Commission may require a security compound for the storage of vehicles, boats and other large items, to be provided equivalent to a minimum of three hundred (300) square feet of paved area per mobile home lot, to be maintained by a homeowners' association in the mobile home subdivision.
  3. Skirting: Each mobile home shall be skirted or shielded within forty five (45) days of occupancy. If shields are used, they are to be fireproof and painted, or otherwise preserved.
  4. Street Widths: Street widths shall be as required by the development regulations, except as may be modified by an approved planned unit development plan.
  5. Term Of Occupancy: No mobile home in a mobile home subdivision shall be rented or leased for a period of less than ninety (90) days. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)



**TITLE 13 SUBDIVISION ORDINANCE**

**CHAPTER 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:**

A. The application for a proposed plat amendment shall be submitted to the Community Development Department and shall contain the following:

1. A complete application on form created by the City;
2. An electronic copy of the proposed plat amendment designed to print at twenty-four by thirty-six inches (24"x36") showing the lots to be amended, properly and accurately drawn to scale, certified as accurate by a registered land surveyor;
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. For plat amendments which vacate or amend a public right of way or public trail, the applicant shall provide stamped, addressed envelopes for:
  - a. property owners within three hundred feet (300') of the boundary of the plat;
  - b. all property owners that access their property from the proposed vacated right of way; and
  - c. all property owners within the boundary of the proposed amended plat.
5. For plat amendments which amend the location or vacate a public utility easement:
  - a. the applicant shall provide evidence that no public utilities have been located within the existing easement; and
  - b. shall provide letters from all public utilities who may use the easement consenting to the amendment to said public utility easement.
6. Fees: The petitioners shall pay, with the amendment petition, the appropriate fees pursuant to the Comprehensive Fee Schedule for the City.

B. Review Process:

1. Applicability:
  - a. Residential, commercial, industrial or agricultural subdivision amendments that cannot be processed as routine and uncontested lot line adjustments, shall be processed pursuant to this subsection.
  - b. Plat amendments that create one (1) or more additional lots to the subdivision, shall not be processed as a plat amendment, but shall be processed as new subdivision.

2. City Internal Review:
  - a. The Community Development Department shall obtain comments regarding the amendment petition from all the development review staff.
  - b. If the development review staff determines that the proposed amendment petition may have an adverse material impact on traffic, it may require the applicant to submit a professionally prepared traffic impact study.
  - c. The development review staff comments shall be transmitted to the applicant for revisions as applicable.
3. Planning Commission Review:
  - a. Plat amendments which vacate or amend a public right of way, public trail, or public utility easement shall be noticed for public hearing before the City Council as a class A notice in accordance with USC 10-9a-208, as amended.
  - b. For plat amendments which vacate or amend the location of a public utility easement, notice of the public hearing before the City Council shall be mailed to all individuals and affected entities with interest in the easement.
  - c. The Planning Commission shall review the recommendation from the development review staff, comments from the applicant and affected parties, and shall approve or deny the amendment application with specific findings of fact, according to the standards for approval set forth in subsection in this section.
  - d. For plat amendments which vacate or amend a public right of way, public trail, or public utility easement, the Planning Commission shall consider the recommendation from the development review staff, comments from the applicant and the public, and shall recommend to the City Council the approval or denial of the amendment application with specific findings of fact, according to the standards for approval set forth in this section. The City Council shall hold a public hearing and shall consider the plat amendment application recommendation and approve, approve with conditions, or deny the application, according to the same standards and in accordance with state code, as applicable.
4. Standards For Approval Of Plat Amendment: A plat amendment application shall be approved only if it meets all of the following requirements:
  - a. The amendment will be in the best interests of the City;
  - b. All lots comply with all applicable land use and subdivision standards;
  - c. All necessary and required dedications are made;
  - d. Provisions for the construction of any required essential infrastructure improvements are included;
  - e. The amendment complies with all applicable laws and regulations;

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- f. The amendment does not materially injure the public or any person and there is good cause for the amendment: and
- g. For plat amendments which vacate some or all of a public street or public utility easement, the City Council shall find that:
  - (1) Good cause exists for the vacation; and
  - (2) Neither the public interest nor any person will be materially injured by the vacation.
- 5. Appeals From Planning Commission Decision Not Involving Public Right of Way or Public Trail:
  - a. If the petitioner, or any affected individual or organization disagrees with the Planning Commission decision, a written objection, clearly specifying the reasons therefor, shall be filed with the City Recorder within fourteen (14) days following the Planning Commission decision.
  - b. The objection shall be heard before the City Council, subject to the standards for approval set forth in this section.
- 6. Appeal From City Council Decision:
  - a. If the petitioner, or any notified individual or organization disagrees with the City Council decision, a written objection, clearly specifying the reasons therefor, shall be filed with the City Recorder within ten (10) days following the City Council decision.
  - b. The objection shall be heard before the hearing officer at a scheduled meeting.
- 7. Recordable Instrument: If the amendment application is approved, the City Recorder shall execute and record the final amended subdivision plat and such other documents as may be required with the Davis County recorder's office.

**13-7-020: EXEMPTIONS FROM PLAT REQUIREMENTS:**

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

**13-7-030: ROUTINE AND UNCONTESTED LOT LINE ADJUSTMENTS:**

- A. Purpose: The purpose of this section is to enable routine and uncontested lot line adjustments between two (2) lots to be considered and approved administratively by the City's Development Review Staff.
- B. Applicability: This section applies to routine and uncontested lot line adjustments between two (2) legally existing agricultural, residential, commercial or industrial subdivision lots. Applications processed pursuant to this section shall:
  - 1. Meet all applicable land use code requirements.
  - 2. Receive the consenting signatures of all affected property owners.
  - 3. Not affect any street right of way.

4. Not create any new lots.
  5. Not affect any trail right of way.
  6. Not affect any public utility easement.
- C. General Application Contents: The application for routine and uncontested lot line adjustments shall include:
1. The signatures of approval of all affected property owners whose property line will be amended.
  2. An electronic copy of a survey drawing, showing the lots involved and the lot line to be adjusted, properly and accurately drawn to scale, certified as accurate by a registered land surveyor, and the proposed form of a deed or boundary line agreement for the lot line adjustments.
- D. Fees: The petitioners shall pay an application review fee consistent with the Comprehensive Fee Schedule for the City.
- E. City Internal Review: The development review staff shall review the application for completeness and for compliance to the regulations of this Title. Upon review of the application and survey drawing, the development review staff shall approve the lot line adjustment if the application conforms to the adopted standards and regulations of the land use ordinance or deny the lot line adjustment if it does not.
- F. Lot line adjustments that are denied by the development review staff may be amended for reconsideration or may be appealed to the Planning Commission by filing a request with the Community Development Department.
- G. Recordable Instrument: If the lot line adjustment is approved, the City Recorder or designee shall provide a letter of approval signed by the City Engineer and Community Development Director, certifying that the lot line adjustment conforms to the requirements of the City's land use regulations and approving the recordation of an appropriate deed or boundary line agreement with the Davis County Recorder's Office containing the legal description of each new lot and stating any conditions of approval.

**TITLE 13 SUBDIVISION ORDINANCE**

**CHAPTER 8: SUBDIVISION DESIGN**

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

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

**13-8-030: LOTS:**

**13-8-040: FLAG LOTS:**

**13-8-050: BLOCKS:**

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

**13-8-070: LANDSCAPING:**

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

**13-8-090: WATERCOURSES:**

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

**13-8-110: RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:**

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

When applicable, the following general standards shall apply subdivisions, unless specifically modified as provided in this Title.

- 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 Administrative Land Use Authority for approval, together with other required plans for the development and shall be in conformance with Title 10, Chapter 22, Water Efficient Landscape Standards.
- 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 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, limited 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 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 City Engineer and South Davis Sewer District and South Davis Water District, where applicable, and which are in compliance with applicable local and state law.

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- 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, Capital Facilities 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.
- I. Environment Of Residential Areas: Grouping and spacing of buildings and dwellings in residential areas shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged as the dominant features of the development. Areas not covered by buildings or by off street parking space or driveways shall be in conformance with Title 10, Chapter 22, Water Efficient Landscape Standards, and otherwise landscaped and maintained in accordance with good landscape practice as approved on the final plan. Permanent automatic irrigation systems shall be installed to provide for maintenance of planted areas.
- J. Conformance To Standards: Details of plans, plats and documents to be submitted showing the size material, and length of water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the quality of material and improvements, protection from adverse influences, lighting, landscaping, off street parking, grading and other details of design and construction shall conform to the North Salt Lake Standards and Specifications manuals as adopted by the City Council.
- K. Ordinance Standards: The development shall meet all standards and requirements of this Title and all requirements of applicable ordinances.
- L. Character Of Development: The development shall be in keeping with the general character of the district within which it is to be located.
- M. Plan Preparation: Plans for the development shall be prepared by a qualified professional team
- N. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners and the City.
- O. Inspections: All structures required by this Title to have building permits and all uses required to have use permits shall be inspected by the Building Official in accordance with procedures established by the International Building Code, as adopted by the City, and this Title. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code; Ord. 2022-03, 6-7-2022)
- P. The design of a development shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.
- Q. Land subject to hazardous conditions, such as slides, mudflow, rockfalls, snow avalanches, possible mine subsidence, shallow water table, liquefaction, faults, open quarries, floods, and polluted or nonpotable water supplies, shall be identified and shall not be developed until the hazards have been mitigated or will be mitigated by the development and construction plans.
- R. Existing pipelines and high-voltage powerline easements: Subdivisions with existing underground pipelines or overhead high-voltage powerlines shall be designed in a manner that utilizes these

easements for open space or other compatible land uses and are excluded from individual residential lots.

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

- A. Conformance To General Plan: Where a proposed subdivision includes property identified within the City General Plan or other Master Planning documents to include specific essential infrastructure improvements, such as trails, active transportation improvements, or right of way improvements; the developer shall provide a lot layout which accommodates the improvement.
- B. Preservation Of Features: Where trees, groves, waterways, scenic points, historic spots or other City assets and landmarks, as determined by the City, are located within a proposed subdivision, every reasonable means shall be provided to preserve these features.
- C. Adjoining Existing Street: Whenever a tract to be subdivided adjoins or contains any part of an existing or proposed street so designated on the street plan, such part of the public way shall be platted, dedicated and improved by the developer in the location and at the width specified.

**13-8-030: LOTS:**

- A. General Requirements: All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots, and no building permit shall be issued for any lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions.
- B. Lots:
  - 1. No single lot shall be divided by a municipal or county boundary line.
  - 2. A lot shall not be divided by a road, alley or other lot.
  - 3. No wedge shaped lot shall have less than the required width for lot frontage required in the zoning district.
  - 4. Side lot lines shall be at right angles to the street which the lot fronts or approximately radial to the center of street curve or cul-de-sac on which the lot faces. The City Engineer may allow exceptions to this requirement where considerations are warranted for solar orientation or topography.
  - 5. All lots created by the subdivision shall front on a public street, or on an approved private street, which is improved to the standards hereinafter required, and shall have frontage equal to the minimum frontage requirement for the zone unless modified as part of a planned unit development.
  - 6. Double Frontage: Lots having double frontage shall not be approved except where necessitated by topographic or other unusual conditions. The Administrative Land Use Authority may require that vehicular access be restricted for portions of double fronted lots, where access would be deemed difficult due to topography or pose a traffic hazard.

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7. Corner lots shall be so designed as to provide for the same quality and size of building area as interior lots by increasing the minimum width by ten feet (10') to accommodate the required side street setbacks.
8. Lot Size Standards: All lots shall conform to area requirements of any existing zoning regulations.
9. Slope of Lots: All residential lots shall have an average slope of less than thirty percent (30%). Slopes which are thirty percent (30%) and greater shall be excluded from the building envelope designated on the plat. All approved lots twelve thousand square feet (12,000 sf) and smaller shall have no area of slope greater than thirty percent (30%).
10. For lots twelve thousand square feet (12,000 sf) and larger, the buildable area or the building envelope as designated on the plat shall be at least five thousand square feet (5,000 sf) in size with no single dimension of less than fifty feet (50') and shall exclude required setbacks and easements.
11. Remnants parcels of property shall not be left which do not conform to lot requirements or are not required or suitable for common open space, private utility or public purpose.
12. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications. No block designations shall be used. When a subdivision is developed in phases, the phase number shall precede each lot number. For example, phase 2 would be numbered "201, 202, 203" etc.

**13-8-040: FLAG LOTS:**

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

- A. Circumstances Permitting: The City discourages and restricts the creation of flag lots. A flag lot should be permitted only under certain limited circumstances. Flag lots are prohibited except:
  1. Where necessary to reduce access onto major streets and thoroughfares;
  2. To reasonably utilize irregularly shaped land;
  3. To reasonably utilize land with severe topography;
  4. To provide for the protection of significant natural or environmentally sensitive areas;
  5. To allow a property owner reasonable use and benefit of a parcel of land not otherwise developable; or



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6. To achieve affordable housing goals as outlined in the City's Moderate Income Housing Plan.
- B. Prohibited Flag Lots: Flag lots are expressly prohibited where:
  1. The creation of the flag lot will increase the number of access points onto a major thoroughfare;
  2. The density created by the flag lot would exceed the average existing density in the immediately adjacent developed residential area; or
  3. Flag lots for non-residential use.
- C. The applicant proposing a flag lot must have demonstrated to the Planning Commission that because of topographical features and/or unique situations as set forth in subsection A of this section, creation of a flag lot should be allowed.
- D. Design Requirements For Flag Lot:
  1. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.
  2. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff portion of each flag lot shall be thirty feet (30'). Two (2) staffs may be placed side by side and be a minimum width of fifteen feet (15') each with a minimum shared paved driveway width of twenty feet (20'). The staff shall not be longer than one hundred fifty feet (150').
  3. The flag portion of the lot shall meet the minimum lot size requirement for the zone in which it is located. The staff portion shall not count as part of the land area needed to meet the lot area requirement.
  4. Flag lots must be similar in shape of the buildable area (i.e., rectangular or pie shaped if on a cul-de-sac) to the majority of the lots in the immediately adjacent developed residential area.
  5. The front side of the flag portion of the lot shall be deemed to be that side nearest to the dedicated public street upon which the staff portion fronts. The staff portion shall be deemed to end and the flag portion shall be deemed to begin at the extension of the front lot line.
  6. Flag lot units located away from the street shall be oriented to the street or front property line.
  7. Identification Signs:
    - a. Address Identification: All new and existing structures shall be provided with approved address identification that is legible and visible from the street fronting the property. Address characters shall be Arabic numbers (shall not be spelled out) or alphabetical letters not less than four inches (4") high with a minimum stroke width of one-half inch (½") (IFC 505.1).
    - b. The building address for the structure shall be posted conspicuously at the driveway entrance via sign, monument, mailbox, and be maintained in good condition and in a visible location not obstructed by vegetation, landscaping features, walls, or fences, or other obstruction.

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- c. Any lighting provided for address identification shall be provided in a manner where the sign is either backlit, illuminated by street light or driveway light or if directly lit shall be in a manner that the lighting will not shine directly into the yard or window of an adjacent residence, and shall not be a hazard for street traffic.
  - d. A fire lane sign shall be posted near the entrance of all access roadways and driveways reading "No Parking-Fire Lane". The sign shall be a minimum of twelve inches by eighteen inches (12" x 18") with four inch (4") block letter with one-half inch (½") stroke and have red letters on a white reflective background (IFC D103.6).
  - e. Access driveways and private roadways shall not be named or posted in a manner similar to approved street signs (color or design). All private roadway signs shall be approved by the public works department prior to placement at the intersection of a city street and private driveway.
8. All minimum required setbacks for the zone in which the flag lot is located shall apply and all front setback distances shall be measured from the flag portion of the lot and not from the street. Orientation, setbacks and private yards shall conform to the following criteria:
- a. All units shall orient to the street.
  - b. Each unit shall have both a "front" and "rear" yard on opposite sides of the lot.
9. An access driveway with a minimum paved width of twenty feet (20') shall be provided with landscaping on each side and a maximum slope of ten percent (10%) (IFC D103.2). Landscaping shall be installed in accordance with Title 10, Chapter 22, Water Efficient Landscape Standards. The access driveway shall be asphalt or concrete with adequate drainage and shall be properly maintained on a continuous basis. Where two (2) flag lots are adjacent to each other, a common driveway for both units is required. Shared driveways shall have a platted cross easement access and maintenance agreement. The minimum width of the shared driveway shall be twenty feet (20') unless additional width is required by the International Fire Code (IFC).
10. The access road or driveway shall be maintained by the property owner or possessor of the premises in good condition and repair and with adequate snow removal so as to provide free and uninhibited access by emergency service vehicles.
11. Emergency Access Easements: The property owner/developer shall grant unto the City an access easement and public utility easement along the full width of the stem portion of the lot, permitting access to the City for emergency and service vehicles as well as inspection personnel.
12. Fire Protection For Flag Lot Units: All flag lots must be reviewed by the local fire protection agency for compliance with the International Fire Code (IFC), for emergency vehicle access requirements prior to subdivision approval and the issuance of a building permit. No primary residential structure may be located on a flag lot more than five hundred feet (500') from a public street. All measurements shall be taken from the edge of the public right of way along the centerline of the driveway or private access driveway to the nearest point of the primary structure.

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Upon recommendation of the Fire Marshal and in conformance to the International Fire Code, as adopted, the Planning Commission may require one (1) or more of the following conditions to be met as a condition for building permit approval:

a. An access road or driveway which meets the following standards:

- (1) An asphalt or concrete surface capable of supporting the imposed load of fire apparatus weighing up to seventy five thousand (75,000) pounds (IFC D102.1) extended to within one hundred fifty feet (150') of all portions of the exterior walls of the first story of any building (IFC 503.1.1). If constructed of asphalt, the access road or driveway shall be a minimum of two and one-half inches (2 ½") of asphalt over a minimum of six inches (6") of compacted road base. If constructed of concrete, the access road or driveway shall have a minimum of five inches (5") of concrete over a compacted road base.
- (2) Where such access road or driveway is adjacent to required fire hydrants, the width shall be increased to a minimum of twenty six feet (26')(IFC D103.1). Such required widths shall be unobstructed, including parking of vehicles, and shall have a minimum vertical clearance of thirteen and one-half feet (13 ½') (IFC 503.1.1).
- (3) Reduction of the maximum grade allowed by this section for any access road or driveway.
- (4) The construction of a turnaround approved by the fire marshal at a location recommended by the fire marshal (IFC 503.2.4).
- (5) Each access road or driveway shall be identified and marked by the property owner to the satisfaction and approval of the fire marshal (IFC 503.3).

b. Water Line And Hydrants:

- (1) Installation of one (1) or more fire hydrants at the expense of the property owner and connected by a water line from the water main sized to meet the minimum fire flow requirements required by the IFC (IFC 507.1). The hydrant(s) shall be located to the satisfaction and approval of the fire marshal and city engineer. Required fire hydrant(s) shall be located on all access roads or driveways within five feet (5') of the paved surface.
- (2) If, in the opinion of the fire marshal, fire hydrants are vulnerable to vehicular damage, appropriate impact protection shall be required (IFC 507.5.6). No obstruction shall exist within a three foot (3') working area of each fire hydrant (IFC 507.5.5).
- (3) Hydrant shutoff valves shall be located as per city specifications.
- (4) The fire hydrant, water line and access road or driveway shall be located within a public utility easement of at least twenty feet (20') in width such that emergency and utility service vehicles and personnel have unimpeded access to the improvements.

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- c. The installation at the time of construction, and keep continuously maintained, a pressurized fire suppression system that complies with the minimum standards of the International Fire Code and approved by the fire marshal.
  - d. Other conditions as warranted and in conformance to the International Fire Code or Urban Wildland Interface, where adopted and applicable.
13. In addition to the above minimum requirements, the Planning Commission may, as part of the conditional use permit or preliminary or final subdivision plat approval, impose additional conditions to mitigate impacts of the flag lot(s), such conditions include the following:
- a. Fencing and screening requirements, including location, height, materials, colors, and landscaping;
  - b. Limitations on lot grading, cuts and fills, drainage, retaining wall construction, including location, materials, vegetation, and height;
  - c. Building envelope or setback restrictions;
  - d. Dwelling height; and
  - e. Vegetation and landscape requirements or restrictions; and
  - f. Other conditions, as warranted and permitted by law. (Ord. 07-12, 6-5-2007; amd. 2012 Code; Ord. 2021-08, 10-19-2021; Ord. 2022-03, 6-7-2022)

**13-8-050: BLOCKS:**

- A. Block Lengths: Block lengths shall be reasonable in total design to provide for convenient access and circulation for emergency vehicles. Blocks shall be a minimum of three hundred feet (300') with maximum length of seven hundred feet (700').
- B. Midblock Pedestrian Access: Where blocks exceed six hundred feet (600') in length, a dedicated walkway through the block at approximately the center of the block is required where feasible. Such walkways shall have a pedestrian easement not less than sixteen feet (16') in width. Walk improvements (paving or concrete) of not less than eight feet (8') in width shall be placed within the easement. The use of bollards or other similar mechanism shall be required to prevent the use of the walkway by passenger vehicles. Ownership and maintenance of walkways shall be the responsibility of the development's homeowner association (HOA).
- C. Width; Variation: The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots therein of a size required by the provisions of this Title, unless the general layout of the vicinity, lines of ownership, topographical conditions or locations of arterial streets or freeways justify or make necessary a variation from this requirement.

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

- A. Street Requirements:
  - 1. The street layout shall conform to the general plan of the city.

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2. Minor streets shall be laid out to discharge through traffic.
3. Stub streets shall be provided where needed to connect to adjacent undeveloped land, and new streets must be provided where needed to connect to existing stub streets in adjacent developments. Not more than six (6) lots shall front on a stub street, except where a temporary cul-de-sac turnaround is provided.
4. Intersections of minor streets with major collector streets shall be kept to the minimum.
5. Minimum right of way widths and pavement widths for public and private streets shall be provided in accordance with the City Standards and Specification Manual as adopted by the City Council for various categories of streets, but shall in no case be less than the following:

Street Category	Minimum ROW	Minimum Pavement Width
Minor arterial	80 feet	57 feet
Major collector street	66 feet	43 feet
Minor collector street	60 feet	37 feet
Local (minor) street	50 feet	27 feet

6. Minimum right of way and pavement widths for private streets within single or two-family developments shall be the same as for public streets of the same use category. Minimum right of way and pavement widths for townhome or other multi-family development may be reduced in accordance with the standards outlined in Section 13-6-010(H)(3) for Planned Unit Developments.
7. Alleys: The Land Use Authority 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.
8. No half streets are permitted.
9. Dead end streets, including stub streets, shall be permitted only to provide future access to adjoining property, except for dead end street systems in cluster developments, such as planned unit developments and condominium developments, or when necessary due to topography, other natural environmental feature, or geologic hazard.
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. The following standards apply to all temporary and permanent cul-de-sacs:
  - a. 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 1/2') or more.
  - b. Temporary cul-de-sacs shall be paved with a minimum of two inches (2") of hot mix asphalt.

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- c. Permanent cul-de-sacs shall be paved with a minimum of three inches (3") of hot mix asphalt.
- d. 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. 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. Residential zoning districts:
  - (1) A cul-de-sac shall not serve more than twenty (20) lots or exceed six hundred feet (600') in length.
  - (2) The Planning Commission may recommend a deviation from design standards to the City Council in the manner provided in Section 13-6-010(E) to 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:
    - (A) 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;
    - (B) Construction of a through street will result in undesired cuts and fills or will damage natural terrain or drainage; or
    - (C) Buildings or existing developments block access to the site, which would result in landlocked property or an inefficient development plan; and
    - (D) Such an exception has received a favorable recommendation from the South Davis Metro Fire District and the City's development review staff.
  - (3) Exceptions to cul-de-sac length may also be subject to the following as needed:
    - (A) Possible modified construction standards such as pavement width and cul-de-sac diameter, quantity of fire hydrants, placement of fire hydrants on alternating side of street, looped water lines, emergency egress routes or plans, drainage, pedestrian easements or other reasonable measures to ensure public safety.
- g. Nonresidential zoning districts:
  - (1) A cul-de-sac shall not exceed six hundred feet (600') in length. Cul-de-sacs longer than six hundred feet (600') may be recommended by the Planning Commission and approved by the City Council if the development review staff recommends that such a

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cul-de-sac would better preserve the natural terrain and vegetation in the area or provide a superior street design or provide needed access to landlocked parcels.

- (2) The Planning Commission may require public accessways from a cul-de-sac to provide safe circulation for pedestrians and bicyclists.

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

13. Streets shall intersect at ninety degrees (90°), except where otherwise approved as necessary by the Planning Commission upon favorable recommendation of the City Engineer.

14. The centerlines of two (2) subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerlines shall be offset at least one hundred fifty feet (150').

15. Protection strips are not allowed adjacent to or on public streets and rights of way.

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

1. Streets shall be numbered based on the adopted grid system wherever practical. Alphabetic names may be considered for streets of a meandering or diagonal nature or for other streets as specifically approved by the Land Use Authority.
2. All new street names must be reviewed with the County Recorder and the development review staff to avoid duplication or near duplication to any streets in the City or area that may lead to confusion of response by public safety agencies.
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. Any street name incorporating one (1) 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".
6. Street names which reflect the history or character of the City are strongly encouraged.

**C. Curvature And Alignment:**

1. 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. 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.

- D. Construction Standards For Paved Roadways For Public and Private Streets: Minimum roadbed grading and paving for all street types shall be established within the City Standards and Specifications Manual approved by the City Council.
- E. Street Grades: All street grades shall be designed as follows:
  - 1. Streets shall be limited to a maximum grade of ten percent (10%).
  - 2. Cul-de-sacs and streets which intersect with a collector or arterial shall terminate with a grade not to exceed three percent (3%) for the last twenty feet (20') of traveled surface. For roads with grades that exceed seven percent (7%), the distances may be enlarged as approved by the City Engineer.
  - 3. 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.
  - 4. All changes that exceed one percent (1%) 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.
- F. Sidewalks, Curbs And Gutters: Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public. Private streets and private alleys shall provide for sidewalk and park strip at a minimum of one side of the street. Private alleys with dual rear access garages shall not be required to provide sidewalks and park strips. Sidewalks, curbs and gutters may be required by the City Engineer on existing streets bordering the development.
- G. Pedestrian Midblock Street Crosswalks: Where blocks exceed six hundred feet (600') in length, or where a dedicated walkway is required through the block, a midblock street crosswalk of not less than ten feet (10') in width may be required.
- H. Study May Be Required: Where the potential impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning access, topography or street layout, a transportation planning/engineering study may be required.
- I. Private streets shall not be permitted unless the Land Use Authority finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons stated therein. All private streets shall meet North Salt Lake development standards as it pertains to standard street intersections, typical cul-de-sac and standard roadway sections. This includes, but is not limited to, submittals, quality control, site preparation, grading, excavating, backfilling and compaction, base course, asphalt/concrete, curbs, gutters, drive aprons and walks, slurry sealing, restoration of existing improvements, storm drainage systems, boundary markers and survey monuments, geotextiles and concrete reinforcement. Land designated as public right of way shall be separate and distinct from lots adjoining such right of way and shall not be included in the area of such lots.



**13-8-070: LANDSCAPING:**

- A. Special Treatment: Whenever, in the opinion of the City Engineer, the cuts and fills in a hillside subdivision are of sufficient size or visibility to demand special treatment, the developer shall be required to landscape such areas with suitable permanent plant materials and to provide for their maintenance.
- B. Preservation: The subdivision shall be so designed as to either preserve, or provide for, the greatest amount of onsite vegetation.
- C. Geologic Hazards Areas: Subdivisions subject to Title 10, Chapter 12, Sensitive Area District and Geologic Hazards shall comply with all provisions of that section and with the recommendations set forth in an approved Geologic Hazards Study with respect to landscaping and irrigation restrictions. Restrictions on landscaping and irrigation methods shall be required to be noted on the plat and within the development covenants recorded with the plat.
- D. All landscaping shall be installed and maintained in accordance with Title 10, Chapter 22, Water Efficient Landscape Standards.
- E. Landscape Design Standards for Highway 89 and Town Center:
  - 1. The landscape design shall conform to the Town Center Master Plan and any urban design standards for the Town Center as adopted the City Council.
  - 2. Fencing shall only be permitted to be constructed of decorative metal with masonry or other decorative pillars spaced no greater than ten feet (10') apart on center.
  - 3. Pedestrian access shall be provided to street at convenient locations for pedestrian travel in both directions with a maximum separation distance of one hundred fifty feet (150').
- F. Landscaping Design Standards For Redwood Road:
  - 1. For development along the west side of Redwood Road, the following development standards are adopted:
    - a. The area behind the curb and gutter of Redwood Road and the property line shall include an area not less than twenty four feet (24') wide containing improved and irrigated landscaping and an eight foot (8') wide meandering asphalt multiuse trail. If any portion of the required twenty-four foot (24') landscaped area is outside the dedicated right of way, a public trail easement and street tree easement shall be dedicated to the City upon the recorded plat.
    - b. Within the twenty-four foot (24') wide area, trees shall be planted in accordance with the requirements of Title 7, Chapter 9, Community Forestry.
    - c. Residential developments along Redwood Road may include fencing or a solid wall, as a buffer along the entire length of frontage along Redwood Road. The following restrictions shall apply:
      - (1) Any wall shall be constructed of masonry or other hard, permanent materials and shall be a sight obscuring wall with a combination of berms, rocks, and planted materials to

lessen the visual impact of the wall. Any solid walls constructed pursuant to this subsection shall also be treated with an antigraffiti treatment approved by the City.

- (2) Fencing material shall be of decorative metal and shall include masonry or other decorative pillars.
  - (3) Pedestrian access shall be provided to the Redwood Road Trail at convenient locations for pedestrian travel in both north and south directions with a maximum separation distance of one hundred fifty feet (150').
2. For developments along the east side of Redwood Road, the same development standards apply except that there shall be a five foot (5') wide concrete sidewalk provided in lieu of an eight foot (8') wide meandering asphalt multiuse trail.
  3. Landscape design shall conform to Title 10, Chapter 22, Water Efficient Landscape Standards.

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

- A. Utility easements shall follow rear and every other side lot lines whenever practical and shall have a minimum total width of sixteen feet (16') apportioned equally in abutting properties, eight feet (8') each lot.
- B. Front property line utility easements are required and shall have a minimum of ten feet (10').
- C. Development perimeter easements shall be not less than eight feet (8') in width, extending throughout the peripheral area of the development.
- D. All easements shall be designed so as to provide efficient installation of utilities or street plantings. Special guying easements at corners may be required if any existing utilities are overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.
- E. The City Engineer may require additional easements, or increased width of easements, as necessary to provide for adequate utility service and/or drainage within the subdivision and to or from adjoining parcels.
- F. Utilities To Be Underground: All utilities, including those existing overhead, shall be provided underground, unless the Planning Commission recommends a deviation from the design standards to the City Council in the manner provided in Section 13-6-010(E). The City Council shall review the application by the developer and recommendation of the Planning Commission and City Engineer to determine if the deviation shall be granted.
- G. Utility easement width may be reduced as approved by the Planning Commission for lots within a Planned Unit Development with recommendation from the City Engineer.

**13-8-090: WATERCOURSES:**

The developer shall dedicate a right of way for storm drainage conforming substantially to the lines of any natural watercourse or channel, stream, creek, irrigation ditch or floodplain that enters or traverses the subdivision, as determined by Davis County flood control and/or the City Engineer. The developer

shall also dedicate acceptable rights of way for any pipe, conduit, channel, and retention or detention area as approved by the City Engineer for flood control.

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

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

**13-8-110 RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:**

- A. Regulations May Be Adopted: The City Council, in order to protect and ensure access to sunlight for solar energy devices, may adopt regulations governing legislative subdivision development plans that relate to the use of restrictive covenants of solar easements, height restrictions, side yard and setback requirements, street and building orientation and width requirements, height and location of vegetation in respect to property boundary lines, and other permissible forms of land use controls.
- B. Refusal To Approve: The Land Use Authority may refuse to approve or renew any plat or subdivision plan, or dedication of any street or other ground, if the deed restrictions, covenants or similar binding agreements running with the land for the lots or parcels covered by the plat of subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.

**13-8-120: MAIL DELIVERY BOXES:**

Provision for the permanent placement of mail delivery boxes shall be made as follows:

- A. For subdivisions containing eight (8) or more lots, cluster mailboxes shall be installed at designated locations within the subdivision as shown on the final plat and in accordance with the standards and specifications of the U.S. Postal Service. The requirement for cluster mailboxes may be waived if the developer presents the City with a letter from the U.S. Postal Service authorizing individual mailboxes.
- B. Preferred locations: Common area with available off street parking shall be utilized for cluster mailboxes where feasible.
- C. Cluster mailboxes shall not be located on collector roads or adjacent to streets where parking is prohibited due to pavement width.

**TITLE 13 SUBDIVISION ORDINANCE**  
**CHAPTER 9: ESSENTIAL IMPROVEMENTS**

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

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

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

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

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

**13-9-060: CULINARY WATER:**

**13-9-070: FENCING OR PIPING OF HAZARDS:**

**13-9-080: MONUMENTS:**

**13-9-090: COMPLETION:**

**13-9-100: PAYBACK AGREEMENTS FOR IMPROVEMENTS:**

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

- A. Preparation: The City Engineer and public works department shall prepare and recommend to the City Council 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.
- B. 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 shall be approved and adopted by the City Council before becoming effective. All developers shall comply with the approved standards required herein.
- C. 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, 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.

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- B. Roadway Surface Treatment: It shall be required, as part of the public street improvements, that the developer deposit with the City sufficient sums to provide an appropriate roadway surface treatment for the streets, such as a slurry seal, chip seal, or mineral bond, as required by the City Engineer based on road type. The City shall install the surface treatment at the end of the warranty period and in conjunction with other city street preservation projects. The developer shall be responsible for the placement of the appropriate roadways surface treatment for all private streets within the development, upon the prior to the expiration of the warranty period.
- C. Street Signs: The developer shall install all street signs and regulatory signs which the City determines are required for the subdivision.
- D. Installation; Inspection: Improvements shall be installed to permanent line and grade to the satisfaction of the City and in accordance with the standard specifications adopted by the City Council. Cost of inspection shall be paid by the developer as outlined in the Comprehensive Fee Schedule.
- E. Non-responsibility Of City: Notwithstanding the fact that the land on which the improvements will be located is dedicated at the time of the recording of a plat, the City shall not be responsible for the improvements, their construction or maintenance, until the warranty period specified in the bond agreement has expired, the improvements have been inspected, and the City certifies that they meet City standards.

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

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

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

- A. Required Systems: Complete drainage systems for the entire development area shall be designed by a professional engineer, licensed in the state and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section, and appropriate development stages for the drainage system for each section indicated. All drainage systems shall be designed for retention of the 80<sup>th</sup> percentile storm precipitation in accordance with the adopted Standards and Specifications Manual, as well as any other regulations adopted by the State of Utah, Department of Environmental Quality (DEQ).
- B. Design: The drainage systems shall be designed with:
  - 1. Adequate Drainage: Ensure adequate drainage of all low points.
  - 2. Designated Floodplain Regulations: Ensure applications of the following regulations regarding development in designated floodplains:
    - a. Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a 100-year storm.

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- b. Building construction may occur in that portion of the designated floodplain, as designated by FEMA, where the return frequency is between a 100-year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.
  - c. Where flow velocities in a floodplain are generally determined to be under five feet (5') per second and maximum flood depth will not exceed three feet (3'), such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
  - d. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, noncased deep wells, sanitary landfills, septic tanks and on lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.
  - e. Any contemplated floodplain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping and filling operations in a designated floodway constitute an encroachment and must be approved by the Army Corps of Engineers, the Floodplain Manager and the City Engineer before accomplishment.
  - f. No lot one (1) acre or less in area shall include any portion of a 100-year floodplain when computing the size of the lot. All lots containing more than one (1) acre shall contain not less than forty thousand (40,000) square feet of land which is at an elevation at least two feet (2') above the elevation of the 100-year recurrence interval flood, or, where such data is not available, five feet (5') above the elevation of the maximum flood of record.
3. Drainage Basin: The drainage basin as a whole shall accommodate not only runoff from the development area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the development itself, as well as its effects on lands downstream. Basins by which the developer proposes to handle stormwater drainage shall be designed for an event with a ten (10) year return period for all storm drain pipe, and for an event with a one hundred (100) year return period for all storm drain detention basins. The calculation must size the detention basin, size the orifice plate and determine the amount of flow which can be released (the release rate can be 0.2 cfs/acre).
4. Surface Drainage Structures: All proposed surface drainage structures shall be indicated on the plans.
5. Construction Materials And Elevations: All appropriate designs, details and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
6. Permits: All necessary permits shall be obtained from applicable local, state and federal agencies (i.e., state engineer, U.S. army corps of engineers, state division of health, etc.).
7. Low Impact Development (LID):

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- a. All development and redevelopment that warrants compliance with the Utah General Construction Permit (UGCP) regulation must include an LID analysis that meets the objective of mirroring the predevelopment hydrology and meets the objective of retaining on site. Detention basins shall retain the required 24-hour storm equivalent, as required under the Utah Pollutant Discharge Elimination System (UPDES) general discharge permit.
  - b. Low impact development (LID) is an approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID still allows land to be developed, but in a cost effective manner that helps mitigate potential environmental impacts.
  - c. As part of the City of North Salt Lake permit, the City requires use of an LID approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire or harvest and use stormwater for the site to protect water quality.
  - d. All development or redevelopment that warrants compliance with the Utah general construction permit (UGCP) regulation must include an LID analysis that meets the objective of mirroring the predevelopment hydrology and meets the objective of retaining on site, with no discharge, the 0.6-inch, 24-hour rainfall event. Groundwater recharge may be considered to meet the onsite retainage requirement, where applicable and feasible. If meeting the retention standard is technically infeasible, a rationale shall be provided on a case by case basis for the use of an alternative design criteria.
  - e. No LID limits are defined except designs must not negatively impact surrounding properties. The LID analysis must identify LID options considered and list the reasons why it will be incorporated or why the considered LIDs are not practical for the site use or conditions. Submit a report with stormwater calculations that summarizes the analysis and results.
  - f. Suggested and preferred LIDs are outlined in the City's "Stormwater Best Management Practices Handbook".
8. Postconstruction Stormwater Maintenance Plan And Agreement:
- a. The purpose of the postconstruction stormwater maintenance plan and agreement is to control stormwater runoff and reduce pollutants in stormwater runoff after construction is complete and the developed site is in operation. This is achieved by accomplishing the following:
    - (1) Controlling erosion.
    - (2) Controlling discharge of sediment into stormwater drainage facilities or off site.
    - (3) Preventing illicit discharges into on site soils, storm drainage facilities or off site.
    - (4) Prevention of debris and garbage from entering the stormwater system.
  - b. A postconstruction stormwater maintenance plan must be prepared and submitted with the plans for approval for all privately owned or maintained facilities that warrant compliance

with the UGCP regulation. The plan shall be contained on a plan sheet of its own, rather than being a part of another plan sheet, and is to contain at least the following:

- (1) The site plan, including vicinity map, proposed contours, permanent stormwater features, and landscaping.
  - (2) BMPs to accomplish the purpose of the plan. Examples of appropriate BMPs may include those addressing operation and maintenance of storm drainage quality control facilities, operation and maintenance of stormwater discharge control facilities, maintenance of landscaping, good housekeeping practices, etc.
  - (3) Showing the following for each BMP specified:
    - (A) Location and extent of specified BMPs, as appropriate.
    - (B) Detailed schedule of execution for each specified BMP, in terms of starting time, duration, frequency, etc., as appropriate.
    - (C) Any information in addition to or different from that shown on the BMP fact sheets as necessary to employ the BMPs on the site.
- c. The owner of development that warrants compliance with the UGCP regulation must submit a signed stormwater maintenance agreement using the City of North Salt Lake agreement template. The postconstruction maintenance agreement needs to be recorded at the Davis County recorder's office. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code; Ord. 2012-04, 2-7-2012; Ord. 2012-07, 4-30-2012; Ord. 2014-01, 1-7-2014; Ord. 2016-06, 5-17-2016; Ord. 2016-12, 8-16-2016; Ord. 2019-11, 9-17-2019; Ord. 2022-03, 6-7-2022)

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

- A. Utilities, Sewers, Drains: All underground utilities, sanitary sewers and storm drains installed in streets or alleys should be constructed prior to the surfacing of such streets or alleys. Connections for all underground utilities, water lines, pressure irrigation lines, and sanitary sewers for each lot should be laid to a point which will eliminate the necessity for disturbing the street or alley improvements, when service connections thereto are made.
- B. Wires, Cables: All telephone, electric power, cable television or other wires or cables shall be placed underground. Equipment appurtenant to the underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be above ground. The developer shall make all necessary arrangements with the utilities involved for the installation of the underground facilities.
- C. Sanitary Sewage Disposal; General Requirements:
  1. a. The developer shall provide, or have provided, a piped sanitary sewerage system to the boundary line of the development. Every lot in the development shall be provided a lateral, which shall be extended from the main line to a minimum of five feet (5') behind the property line. The sewerage system shall meet the minimum standards and requirements of the City, the



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South Davis Sewer District and the regulating health department. The approval of South Davis Sewer District shall be required prior to the City Engineer signing the final plat.

2. b. In all, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a complete community or public sanitary system. All sewer mains shall be a minimum of eight inches (8") in diameter.
- D. Test Procedures: Test of sanitary sewer mains, laterals and house connections shall be conducted in accordance with local and state health requirements.

**13-9-060: WATER:**

A. Water In Sufficient Quantity To Be Obligation Of Developer:

1. The procurement of water, whether by purchase of water rights, water shares, exchange or service agreement, shall be the responsibility of the developer; and the water shall be provided for the use of the development in an amount sufficient to meet minimum flows of two hundred fifty (250) gallons per person, per day, plus outside irrigation and minimum static pressures of fifty (50) pounds per square inch (psi), unless it can be proved to the City Engineer that a lesser amount is adequate.
2. However, in no event shall the quantity of water provided by the developer be less than that required to meet fire flow standards as established by the fire department and the City Council, and the City shall be given first right of refusal to purchase any excess water formerly used on the land.

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

C. Water mains and fire hydrants connecting to the water system owned by the City shall be installed as approved by the City. Mains and individual lot services shall be of sufficient size to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection as determined by the Fire Marshal and as required under any applicable law, rule or regulation.

D. Irrigation Systems (Including Drainage Facilities):

1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within one hundred feet (100') of a proposed development, complete plans for relocation, piping, covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
2. In all developments in which the smallest lot is less than one (1) acre, all irrigation systems shall be underground.

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

**13-9-070: FENCING OR PIPING OF HAZARDS:**

- A. Requirements: The developer shall install a six foot (6') non-climbable chain link fence along all canals, waterways, non-access streets, open reservoirs or bodies of water, railroad rights of way, property in agricultural use or zoned for agricultural use and other such features of potentially hazardous nature which are on, cross or are contiguous to, the property being subdivided, except on those features which the City Engineer shall determine would not be a hazard to life, or where the fence itself would create a hazard to the safety of the public. Fences required by this section shall comply with construction standards established by the City.
- B. Irrigation Ditches: All irrigation ditches shall be piped, unless this requirement is waived by the Planning Commission.

**13-9-080: MONUMENTS:**

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

**13-9-090: COMPLETION:**

A complete improvement plan "as built" shall be filed with the City upon completion of said improvements. The "as built" plans shall be drawn on reproducible copies of the original tracings and certified as to accuracy and completeness by the developer's licensed engineer. An electronic CAD submittal of "as built" shall also be submitted prior to final acceptance of the essential improvements.

**13-9-100: PAYBACK AGREEMENTS FOR IMPROVEMENTS:**

- A. Scope Of Agreement: A payback agreement entered into between the City and the developer who installs the improvements or facilities for water, storm sewer or roads is authorized, where the improvements installed are intended to extend, expand or improve the City's water system, storm sewers or roads beyond the improvements required to service or benefit the subdivision or development proposed by the developer. Such payback agreements shall be for project improvements and not system improvements as defined in the Utah impact fees act. The payback agreement is not mandatory, but may be used at the option of the City Manager, upon approval of the payback agreement by the City Council. The amount of the payback to the developer shall be determined by the City Council after receiving a recommendation from the City Engineer after considering the improvements or facilities required or benefiting developer's development, and those facilities or improvements that are specifically oversized to provide for future development of adjacent projects.
- B. Non-liability Of City: The City shall, in all cases, be immune and not liable for any payments to the developer if the payback agreement is determined to be unenforceable. The payback agreement shall not confer a benefit upon any third party and shall be in a form approved by the City Council.

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The responsibility for payment of the required improvements or facilities shall rest entirely with the developer. The City shall not be responsible for collection of amounts from third parties.